

# 2019

MID-WESTERN REGIONAL COUNCIL  
**COUNCIL BUSINESS PAPERS**

ORDINARY MEETING  
WEDNESDAY 19 JUNE 2019

## SEPARATELY ATTACHED ATTACHMENTS



*A prosperous and progressive community,  
we proudly call home*

# ATTACHMENTS

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**CONDITIONS FOR MI007/2019 (MODIFICATION TO DA0122/2017)**

**APPROVED PLANS**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

<b>Title / Name:</b>	<b>Drawing No / Document Ref</b>	<b>Revision / Issue:</b>	<b>Date [dd.mm.yyyy]:</b>	<b>Prepared by:</b>
Floor Plans	Dwg 6814/W2B	D	22/11/2018	Planned Environment Pty Ltd
Elevations	Dwg 6814/W3B	C	22/11/2018	Planned Environment Pty Ltd
Lighting & Window Plan	Dwg 6814/W5B	B	26/10/2017	Planned Environment Pty Ltd
Landscape Plan	Dwg 6814/W4B	B	26/10/2017	Planned Environment Pty Ltd
Subdivision Plan	Job No. BK488	A	26/09/2017	Jabek Pty Ltd

**[AMENDED BY MI007/2019]**

2. Any fence erected along the southern boundary is to be a maximum height of 1.8m.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the issue of a construction certificate.
4. All building work is to comply with the requirements of the Access to Premises Standard.
5. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
6. the sewer main proposed to be constructed over will require CCTV Inspection undertaken by a contractor qualified and with the necessary experience to do so, prior to the issue of a construction certificate.
7. The results of the CCTV inspection/Condition Assessment Report be provided to Council for approval prior to issue of construction certificate. Depending on the results of the CCTV inspection Council may require the Applicant to:
  - Reconstruct the sewer main in its existing location using construction materials as specified and in accordance with Councils requirements;
  - Reline the existing sewer main by the engagement of contractors qualified to undertake such work.The name of contractor and the relining technique to be utilised will be submitted to Council for approval prior to work commencing.

8. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid Western Regional Council.
9. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

**PRIOR TO WORKS COMMENCING - BUILDING**

10. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

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

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

12. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been
13. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

14. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

**DURING CONSTRUCTION**

15. The development site is to be managed for the entirety of work in the following manner:



- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
17. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
18. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
19. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
20. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
21. The requirements of BASIX Certificate number 769093M issued on 26 October 2016, must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
22. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
23. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
24. Building envelopes are not to extend greater than 90m from the nearest hydrant.
25. No structure is to be constructed within the Zone of influence such that no unnecessary load is imposed on the sewer main. Should any proposed structure be within the Zone of Influence than additional protection measures will need to be submitted to Council's Operations Department for approval implemented to protect the sewer. The proposed carports are exempt from this condition.

26. The carport/s which are proposed over the sewer are to be constructed in a manner so that they can be readily removed in the event sewer maintenance works are to be undertaken. Details of compliance with this condition are to be submitted to Council's Operations Department for approval prior to carports being erected.
27. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
28. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

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

#### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

29. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
30. All car parking and associated driveway works are to be completed prior to occupation of the development.
31. Stormwater from any driveway surfaces is to be directed to Council's stormwater network and not into adjoining properties.
32. A bollard shall be installed to prevent any trip hazard associated with steps constructed to gain access to the building from the road reserve prior to the issue of an occupation certificate. Details of the bollards are to be submitted to Council for approval prior to their installation.

#### **GENERAL**

33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
34. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
35. Approval is hereby granted in accordance with Section 138(1) of the Roads Act 1993 for the construction of any new driveway crossover in connection with the development including the requirements contained with condition 36 of this consent. Crossovers are to be constructed in accordance with Council Access to Properties Policy



36. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb gutter prior to occupation of the development.
37. The hours of operation for the shop are restricted to 9am – 5pm Monday to Friday and 9am to 1pm for Saturdays. The shop is not to open on Sundays and public holidays.

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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

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

39. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
40. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
41. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

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

Water Headworks	\$	2195.00
Sewerage Headworks	\$	2805.60
Total	\$	5000.60

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

Note; Contributions are subject to CPI increase.

42. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council in accordance with Council's Fees and Charges per lot to cover the cost of installing both the service and a 20mm meter on the water main. This should only require one additional meter as there is an existing service to the lot, should this be required to be relocated a new connection fee will be payable as per the aforementioned cost.

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

43. The developer is to provide a separate sewer connection for each lot. This can be achieved by making a payment to Council in accordance with Council's Fees and Charges per lot to cover the cost of installing a new junction. This should only require one additional junction as there is an existing junction within the lot.

Note; Council does not permit other bodies to insert new junctions/manholes into “live” Sewer mains.

44. The existing manhole/s located within the property are to be raised to the FSL of the surrounding area.
45. There are sewer boundary risers for the properties that front Market Street which were contained within the previous road reserve. These are to be extended to within the individual properties which they serve and reconnected. This is to prevent the need for these properties to access private property for/to undertake maintenance. These works are to be completed to the satisfaction of Council's Operations Department prior to the issue of a subdivision certificate.
46. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.
47. Three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed sewer components located within the subject property.
48. The final engineering inspection report is to be submitted to Council's Planning Department with the subdivision certificate application.
49. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
  - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose.
  - c) An agreement from a carrier that they are satisfied with the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.
  - d) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
50. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid per new lot to Council in accordance with this condition for the purpose of:

<b>Transport Management</b>	
Traffic Management	1,258
<b>Open Space</b>	
Local Open Space	1,975
District Open Space	2,681
<b>Community Facilities</b>	
Library Buildings	258
Library Resources	310
<b>Drainage</b>	
Drainage works	
<b>Administration</b>	0
Plan Administration	603
<b>TOTAL</b>	<b>7,085</b>



TO BE COMPLETED WITHIN 1 MONTH FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

51. A permanent fixed clear glass window panel shall be installed to the internal portion of the door frame to each balcony located on the east elevation within one month of the date of consent of modification MI0007/2019. The height of the window panel must be a minimum of 800mm above the floor level and must be installed by a suitably qualified professional.

**[NEW CONDITION MI0007/2019]**

TO BE COMPLETED WITHIN 6 MONTHS FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

52. A building information certificate issued by Council in accordance with Division 6.7 of the *Environmental Planning and Assessment Act 1979*, is to be obtained within 6 months of the date of consent of modification MI0007/2019 for the two balconies and door on the east elevation.

Note – Prior to the issue of a Building Certificate engineering certification for structural adequacy may be required. Please contact Council's Building Surveyors to prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

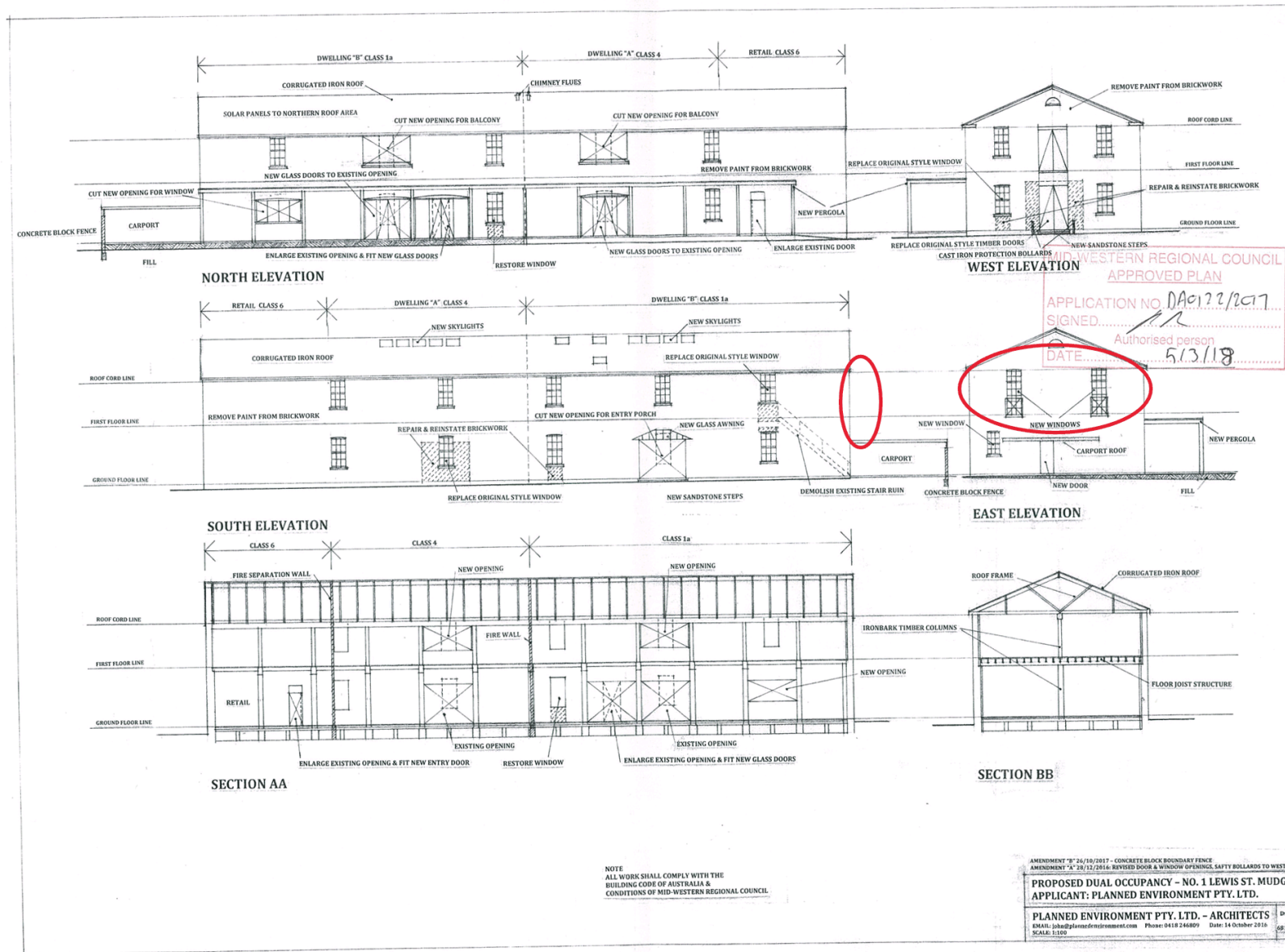
**[NEW CONDITION MI0007/2019]**

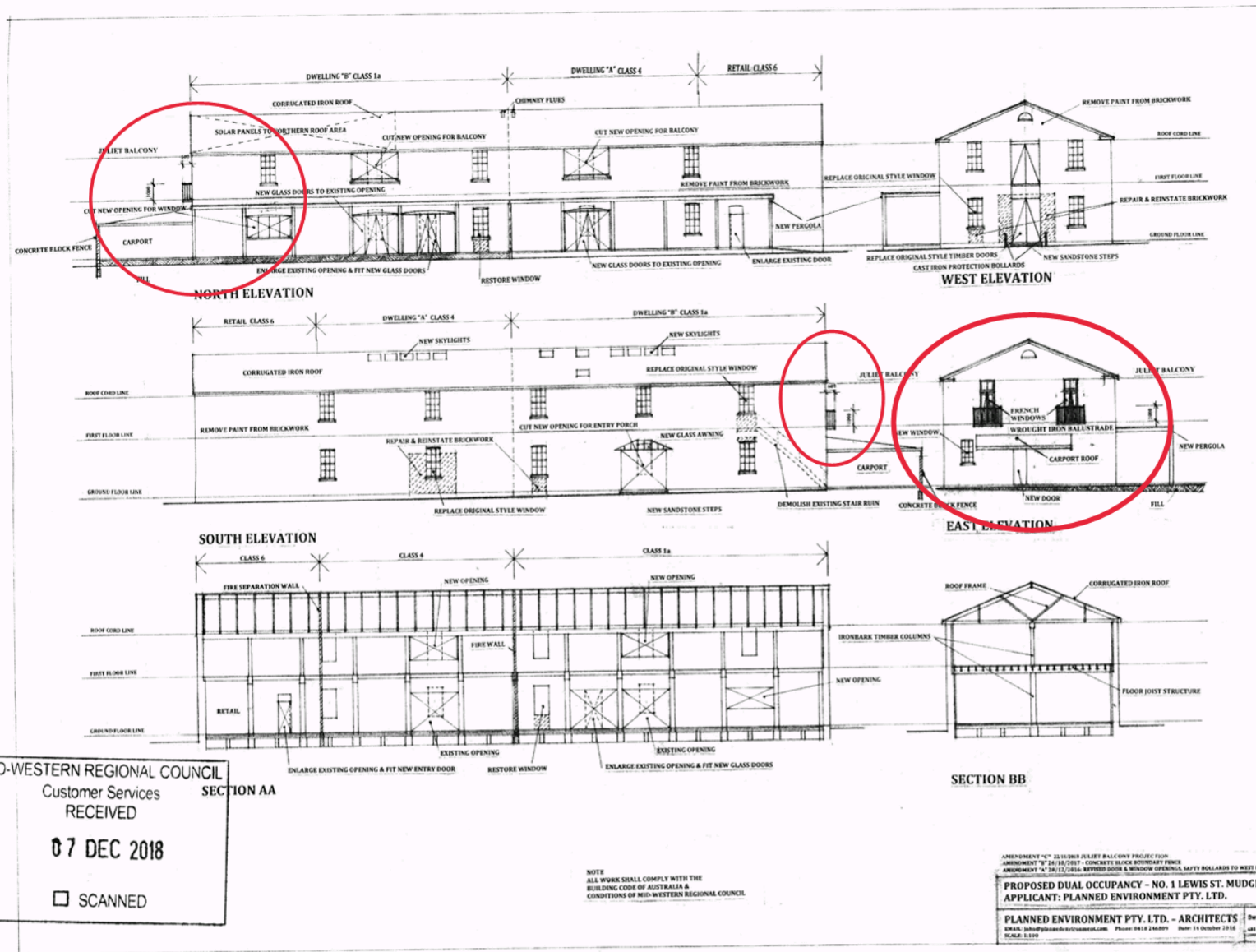
**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
  - Condition 51 has been imposed to ensure that the extent of overlooking into the private open space of 18 Market Street is generally not increased from that approved under the original development consent.
  - Condition 52 has been imposed to require a Building Information Certificate is obtained in relation to the building works already completed.

**[NEW STATEMENT OF REASON MI0007/2019]**

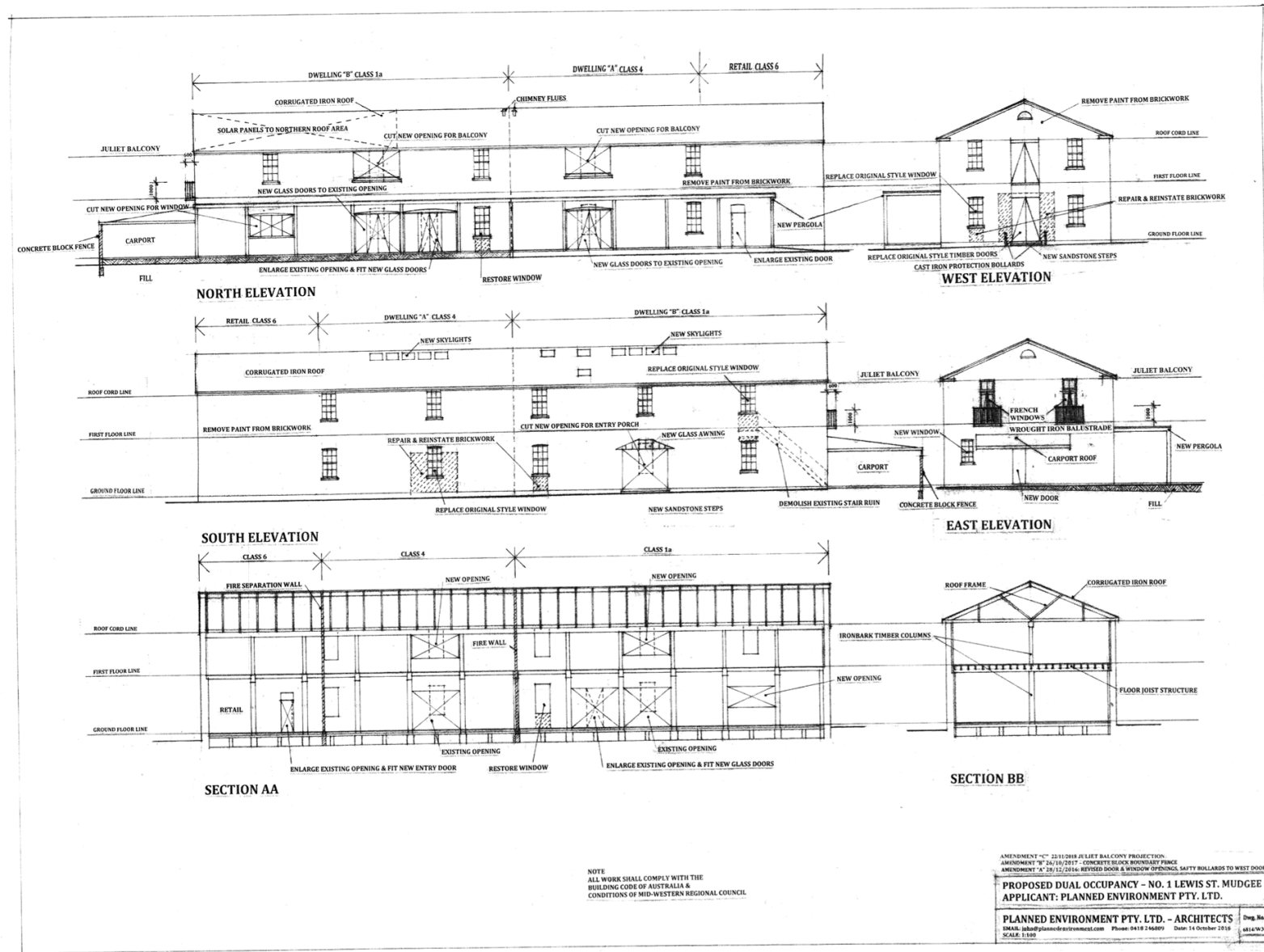


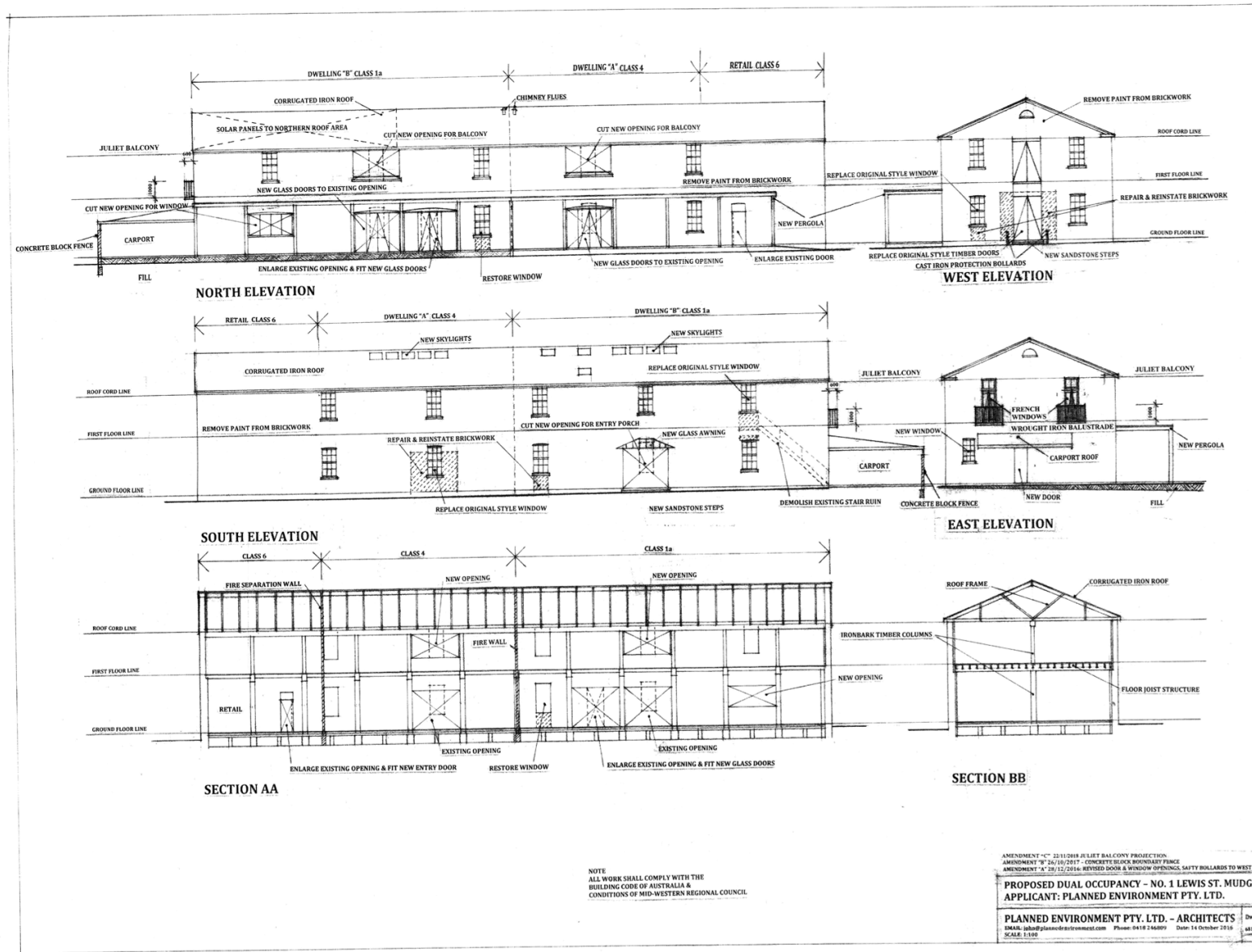


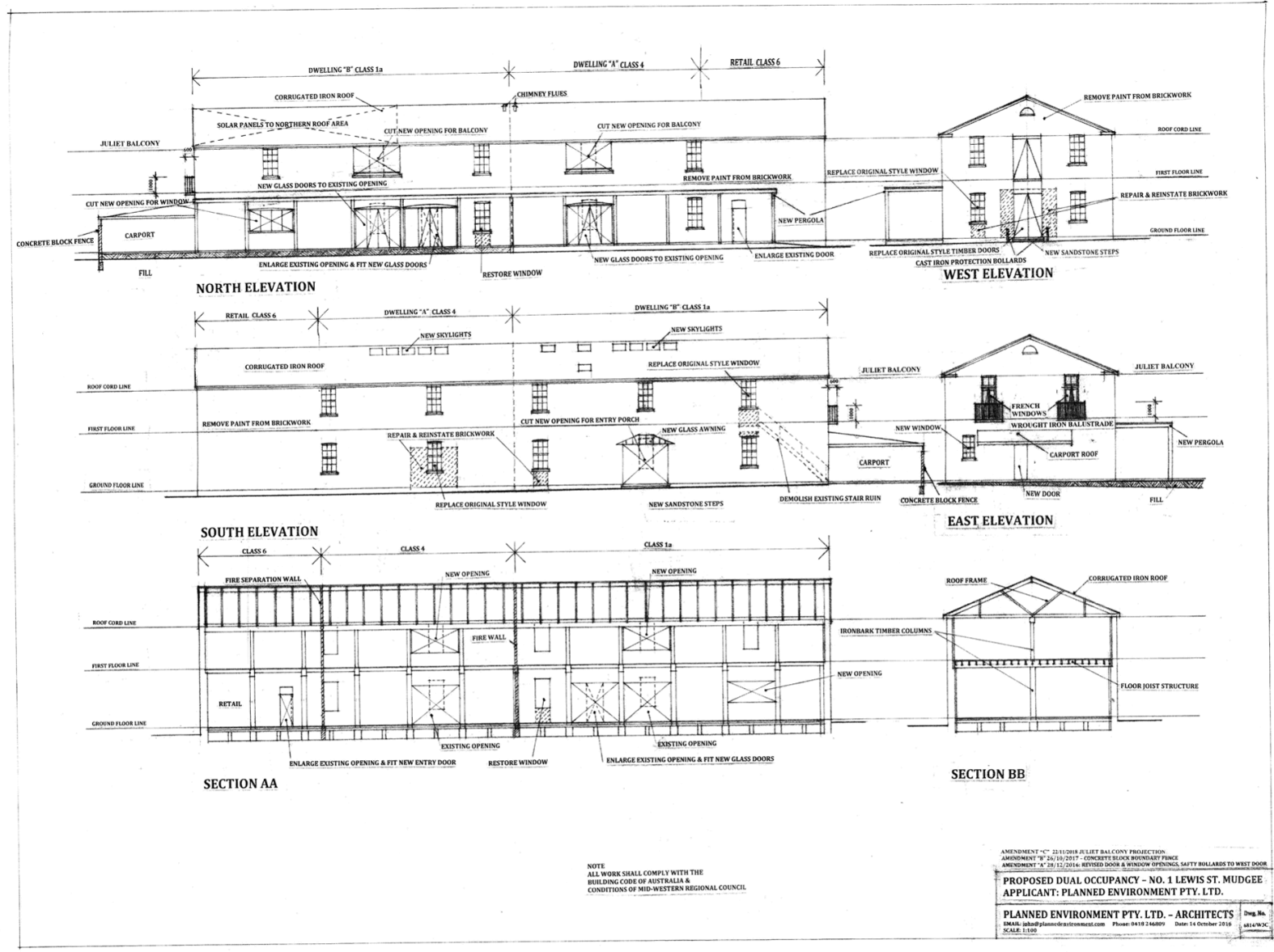
MID-WESTERN REGIONAL COUNCIL  
 Customer Services  
 RECEIVED  
 07 DEC 2018  
 SCANNED

Records,  
Please file to  
MI0007/2019  
1 Lewis St,  
Mudgee.  
Thanks Sarah H











**PHOTOS**  
**1 & 1A LEWIS STREET, MUDGEE**  
**(February 2019 - MI0007/2019)**

- 1. Photos of constructed balconies as viewed from backyard of 18 Market Street, Mudgee

Photo 1:



Photo 2:





**PHOTOS**  
**1 & 1A LEWIS STREET, MUDGEE**  
**(February 2019 - MI0007/2019)**

**Photo 3:**



**PHOTOS**  
**1 & 1A LEWIS STREET, MUDGEE**  
**(February 2019 - MI0007/2019)**

- 2. Views from constructed balconies at 1A Lewis Street into rear yard 18 Market Street, Mudgee

Photo 4:



**PHOTOS**  
**1 & 1A LEWIS STREET, MUDGEE**  
**(February 2019 - MI0007/2019)**

**Photo 5:**





P.O. Box 962,  
Mudgee N.S.W. 2850  
15-19 Short Street,  
Mudgee

Phone / Fax: (02) 6372 2437  
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Friday 19<sup>th</sup> April 2019

General Manager

Mr Brad Cam

Mid-Western Regional Council

PO Box 156, Mudgee NSW 2850

86 Market Street, Mudgee NSW 2850



Dear Sir,

DEVELOPMENT APPLICATION M10007/2019 – PROPOSED MODIFICATION TO DEVELOPMENT CONSENT DA0122/2017 FOR DUAL OCCUPANCY, SHOP & SUBDIVISION @ 1 LEWIS STREET MUDGEE NSW 2850 LOT 1 DP 593835 VOL2160 FOL 703

CONSENT AUTHORITY: Midwestern regional council

APPLICANT: Planned Environment Pty Limited

Further to my letter of objection dated 14<sup>th</sup> December 2018 relating to modification Application M10007/2019 relating to unauthorised building works outside of the consent granted to DA0122/2017.

As of this date we have not heard from Council some 4 months later, as to the outcome to either approve or disapprove the modification to the development application.

I wish to raise the following matters for consideration by council, namely;

Has a certificate of occupancy been issued for the people that are living there?

1. With respect to the Unauthorised French DOORS and baloneys, my preferred option is for Council to refuse the modification Application and require the Applicant to remove the balcony structures on the Eastern facade at first floor level and INFILL the openings x 2 to match the window dimensions indicated on the original plans. (East elevation )
2. Remove the unauthorised elevated air-conditioning plant located at First floor level, and relocate to a ground floor level for unacceptable visual and acoustic considerations. Or Provide and install effective, and visually acceptable noise cancelling cover that totally covers the air-conditioning Plant.



3. Item (1) above will overcome the loss of privacy to the rear yard and private open space of the dwelling at 18 Market Street Mudgee; Item (2) above will address the noise impacts arising from the elevated Air-Conditioning Plant.
  
4. If Council is not minded to pursue Item (1) above then another option to protect the privacy of my dwelling at 18 Market Street Mudgee, is to require the applicant to install 1800 mm high obscure toughened glass screens to the balconies on three (3 ) sides to prevent any overlooking of No 18 Market Street, whilst enabling natural light and ventilation of the unauthorised FRENCH DOORS to the first floor level, Subject to the balcony structures being certified by an appropriately qualified structural engineer as being structurally sound, to support 600 kilos of body persons weight.

Item (1) is the preferred action for Council to take in respect to the Unauthorised building works.

However, the unauthorised building work should not be approved in the current form as it will have serious and detrimental impacts on the amenity and privacy of my residence at 18 Market Street Mudgee.

Item (4) is a course of action that protects the privacy of my dwelling, whilst recognising that suitable measures can be taken that satisfies both parties and Council.

I would appreciate the opportunity to meet with Council's Assessment Planners to discuss this matter further as I am particularly concerned about the impacts of the UNAUTHORISED work on my dwelling.

Yours Sincerely,

Errol & Robbie Holdaway

15- 17 Short Street Mudgee

18 Market Street Mudgee

M: 0411159771 M: 0438151719



**Offices Located**  
Dubbo, Mudgee, Parkes & Bathurst

**Contact Us**  
t 1300 138 057  
e generalenquiry@barnson.com.au  
w www.barnson.com.au



**Client:** MAAS PROPERTIES PTY LTD

**Project:** PROPOSED RESIDENTIAL SUBDIVISION, 220 ULAN RD, MUDGEE, NSW

**Drawing Title:** BOMBIRA ESTATE REVISED LOT MASTER PLAN

**Design:** SDH  
**Drawn:** SDH  
**Check:** QA  
**Drawing Sheet:** A1 - Original site - Scales as noted  
A3 - Administration - Not to scale

**Rev Date Amendment**

0	09/01/2018	AMEND GREEN SPACE LOT 135, AMEND NOTE
F	23/10/2018	LOTS 116 TO 150 AMENDED
E	21/11/2017	HARVEY STREET REALIGNMENT & LOTS AMENDED
D	20/06/2017	CLAUSE 5 (FIND) AMENDED
C	20/06/2017	ROAD WIDTHS AMENDED
B	20/06/2017	ISSUES FOR APPROVAL
A	01/03/2017	PRELIMINARY REVIEW

**Certification**

**Drawing Number:** 23949\_P01  
**Revision:** G



**Offices Located**  
 Dubbo, Mudgee, Parkes & Bathurst

**Contact Us**  
 t 1300 138 057  
 e generalenquiry@barnson.com.au  
 w www.barnson.com.au



**Client:** MAAS PROPERTIES PTY LTD

**Project:** PROPOSED RESIDENTIAL SUBDIVISION,  
 220 ULAN RD, MUDGEE, NSW

**Drawing Title:**  
 BOMBIRA ESTATE  
 PLAN SHOWING PROXIMITIES TO GREEN SPACE

Design	Drawn	Rev	Date	Amendment
NA	JRC	D	09/01/2019	AMEND GREEN SPACE LOT 135, ADD NOTE
Check	QA	C	23/10/2018	LOTS 136 TO 150 AMENDED
E.S.D.	910	B	30/06/2017	AMENDMENTS TO LOT LAYOUT & ROAD WIDTHS
Drawing Sheet	A	A	20/04/2017	ISSUED FOR APPROVAL

**Drawing Sheet:**  
 A1 - Original site - Scale as noted  
 A3 - Administration - Not to scale

**Certification**

**Drawing Number**  
**23949\_P05**

**Revision**  
**D**

November 20th 2018

M & C Walker

[Redacted]  
[Redacted]

MID-WESTERN REGIONAL COUNCIL

Attention: Mr Brad Cam

General Manager

Market Street

Mudgee NSW 2850

PIA07

RE: 220 ULAN ROAD BOMIRA LOT 1 DP 1000182 MAAS GROUP FAMILY PROPERTIES NO.5

OBJECTION; CREATING AND ALLOWING OPEN DRAINAGE ONTO OUR PROPERTY

Further to correspondence received from the MWRC on Nov 12th, ref DA 0152/2015 and page 2 map of the Proposed amendment.

We strongly object to the facilitation of run off water on our land, this will be created by allowing them to build a Retention dam that discharges onto our land.

We do not understand how this is allowed to create drainage onto the neighbouring property with no consideration of the impact of the amount of water that will be created and the flow level and erosion.

As a member of a body that was adversely affected by initial stages of the development and the mass of water that was channelled and the adverse affect that it had on residential land in Bombira and the Mudgee Combined Sportsground trust. Council had to pay the price for this oversight and they should be very mindful of allowing water to flow on our property intentionally.

This is no agreement our no correspondence or arrangements made for this to happen.

There will be no water transferred onto our land from this subdivision.

Regards

[Redacted Signature]

Max Walker

MID-WESTERN REGIONAL COUNCIL  
RECEIVED  
21 NOV 2018  
CUSTOMER SERVICE CENTRE

MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED  
21 NOV 2018  
 SCANNED  
 REGISTERED



November 20th 2018

Mr Brian Keech  
[REDACTED]  
[REDACTED]

MID-WESTERN REGIONAL COUNCIL

Attention: Mr Brad Cam

General Manager

Market Street

Mudgee NSW 2850

RE: 220 ULAN ROAD BOMIRA LOT 1 DP 1000182 MAAS GROUP FAMILY PROPERTIES NO.5

*P11407*

OBJECTION; CREATING AND ALLOWING OPEN DRAINAGE ONTO MY PROPERTY

Further to correspondence received from the MWRC on Nov 12th, ref DA 0152/2015 and page 2 map of the Proposed amendment. to allow water to be discharged onto my land.

This is no agreement our no correspondence or arrangements made for this to happen.

There will be no water transferred onto my land from this subdivision.

Regards [REDACTED]

BRIAN KEECH



Tuesday 28<sup>th</sup> May 2019

**Attn: Brad Cam, Julie Robertson & Lindsay Dunston**

Mid-Western Regional Council  
86 Market Street  
MUDGEES NSW 2850

**RE: Development Application D0152/2015 at 220 Ulan Road, Mudgee**

In response to Council's unconfirmed minute resolution 'to negotiate the greenspace with regard to the enlarged drainage reserve' we provide our Landscape Plan prepared by AREA (**Attachment A**), illustrating our intention for the basin to be a landscaped open space parkland with suitable furniture and native plantings; Whilst also ensuring stormwater detention from the site is managed in accordance with the original consent.

The proposed Landscape plan is designed to be consistent with condition no. 64 of the development consent which requires:

*"Proposed lot 135 detention basin is to incorporate a passive recreation area in accordance with the provisions of the Mid-Western Regional Council Development Control Plan 2013...."*

Furthermore, the Mid-Western Regional Council Development Control Plan provides the following guidelines for such development:

**Open Space:** (a) subdivision of greenfield sites where more than twenty (20) lots are proposed shall ensure that all lots are within 400m of a local park, playground, or passive open space  
(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.

**Landscaping:** A landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving material, etc. Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the subdivision certificate. The developer will need to maintain this land for a period of two (2) years and therefore the construction of the public reserves at the start of a greenfield subdivision is encouraged.

Having regard to the above, the submitted landscape plan has been prepared to be consistent with the DCP requirements as specified in Part 7.1 Urban Subdivision as follows:

*(a) subdivision of greenfield sites where more than twenty (20) lots are proposed shall ensure that all lots are within 400m of a local park, playground, or passive open space*

The proposed site continues to provide accessibility within the subdivision by ensuring all lots are within 400m of a (proposed) local playground or passive open space. Additionally, we have sited the enlarged playground and passive open spaces to ensure the majority of allotments are also within 400-500m walking, as shown on the marked lot layout masterplan prepared by Barnsons, provided at **Attachment B**. Having regard to this plan it is evident that 95% of allotments are accessible via a walking distance of 400m-500m (comfortable 5 to 6-minute

walk) within the Estate. Six (6) allotments are located within a 7 minute walk from these areas. It should be noted that all allotments are greater than 2000m<sup>2</sup>, therefore allowing for greater areas of their own private open space.

The modification to enlarge the public reserve, thus relocating one residential allotment was an outcome of subsequent detailed construction modelling for the approved stormwater basin, as the approved design and location of the basin was illustrated upon the plans as occupying a significantly undersized land area and subsequently not sufficient to service the subdivision in accordance with the requirements of the consent conditions.

The co-use of the public reserve and stormwater detention basin over an area greater than 5000m<sup>2</sup> uses best practise urban design principles and infrastructure to deliver a functional public open space area. As shown on the plan, the furniture proposed within the public reserve will be above the flood line in significant rainfall events, and during drier months, the designated basin area may be used as additional turfed area and gardens for public recreation and enjoyment.

The native landscaping and natural elements proposed for the public reserve have been carefully designed to integrate with the natural surroundings and streetscape within the Estate and has been selected to add a 'different park experience' for residents of Bombira and Mudgee.

The location of the public reserve is considered a better outcome for residential privacy and overlooking, as the public reserve only adjoins one (1) residential allotment and the natural elevation of the drainage reserve ensures views over the lower flood plan and agricultural lands to Lawsons Creek and away from residential properties can be enjoyed. It should be noted that Lot 143 previously identified passive public reserve has boundaries to four (4) residential properties and would have an orientation across these properties to views of Lawsons Creek.

In addition to improved urban design outcomes and a larger space for recreation, the location of the public reserve within the cul-de-sac of Joseph Place ensures vehicle parking and improved accessibility that should not interfere with car's parking along main thoroughfare areas and streets of the Estate.

Having regard to the above, it is considered the proposed location and enlargement of the public reserve presents a better planning and design outcome than originally consent to. The proposed site ensures a greater area for recreation, is accurately engineered for stormwater drainage within the subdivision, ensures efficient pedestrian and vehicle accessibility, improves maintenance efficiencies, and will provide for a greater pedestrian experience for residents can be enjoyed.

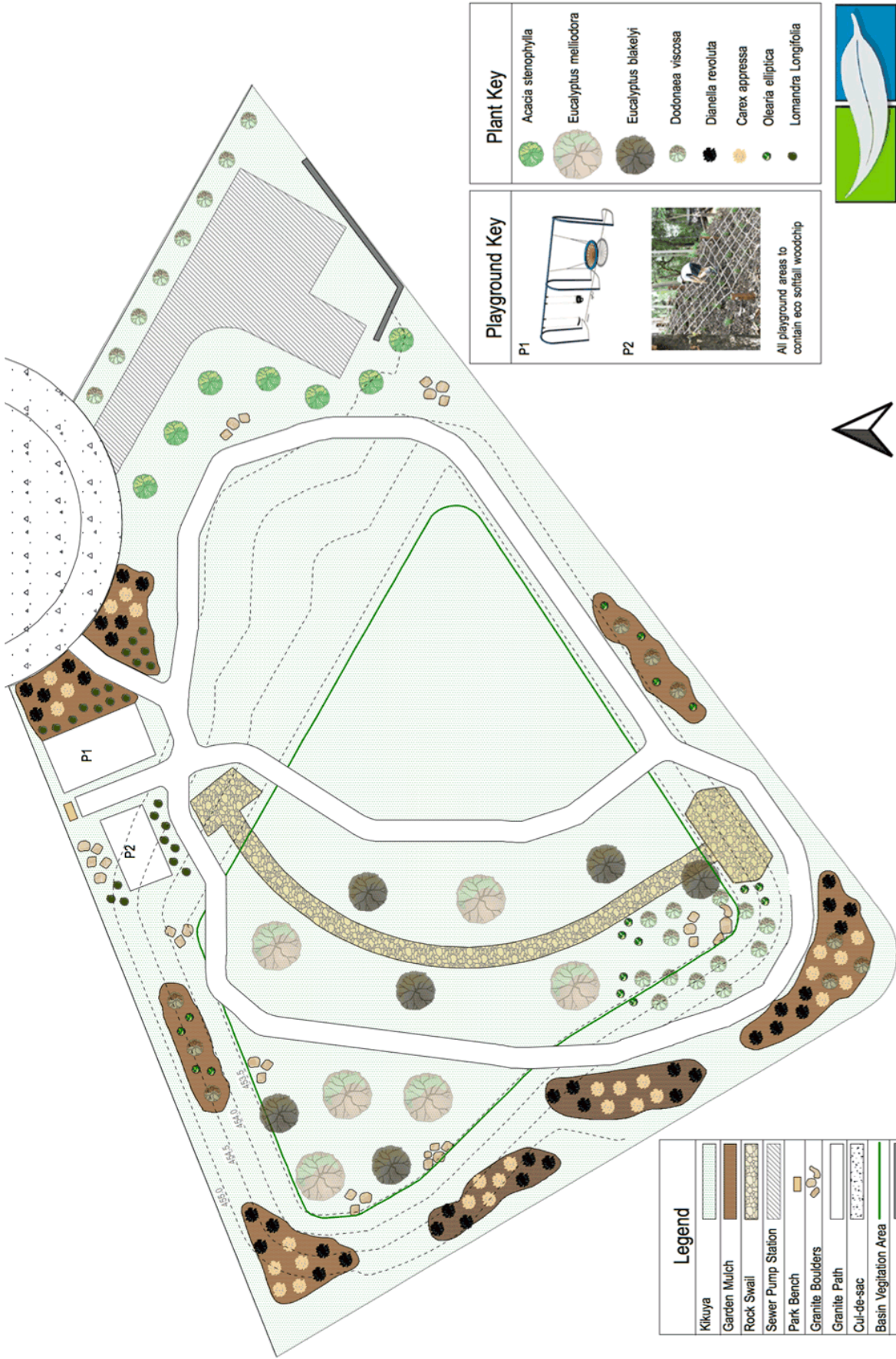
In this regard and in the interest of resolving this matter mutually, I trust the attached supporting documentation is sufficient for Council's consideration of the above modification application.

Should you have any further questions, please do not hesitate to contact our office on (02) 6800 2772.

Kind regards

Steve Guy  
General Manager  
Maas Group Properties Pty Ltd

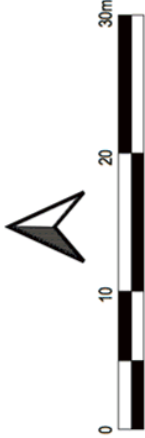




Plant Key	
	Acacia stenophylla
	Eucalyptus melliodora
	Eucalyptus blakeyi
	Dodonaea viscosa
	Dianella revoluta
	Carex appressa
	Olearia elliptica
	Lomandra Longifolia

Playground Key	
	P1
	P2
All playground areas to contain eco softfall woodchip	

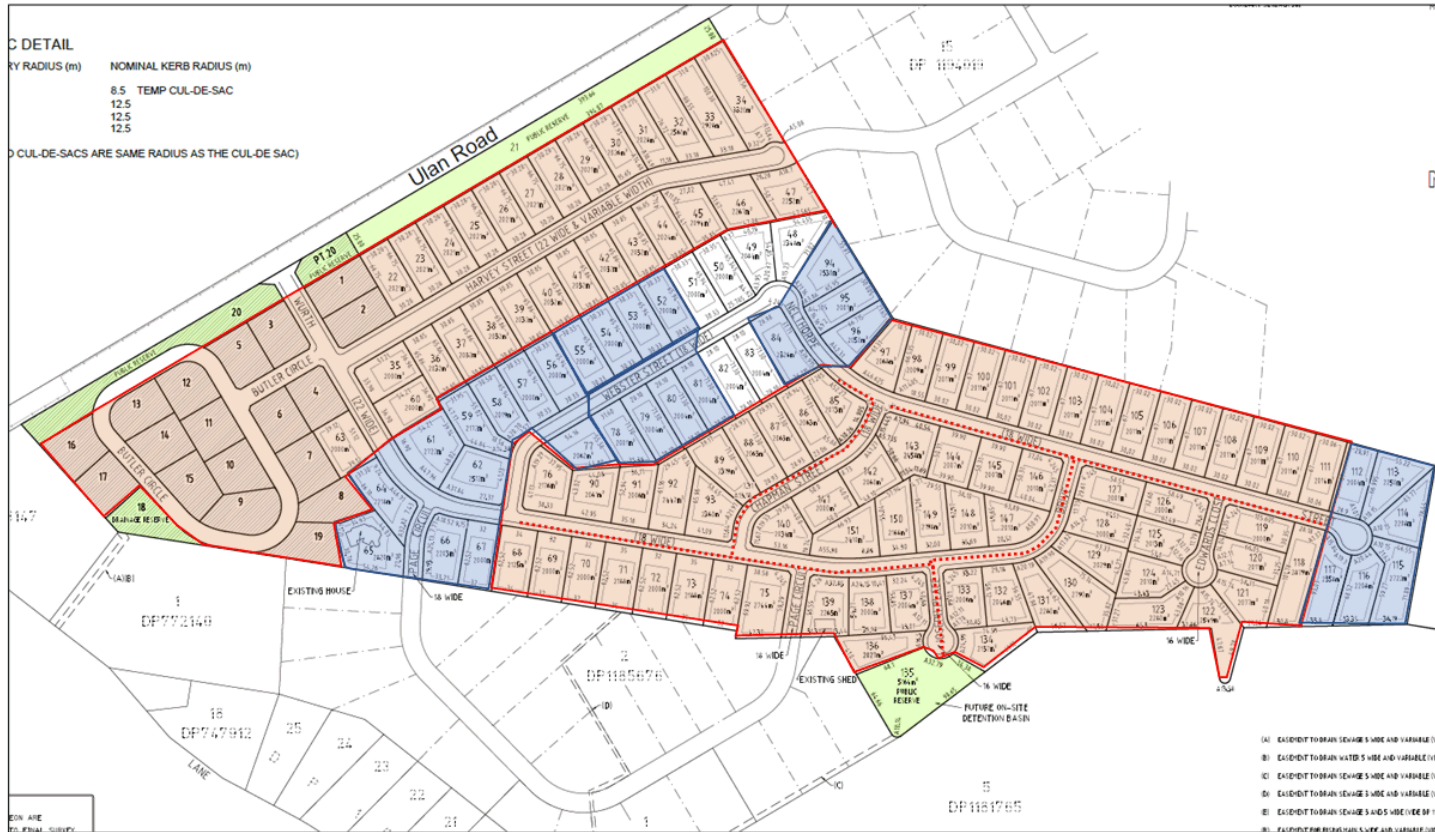


**Bombira Estate Mudgee**

Legend	
	Kikuya
	Garden Mulch
	Rock Swall
	Sewer Pump Station
	Park Bench
	Granite Boulders
	Granite Path
	Cul-de-sac
	Basin Vegetation Area
	Retaining Wall



**Attachment B: Residential allotments within 400m and 500m walking distance from a public reserve**



Allotments within 400m walking distance from public reserve   
Allotments within 500m walking distance from public reserve



21 May 2019

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

Dear Sir/Madam,

**SUBMISSION IN RESPECT OF DRAFT MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 –  
AMENDMENT NUMBER 4 (CHAPTER 6.5 – SOLAR ENERGY FARMS)**

Please accept this submission provided by way of response to the Council's public exhibition of the draft Development Control Plan Amendment Number 4, specifically the provisions of Chapter 6.5 – Solar Energy Farms.

**Vena Energy Australia**

Vena Energy is the largest independent renewable energy company in the Asia-Pacific region, with 185 assets comprising over 11 GW in operation, under construction and in development within Australia, Japan, India, Indonesia, Philippines, South Korea, Taiwan and Thailand. Vena Energy is a portfolio company of Global Infrastructure Partners, a leading global independent infrastructure fund manager in the energy, transport, water and waste sectors. Vena Energy's objective as a business is to build, own and operate renewable energy generation assets and associated infrastructure. Vena Energy is a market leader with a diversity of projects in either development or operation; established across the major renewable energy sectors of solar, wind and storage within various reputable markets of Asia-Pacific.

Vena Energy operates from 18 offices throughout the Asia-Pacific region with more than 400 professionals, who are known for their local-market expertise, hands-on engineering and management of all aspects of development, construction and operation. In each country, Vena Energy employs local land, development, grid assessment, construction and operations management as well as monitoring experts.

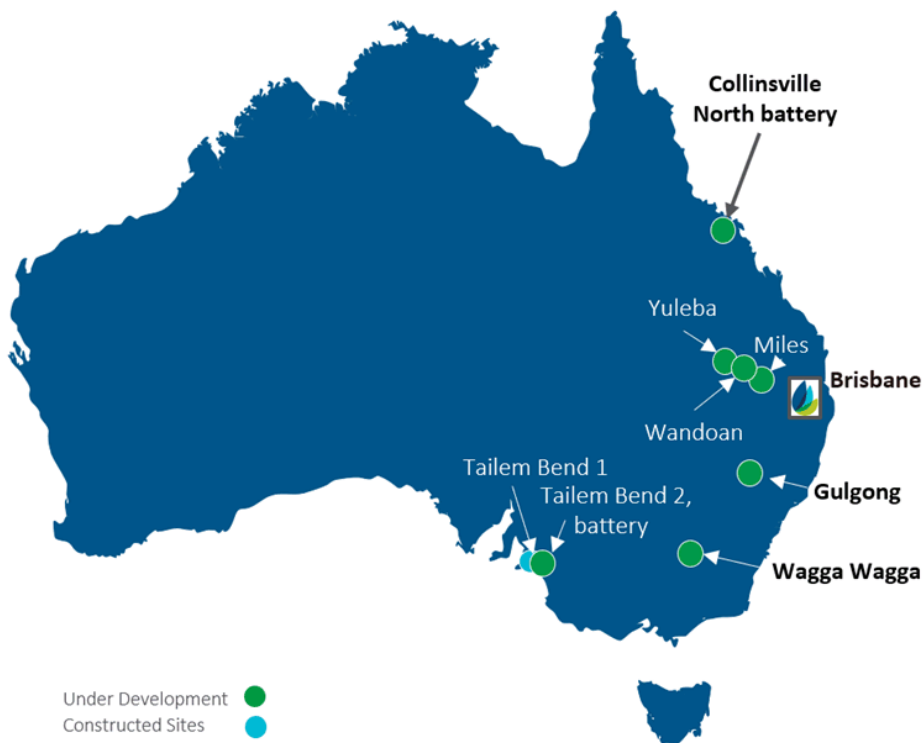
Vena Energy Services Australia Pty Ltd (Vena Energy Australia) draws on this experience and is integrated into Vena Energy's regional development platform.

**VENA ENERGY SERVICES (AUSTRALIA) PTY LTD**  
SUITE 2, LEVEL 10, 200 MARY STREET BRISBANE QLD 4000  
P +61 7 3708 1420 | WWW.VENAENERGY.COM.AU

AUSTRALIAN BUSINESS NUMBER  
89 609 132 747



Vena Energy Australia (VEA) was established in January 2016 by leading experts in the development, construction and operation sectors of renewable and conventional energy assets in the Australian market. The company is actively developing a pipeline of over 2,400 MW of renewable energy assets with Development Approvals successfully secured for 1,250 MW with another 1,150 MW of solar generation under development (Figure 1). With a diversified development asset portfolio across the key NEM regions of New South Wales (NSW), Queensland (QLD) and South Australia (SA), Vena Energy Australia is fast becoming Australia’s answer for renewable energy generation.



**Figure 1: Vena Energy Australia Project Portfolio**

VEA has most recently completed the construction of the Taillem Bend Solar Project in South Australia to supply Snowy Hydro with electricity and Large Generation Certificates (LGC) under a long-term Power Purchase Agreement (PPA). The project, which was completed on time and under budget, is one of the first utility scale solar projects in Australia to be constructed without the need for Australian Renewable Energy Agency (ARENA) funding.



Within New South Wales, Vena Energy Australia aims to develop two State Significant Developments in 2019/2020, with the first being the Gulgong Solar Project (GSP). The GSP will be a 200 to 250 MW facility, located within the Mid-Western Regional Council area. Preliminary assessments for biodiversity, cultural heritage and visual have commenced to accurately identify any initial constraints for technical and preliminary design input and to support ongoing community engagement. The results of these preliminary assessments will help form the future Scoping Report and request for the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a State Significant Development (SSD) Application.

### Renewable Energy - Policy Support

Several policies have been developed and endorsed by the New South Wales State Government for responding to climate change and promoting the development of renewable energy. The aim of these policies is to adequately prepare the NSW community for climate change, through mitigation strategies, adaptation practices and the development of resilient communities and to facilitate the appropriate development of renewable energy.

### Climate Change Policy Framework for NSW

The overarching aim of the framework is to *"maximise the economic, social and environmental wellbeing of NSW in the context of a changing climate and current and emerging international and national policy settings and actions to address climate change"*. The Policy Framework places emphasis on the achievement of net-zero emissions by 2050 and for NSW to become more resilient to a changing climate. The request and expectation of the documents' author and publisher is that the delivery of the framework should be imbedded within government policy and decision making.

### New South Wales Renewable Energy Action Plan 2013

The Action Plan ultimately highlights the expectation of the State of NSW to be *"open for business in renewable energy"*. The *Central West and Orana Regional Plan 2036* identifies the Mid-Western Region as being a focus for future renewable energy development. Renewable energy development aligns with several aims of the Plan by developing *"energy systems that are less polluting and attracts new jobs and investment"*. It is of specific concern that the proposed amendment to the Mid-Western Regional DCP does not align with the intent of the *Central West and Orana Regional Plan 2036* and the *NSW Renewable Energy Action Plan 2013*.





### New South Wales Transmission Infrastructure Strategy 2018

The Strategy endorsed by the NSW Minister for Energy and Utilities, seeks to achieve a range of objectives for the State's energy industry which are potentially diluted by the implications of the proposed DCP amendment, including:

- A technology neutral approach to new energy generation projects;
- Private-sector led investment;
- Regional economic growth and increased job opportunities; and
- Ongoing secure and reliable energy to power the NSW economy.

The NSW Transmission Infrastructure Strategy 2018 seeks to unlock the NSW Energy Zones to "diversify the State's energy mix and expand our transmission capabilities". It is of noted concern that the proposed Mid-Western Regional DCP amendment will detrimentally limit the potential to contribute to the diversity of the State's energy mix within the Mid-Western Region.

### New South Wales Government Submission on AEMO's Integrated System Plan 2018

The submission highlights the dedication of the NSW Government to "secure, affordable and clean energy...for households and businesses and supports an orderly, private-sector led transition to a modern energy system". Further, the submission acknowledges the strengths and opportunities of facilitating further development within the Central West Energy Zone (CWEZ), including the required electrical and transmission infrastructure, which would enable new projects due to the benefit of the high-quality resources, within the CWEZ. The submission has highlighted that the CWEZ would be one such place for development opportunities, due to the location benefits of the region.

### Large-Scale Solar Energy Guidelines for State Significant Development – December 2018

The NSW Government has published guidelines (**Solar Planning Guidelines**) to provide the community, industry, applicants and regulators with general guidance on the planning framework for the assessment and determination of State significant large-scale solar energy projects under the *Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)*. The Solar Energy Guidelines state that:

*"The NSW Government supports the development of a sustainable solar energy industry in NSW and acknowledges it would help reduce reliance on fossil fuels, thereby contributing to reductions in air pollution and greenhouse gas emissions."*



*Large-scale solar energy projects can also support jobs and investment in regional NSW and offer the potential for significant economic benefits in regional communities that may not have similar opportunities from other industries".*

The Solar Energy Guidelines aim to ensure that:

*"impacts are assessed with best practice methods and in a consistent manner;*

*effective stakeholder engagement is undertaken that encourages community input on solar energy development; and*

*there is a balance between attracting investment and considering the interests of the community."*

The Solar Energy Guidelines set out considerations for site selection and highlights some of the common key assessment issues for large-scale solar energy development. The Solar Energy Guidelines do not contain prescriptive standards. However, the Solar Energy Guidelines highlight that general environmental assessment guidance only is provided and that applicants must comply with the specific Secretary's Environmental Assessment Requirements (SEARS) issued for each application for State significant solar energy projects.

#### Development Control Plan – Proposed Amendment 4

We have reviewed the content of Chapter 6.5 and are concerned about:

- a) the purported application of the DCP to development applications for State significant development; and
- b) the overly prescriptive nature of the draft controls proposed in the DCP.

#### Application of the DCP to State Significant Development

Under the EP&A Act and clause 11(a) of the *State Environmental Planning Policy (State and Regional Development) 2011*, a development control plan does not apply to State Significant Development (SSD). A DCP cannot be drafted with words which have the effect of making it applicable to State significant development.

The Solar Energy Guidelines issued by the NSW Government provide general guidance for the assessment of development applications for large scale energy projects which are State significant development and confirm that each application needs to be assessed in accordance with the specific SEARS issued by the Secretary for



Planning. The planning issues sought to be regulated by the DCP will be considered and assessed as part of the application process for State significant development in accordance with the SEARs and the *EP&A Act* which include an extensive stakeholder consultation process with the community and the local council.

In these circumstances, we submit that there is no planning or legal justification for the Council making a DCP amendment which purports to apply to large scale energy projects which are State Significant Development.

### Draft controls in the DCP

We note, as per Section 1.2 of the DCP, that the overarching aims of the DCP are to:

- Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);
- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Expedite development approvals by providing clear direction of Council's intent and criteria; and
- Provide certainty of development outcomes for developers and the community.

We submit that the DCP does not satisfy these objectives, is overly prescriptive and does not reflect the need to consider the planning and environmental merits of a proposed development having regard to the particular site and region in which the project is proposed to be located. We note as follows:

- The Mid-Western Regional Local Environmental Plan 2012 (LEP) permits solar energy systems within the RU1 zone with development consent. This is further supported by the prevailing provisions of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) which also permit solar energy systems on prescribed rural land (including the RU1 zone). General statements (refer to page 81 of the proposed amendment to the DCP), that Council does not *'favour large expanses of land being covered with solar energy farms'* is inconsistent with the permissibility of solar farms within the RU1 zone under the LEP;
- The content of chapter 6 fails to encourage innovation through the provision of overly-specific controls. Many of these controls are, in our view, arbitrary and not justified by any literature or adopted guidelines; and
- The content of the chapter 6 is over prescriptive and fails to acknowledge the level of site-specific assessment that contributes to the design and layout of proposed solar energy farms.



We also note with concern the absence of strategic consistency exhibited by this chapter with respect to existing and adopted state and regional planning documents. It is clear from the language of the proposed amendment to the DCP, that Council is not supportive of large-scale solar farms. This position appears to be contrary to the overarching objectives and directions of the adopted *Central West and Orana Regional Plan 2036*, which via Direction 9 seeks to ‘Increase renewable energy generation’ within the region. The drawing on pages 32-33 of the Regional Plan identifies Mid-Western Regional Council as a suitable location for large-scale solar. The tone of the document is also inconsistent with the NSW Renewable Energy Action Plan, and the NSW Government policies outlined above.

Responding specifically to the content of the draft DCP amendment, we make specific representations in respect of the following matters:

Specific Matters	Response
<b>Section - Scope</b>	
<p><u>Objective 2</u> → To ensure that there is no unreasonable interference with the comfort or response of adjoining land users.</p>	<p>We submit that this objective is both vague and unclear and should be revised to be clear and unambiguous.</p> <p>No scientific or practical parameters have been identified to determine what is to be considered an appropriate level of ‘comfort’. The process and methods of engagement with adjoining land users is adequately governed by the Large-Scale Solar Energy Guidelines, published by the Consent Authority (Minister for DPE) in December 2018.</p>
<p><u>Objective 3</u> → To ensure that impacts on prime agricultural land, businesses and tourism are appropriately considered.</p>	<p>We acknowledge that the benefits of any proposed development, to the broader community, should be weighted against the actual or perceived negative impacts of such development. We note that the <i>Mirani Solar Farm Pty Ltd v Mackay Regional Council &amp; Anor</i> ([2018] QPEC 38) case highlighted that the benefits derived from the solar farm overrode the need to protect prime agricultural land, as there was an overriding need in the public interest and no alternative site was available. The experts identified that where appropriate land management practices were to be put in place, including appropriate conditions, the land would be capable of being returned for agricultural uses at</p>





	<p>the end of the life of the proposed development. We submit that solar developments have a positive impact on small business and tourism, as they encourage local growth and provide significant investment within the local area. Vena Energy has witnessed such benefits across both national and international projects.</p>
<p><u>State Significant Development</u> → In the event that a proposal falls within the category of State Significant Development such that Council is not the approving authority, consistency with this section of the Development Control Plan is still required.</p>	<p>Clause 11(a) of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> that Development Control Plans (whether made before or after the commencement of this Policy) do not apply to State Significant Development and a DCP cannot be drafted in a manner inconsistent with the SEPP (section 3.43(5)(b) of the <i>EP&amp;A Act</i>). State significant development is required to be assessed in accordance with the <i>EP&amp;A Act</i> in including the SEARs. We submit that the DCP should be consistent with the <i>EP&amp;A Act</i> and state that the DCP is not applicable to State significant development</p>
<p><b>Section – Statement of Environmental Effects (SEE)</b></p>	
<p>The site plan or plans showing the position of the proposed solar panel arrays, inverters, battery storages and all construction facilities from site boundaries, the land contours, native vegetation to be removed or retained, the proposed vehicular access points, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.</p>	<p>We submit these details are very specific in nature and are rarely, if ever, fixed until detailed design has been completed and construction contracts awarded. The rapid development of technology means that panels and inverters that are being considered commercially at the time of the preparation of the Development Application (DA), may be obsolete by the time construction is due to commence. The disregard for use of ‘preliminary plans’</p>
<p>A description of the proposed solar arrays including all relevant design details such as number, make/model, dimensions, generation capacity, overall height once mounted, rotational information and materials/colour including if mirror or lenses are proposed. This may also be support by an elevation plan.</p>	<p>ultimately limits the potential capabilities for generation output, taking advantage of technology changes, and impedes the ability for the project to successfully interact within the market.</p>



<p>A noise impact assessment demonstrating compliance with the NSW Noise Policy for Industry 2017, Noise Construction Guidelines and any other NSW Acts, Rules or Regulations applicable to solar farm noise including during construction and decommissioning. The application shall also detail proposed monitoring program(s) for full spectrum noise testing (including low frequency sound and infrasound) to validate predicted noise impacts on neighbouring properties.</p>	<p>For the construction, upgrading and decommissioning of solar projects, development approvals for solar projects, just like any other infrastructure projects, generally contain standard requirements around construction noise such as those expectations that have been imposed on the most recently approved SSD, Wyalong Solar Farm (May 2018), for Interim Construction Noise Guidelines (ICNG). Vena Energy is not aware of any credible or compelling evidence within the public domain about low frequency sound nor infrasound from solar PV projects to suggest that infrasound is linked to solar energy farms or electricity generation. Vena Energy submits that any requirement full spectrum noise testing for solar energy systems should only be imposed on the basis of advice from suitably qualified noise experts rather than a DCP.</p>
<p>An evaluation of the electromagnetic radiation and/or interference from the solar arrays and/or transmission lines. This should include impacts on human and animal health, emergency services, RFS, Police, Ambulance etc. and other local communications.</p>	<p>The ARPANSA Fact Sheet – Electricity and Health, released by the Australian Radiation Protection and Nuclear Safety Agency, Australian Government, October 2015, states that: <i>“The scientific evidence does not establish that exposure to the electric and magnetic fields around the home, the office or near powerlines causes health effects. For substations and transformers (such as those found in solar farms), the magnetic fields at distances of 5-10m away are generally indistinguishable from typical background levels in the home”</i>. As such, electromagnetic radiation/interference (EMI) is not measurable above background levels at the boundary fence of a solar farm. Similarly, we are not aware of any solar farm causing any adverse impact on local or other communications. We submit that a more detailed evaluation of EMI from solar projects would provide no measurable benefit to any party. The requirement to undertake additional studies on the potential EMI will add complexity, time and cost to the development of solar projects and unnecessarily increase the price of solar power.</p>



Section - Controls	
<p>The developer must assess the visual impact of the project including an assessment of the development on the scenic value and character of the locality. This assessment shall consider how the proposal will maintain the unique local character of the area, all significant vistas and also examine local community values towards key elements which form the identity of the area being impacted by the proposal.</p>	<p>The local community values should be adequately highlighted, with appropriate assessment parameters, within the DCP or LEP documents for reflection/assessment/recommendation within any relevant assessment. We submit that a statement such as "how the proposal will maintain the unique local character of the area" is an overly prescriptive performance criteria. We submit that it is more appropriate for an environmental impact assessment to identify and consider the impact of the proposed development on the local character of the area. A statement such as 'local community values' is not an achievable benchmark for 'alternative outcomes' or 'performance targets' as they should not be subject to opinion or fluctuations but rather the history and local context of the community as depicted in a DCP or LEP.</p>
<p>The developer must assess the cumulative impact of the development having regard to solar energy farms already built, those approved but not yet constructed, those for which a Development Application has been lodged with a planning authority. Council does not favour large expanses of land being covered with solar energy farms.</p>	<p>This type of broad statement such as: <i>"Council does not favour large expanses of land being covered with solar energy farms"</i>, is inconsistent with the overarching permissibility provided by Council's LEP and the ISEPP, and inconsistent with the strategic intent of the NSW Government, including the Department of Planning and Environment having regard to the nature of solar energy systems which require the placement of solar panels over many hectares of land. We note that solar projects (like any other electricity generation project) must be situated close to existing electrical transmission infrastructure in order to make them cost-effective. In addition, economies of scale means that larger electricity generation projects are generally more cost effective than small projects. Being able to construct large projects in areas of good solar irradiation that are close to the existing electricity grid will deliver cheaper electricity generation for consumers.</p>



<p>Proposed solar farms shall consider the NSW Department of Planning and Environment Solar Energy Guidelines, NSW Noise Policy for Industry and any other NSW Acts, Rules or Regulations applicable to solar energy farms.</p> <p>Note: where noise levels are found to exceed those guidelines, Council shall require remediation work and may require the cessation or decommissioning of the solar farm to reduce the noise impacts on sensitive receptors such as non-related dwellings. The developer shall, upon request of Council or an adjoining landowner, furnish the following information: a) noise attributable to the solar farm; b) data collected on low frequency noise and Infrasound levels occurring at a representative sample of neighbouring non-host residences.</p>	<p>Vena Energy agrees that proposed solar farms must consider the Solar Energy Guidelines and relevant noise policies as part of the assessment of proposed State significant infrastructure. However, Vena Energy submits that any requirement for full spectrum noise testing for solar energy systems should only be imposed on the basis of advice from suitably qualified noise experts rather than a DCP.</p>
<p>Solar Energy Farms shall not be located within 500m of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed.</p>	<p>These setbacks requirements are overly prescriptive in nature. Vena Energy submits that the planning issues that a setback requirement usually seeks to address (e.g. visual amenity, reflectivity, noise, biodiversity etc.) should be the subject of the usual merits review as part of the environmental assessment process for the development rather than selection of an arbitrary setback without any reference to site considerations. The Solar Energy Guidelines identify site selection, visual impact, land use conflicts and vegetation screening as common environmental assessment issues for solar energy systems and do not advocate or specify mandatory setbacks. Vena Energy submits that these issues should be assessed in the</p>
<p>Solar Energy Farms shall not be located within 200m from a formed Local Public Road or 500m from a Regional or State Road. A greater distance may be required by the road authority where visual impact mitigation is necessary.</p>	<p>These setbacks requirements are overly prescriptive in nature. Vena Energy submits that the planning issues that a setback requirement usually seeks to address (e.g. visual amenity, reflectivity, noise, biodiversity etc.) should be the subject of the usual merits review as part of the environmental assessment process for the development rather than selection of an arbitrary setback without any reference to site considerations. The Solar Energy Guidelines identify site selection, visual impact, land use conflicts and vegetation screening as common environmental assessment issues for solar energy systems and do not advocate or specify mandatory setbacks. Vena Energy submits that these issues should be assessed in the</p>
<p>Solar Energy Farms shall not be located within 100m from a non-related property boundary; existing and proposed screenings may be</p>	<p>These setbacks requirements are overly prescriptive in nature. Vena Energy submits that the planning issues that a setback requirement usually seeks to address (e.g. visual amenity, reflectivity, noise, biodiversity etc.) should be the subject of the usual merits review as part of the environmental assessment process for the development rather than selection of an arbitrary setback without any reference to site considerations. The Solar Energy Guidelines identify site selection, visual impact, land use conflicts and vegetation screening as common environmental assessment issues for solar energy systems and do not advocate or specify mandatory setbacks. Vena Energy submits that these issues should be assessed in the</p>





<p>used to minimise visual impacts to non-related properties. However, screening is not the only preferred method of minimising visual impact. Solar arrays shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed.</p>	<p>EIS and by the consent authority on a site by site basis rather than being managed by imposition of an arbitrary setback requirement in a DCP. The proposed setback requirements do not consider site specific considerations or potential alternative means of addressing the planning issues sought to be addressed by the setback requirements including:</p> <ul style="list-style-type: none"> <li>• location of existing vegetation;</li> <li>• site elevation;</li> <li>• proposed visual tree planting;</li> <li>• height and location of proposed infrastructure;</li> <li>• visual screening; and</li> <li>• formal visual assessment and glare and glint assessment.</li> </ul>
<p>Solar Energy Farms shall not surround a non-related property. Solar arrays shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. Cumulative impacts, having regard to existing Solar Energy Farms, those approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for solar farm assessment purposes should be assessed.</p>	<p>The meaning of this statement is unclear. Vena Energy understands the need for the planning assessment to consider the cumulative impacts of publicly known developments which have been granted planning approval. However, it is not reasonable or practical to expect that a DA would consider or assess the cumulative impacts of the proposed development together with other developments, in circumstances where <i>"written licenses have been granted to a developer for solar farm assessment purposes"</i> or the development is not in the public domain as such information is treated by all parties as <i>"commercial in confidence"</i>.</p>
<p>The development should not detract from the reception of radio, TV, internet or other communication methods. Where necessary, it may be required to install additional</p>	<p>To our knowledge, none of VEA solar projects have caused any problem with reception of radio, TV, internet or other communication methods, nor is there compelling evidence in the public domain to suggest that the generation of</p>



<p>services (boosters/communication towers/ re-transmission towers etc.) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost.</p>	<p>electricity via solar energy systems would impact such infrastructure. Solar farms are generally low profile installations (up to a few metres above ground) and would not be expected to affect transmission of these signals. This appears to be a requirement transferred from wind farm developments, which include large wind turbine towers that can affect transmission of signals, however it is not relevant to solar PV projects. Controls should be evidence based.</p>
<p><b>Section – Other Aspects</b></p>	
<p><u>Developer Contributions</u> → Council will seek to negotiate planning agreements for major solar energy farm developments in accordance with 7.4 of the Environmental Planning and Assessment Act 1979 However, this does not exclude application of section 7.11 or 7.12 Developer Contributions in accordance with the relevant Contributions Plan in force at the time of determination.</p>	<p>Section 7.4 provides for voluntary planning agreements. Section 7.7(1) of the EP&amp;A Act provides that, a provision of an EPI requiring the entering into of a planning agreement, has no effect. 7.7(2) provides that consent for development cannot be refused on the basis that an agreement has not been entered into.</p>

We ask that you take the above matters into account in your deliberations and prior to adopting this draft document. Solar generation is a clean and renewable form of energy that positively contributes to the region and nation and supports a transition to a low carbon economy.

We would welcome the opportunity to meet and discuss the contents of our submission. Please do not hesitate to contact me should you have any questions.

Yours sincerely,



**Anil Nangia**  
Managing Director

Submission on Draft Development Control Plan 2013 Amendment for – Solar Energy Farms

Having read the draft plan members of GRRR (Gulgong Residents for Responsible Renewables) agree entirely with the objectives of the plan. However, we feel some issues need clarification. These are:

1. The use of the term “Prime agricultural land” is ambiguous. Is there any “Prime agricultural land in the council area? Is this because the criteria to achieve this status are so high? Or because soils within the council area have not been adequately mapped? We refer you to the motion M31 passed by the NSW Farmers Association at their March 2019 Executive Council which states “that the NSW Farmers Lobby all levels of Government for State Significant Solar Infrastructure developments to be placed on land with limited agricultural potential”. We agree with this motion and suggest that similar terminology be used in the Amendment.

2. The definition of a road. A number of roads in the area are called lanes. This distinction is irrelevant in terms of public access and lanes should be given the same status as roads in terms of solar panel setbacks. In addition, there are Crown public roads that are unfenced and leased back to the occupier. Access to these roads is only granted if the applicant can provide good reason for this access. The 200 meter setback would presumably not apply to these roads but should be enforced on all other roads or lanes where there is unrestricted public access. Furthermore, if solar panels are to be placed on both sides of a public thoroughfare (lanes, roads and highways) then the setback should be doubled because of the cumulative visual effect.

3. In addition to the clause that stipulates that “solar energy farms shall not be located within 500 meters of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed” include the term “a greater distance may be required where the visual impact is severe”. Many residences in the area have been sited specifically to take advantage of the panoramic views available. In Sydney people have poisoned



trees for an unobstructed view of the harbour. The offer of visual screening to residents affected by Solar panels is an admission of failure and does not compensate for the loss of these views and the resulting devaluation of their properties.

4. The Beryl Solar Project SD8183 Assessment Report states “it is important to ensure that rural land uses can co-exist with the more industrial nature of Solar Farms”. Most rural farms carry liability insurance of \$10 million. This can be increased to a maximum of \$ 50 million at considerable expense, but would be insufficient protection considering the value of the Solar Farms. The only solution to this problem would be to put a cap on the liability of adjacent landholders of \$10 Million or alternatively make the NSW Government liable as it is responsible for the approval of these projects.

In this context it is pertinent to consider land valuation. The land for Solar Farms can be purchased at up to 3 three times its agricultural value. Since the land is still classified as RU1 this will significantly increase the value of surrounding rural properties as determined by the Valuer General. In actual fact their value will decrease substantially because of their proximity to a Solar Farm. Therefore there will be increased insurance charges, increased rates, lower property valuations and borrowing capacity for landholders co-existing with solar farms.

5. In relation to noise a maximum level of 35 dBA at residences under all scenarios and meteorological conditions is quoted in the Beryl Solar Farm Assessment Report. This figure should be stipulated in the amendments.

6. Again in the conclusion of the Beryl Solar Assessment report “after the project is decommissioned the inherent agricultural capacity of the land would not be affected”. Since the NSW Government through its SSD Legislation has been given ultimate power to approve these projects then surely the NSW government would be legally and financially liable for this condition to be met. If the owner the Beryl Solar Farm were to conveniently go bankrupt before decommissioning it should be the NSW Government and not council who are



responsible for the rehabilitation of the land. It would be wise if council included a clause to this effect in its amendments.

NB: The chances of the agricultural capability of the land not being affected is remote. Consider the loss of soil carbon, weeds, residual herbicide problems, erosion, the loss of shade trees for livestock and problems with future dam construction (infrastructure is only removed to a depth of 500mm).

Members of the GRRR would be happy to consult with council staff to achieve a resolution of these issues.

Gulgong Residents for Responsible Renewables.

Nicole Price [REDACTED]

[REDACTED]

Rick Campbell [REDACTED]

[REDACTED]

**From:** [Buzz Sanderson](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] DCP No. 4 - Proposed amendment  
**Date:** Tuesday, 21 May 2019 9:19:06 AM

---

The General Manager  
Mid-Western Regional Council

You have called for comments on the proposed amendment to the DCP No4.

In general I welcome the amendment as it attempts to bring clarity to the establishment of solar-electric generating facilities.

My comments are as follows:

- 1) The amendment is too ambitious in size range of developments that it attempts to regulate by essentially the one set of "rules". The lower limit of 10kW is very small, it translates to about 30 standard panels, whilst there is no upper limit as the amendment seeks relevance to State Significant Projects.
- 2) The vast majority of solar installations in the range 10-100kW are complying developments and are regulated by the Infrastructure SEPP (iSEPP), Div 4, where for installations upon a building are unlimited except in a residential zone, and there limited to 100kW, or in the case of "ground mount" to a footprint of 500m<sup>2</sup>, effectively 80-120kW with the present panel technology. The amendments to the DCP should harmonize with iSEPP as this would be greater clarity and certainty along with avoidance of appeals to L&E.  
Nevertheless, the DCP should bring clarity to proposed developments that are not covered by iSEPP, such as those in a conservation area.
- 3) The use of the word "shall". The word shall in a standard is taken to mean that it is a requirement, a "must do". The list of things required by the draft DCP that must be included, provided or considered is considerable. The cost in both time and material to fulfil these requirements are considerable. At the lower size range of development many are simply inappropriate. An evaluation of EMR radiation of human and animal health is something for a NHMRC not MWRC. It may be more appropriate for MWRC to cite a relevant standard and seek that the proposed meet that standard.
- 4) The specification of model/make etc of the equipment. This raises 2 issues:
  - a) that the particulars of the make and model would then become part of the consent, which is likely to have a sunset of 5 years if no significant start, which would then require variation as the solar industry is fast evolving with particular models and makes not necessarily lasting long in the market place. It may be preferable that the consent be for a more generic in the description and again, cite a standard that is relevant.
  - b) Whilst it is nice to capture data it should be relevant to your role. The particulars of make and model sought here is of little relevance to MWRC. What could be considered relevant is a general description, an understanding of the size, bulk, colour and adherence to recognized standards.

More comments could be made but a general comment is that the draft amendment DCP has not been widely consulted with those that may be impacted by the DCP, the solar industry, farmers, the energy networks, environment societies. The proposed amendments to the DCP are

welcomed but as a first iteration, the DCP needs to much more nuanced if it is to be of benefit rather than burden.

---

Dr R.J. (Buzz) Sanderson, BE PhD MIEAust CPEng NER  
Sanderson & MacDonald Pty Ltd

[REDACTED]  
[REDACTED]

---

**From:** [Chris](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] MWRC DEVELOPMENT CONTROL PLAN AMENDMENT NO 4 - Submission  
**Date:** Monday, 20 May 2019 8:52:38 PM

---

The General Manager Mid Western Regional Council

Please accept this email as a **PERSONAL** submission on the **MWRC DEVELOPMENT CONTROL PLAN AMENDMENT NO 4**.

1. The proposed lower limit of 10kW as a Solar Farm is too low. I would suggest a lower limit of either 100kW (being the threshold for generation of small scale RECs) or 200kW – being the level above which Essential Energy requires Network Studies for review . Preferably a 200kW starting point.
2. The proposed ‘setbacks’ seem excessive....particularly for smaller Solar Farms and installations (less than 1MW)....and the current language is ‘must’. The ‘aspiration’ here is to provide an appropriate ‘buffer’ zone and any ‘visual screening’ (eg vegetation planting) and the distances and land treatment language appropriate is ‘should’. Setbacks should be proportional to the size of the Solar Farm (eg 200kW solar farm – 20m from any road or boundary).
3. The requirement for an EMC study is unnecessary both technically and financially. The majority component of a Solar Farm is the DC panels...which do not generate AC fields. The major AC components are already required to meet established Australian and International Standards (eg inverters, transformers).
4. Essential Energy already assesses that Inverters, Panels etc meet the relevant Australian Standards. There is no need for Council to include this requirement. Solar farms above 1MW are required to submit a ‘Harmonic Study’ to Essential Energy as part of their Network Studies. This provides further assurance that interference to other customers will not eventuate.
5. CASA approval is not necessary. Many Australian Airports have installed large Solar Arrays and adjacent Solar Farms (eg Alice Springs).

### **Christopher Dalitz**

**BE(Elect.)-UNSW, Grad. Dip. Mgt. (Deakin), Assoc. Dip. Local Museum Studies (Sydney Uni),  
ME (Energy Policy & Planning)- UTS, FIEAust, CPEng. NPER**





**From:** [Lilian Mutyiri](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] Submission on Development Control Plan 2013- Draft Amendment No. 4 ; Solar farms  
**Date:** Sunday, 19 May 2019 9:11:17 PM

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Good morning

I am writing to make a submission on the Mid-Western Regional Council Development Control Plan 2013 - Draft Amendment No. 4 in regards to the Solar farm as listed below;

**1 An addition to the Objectives (page 78) as follows;**

To preserve a 5km radius of land around townships for future township growth.

**2. Submission on Controls (page 81)**

**a.Paragraph 6 to state;**

"Solar Energy Farms shall not be located within a 5km radius from main townships to avoid the impact on the scenic value and character of the locality"  
It currently reads "Where the proposal is located within a 5km radius from main townships & villages, the proposal must demonstrate that it will not impact on the scenic value and character of the locality"

This control will preserve the tourist town vista / outlook of Midwestern Regional Council townships.

**b. Paragraph 7**

To increase the distance from the stated 500m to 1500m between any dwelling not associated with the development or from any Lot upon which a dwelling may be constructed.

This will give the affected homeowners a comfortable buffer zone.

**c. To increase the distance between a Solar farm and a;**

Local road from the stated 200m to 400m  
Regional or State road from 500m to 1000 meters

This will make the solar farms less visible to the residents and visitors when driving to and from towns.

d.To increase the distance between Solar farm and non related property boundary from the stated 100m to 500m - to reduce the impact on neighboring properties.

Thank you for the opportunity to make a submission on the Development Control Plan - draft amendment and for considering my submissions.

Regards

Lilian Mutyiri



20 May 2019

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

Dear Sir

I wish to submit my thoughts on the proposed 6.5 amendment to Mid Western Council's Development Control Plan – to include Solar Farms.

The combination of the proposed 500 metre boundary rule and the 100 metre rule from a non related dwelling would rule out the construction of any Solar Farms within Mid Western Council. This would be a great shame to this area as construction would require substantial capital investment and employment having a chain effect within the Shire and beyond. Local Contractors and local services would particularly benefit during the construction stage and these services will continue to help the local economy. There is a current proposal by Vena Energy Australia to develop land in the vicinity of the Castlereagh Highway approximately eight kilometres north of Gulgong. Having two essential components such as Transgrid's high voltage line and Sub Station within proximity to the proposed site makes the proposal by Vena Energy to construct a Solar Farm ideal. The area for this proposed site employs only one person on a casual basis so please consider the ongoing benefits this Solar Farm would bring to the community.

I do not feel this Solar Farm would be detrimental to the area and nor would it have a negative impact on the district. The argument being put forward that solar farming should not be on productive land is hard to follow as all land in the local area is productive and having a solar farm in the area would will *not* reduce production on existing farms. As for reduced land values I recently sold a property with extensive views of the Beryl Solar Farm for a lot more than my late husband valued it for. Bill was a very astute farmer and over the years he and I had many rural real estate dealings. At no time did we ever consider the Beryl Solar Farm would have an impact on our land due to the view, glare, lower value or traffic. We embraced the fact a great contribution was being made to clean energy for our wonderful country and the growth of our area.

The land Vena Energy is proposing to develop north of Gulgong is zoned RU1 and this land is comparable with other RU1 land within the Council and on investigation being RU1 an open cut mine could be constructed there with consent. I view solar as more favourable than coal, it is cleaner and easier on the eye than an open cut mine, as are the noise levels, traffic, water and land contamination. Solar panels are designed to absorb rather than reflect sunlight and the glare is less than that of a body of water. Additionally solar farms when decommissioned can with a little remediation be returned to the pre-existing condition and the land can again be used for agriculture.

The argument for it being on a Highway is very weak, people travelling to the coast drive through agricultural land, past many coal mines, power stations and encountering heavy vehicles from the mines most of the way. This does not stop them going to enjoy the ocean. A Solar Farm would be

2.

less unsightly, have fewer hazards and will not stop people coming to this area and it reflects the progressive nature of Council and its constituents.

The recent approval of a solar farm at West Wyalong has been embraced by the local Shire and this area has great heritage and is well known for its agriculture production. I have been researching other approved farms and a great majority are on main thoroughfares, in close proximity to town, have screening and have been welcomed for the growth and benefits to the local constituents.

It would be shame if the Mid Western Council made it difficult for this project and others to proceed, especially when climate change and the environment are in such high propriety. On entering Dubbo or driving through Beryl the Solar Farms there are not objectionable and rather resemble a view of water.

Thank you for allowing me to express my opinions on the proposed amendment 6.5 and I sincerely hope you will give them your favourable consideration.

Yours faithfully

A black rectangular redaction box covering the signature of Elizabeth Sills.

Elizabeth Sills



**Mr. Brad Cam – General Manager**

Mid-Western Regional Council,  
PO Box 156, Mudgee,  
NSW 2850  
E-mailed to: council@midwestern.nsw.gov.au

20<sup>th</sup> May 2019

**RE: MWRC DEVELOPMENT CONTROL PLAN AMENDMENT NO 4**

Dear Mr Cam,

I write to you in response to the Mid-Western Regional Council Draft Development Control Plan Amendment No. 4.

ITP Renewables is a privately-owned (and 95% Australian-owned) renewable energy business based in Canberra, and a developer of town-scale (5 to 25 megawatt) solar farms throughout rural New South Wales. Our strategy team has worked closely with all branches of government in Australia, as well as internationally, to develop policies to achieve the well-planned, technologically sound, and economically rational transition to renewable energy around the Asia-Pacific region.

We applaud the Council for taking an active role in considering renewable energy infrastructure for the local region, and appreciate the stated intent of the amendment to provide certainty to developers and the community alike. However, we are concerned that the overly prescriptive nature of the draft DCP will stifle such projects in the Mid-Western Region.

Energy mining (coal) currently contributes substantially to the local economy but creates a significant impact on the visual amenity of the region. The Council has a mission to broaden the local economy, and many of these new activities (such as a tourism offering based on experiencing locally-produced wine, or historic heritage) rely on the visual amenity of the area. It is therefore understandable that the Council should be concerned with new developments that may have a visual impact. It is surprising, however, that solar generation facilities have been singled out in the proposed DCP, while other developments are largely unrestricted outside of the Mid-Western Regional Local Environmental Plan 2012 ("the LEP") and State Environmental Planning Policy (Infrastructure) 2007 ("SEPP").

In order to provide power to local regions (Mudgee, Gulgong and Rylstone) town-scale power systems must be connected to the local distribution network owned and operated

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IT Power (Australia)





by Essential Energy. This network typically follows road corridors, and connects dwellings (and businesses) to the local zone substation. By setting hard limits on the proximity of solar power developments to dwellings and roads, the vast majority of the region will be excluded from such developments. Under the proposed draft amendment, potential sites would have to be located far away from the point of electricity consumption (i.e. towns) and require extensive new infrastructure to be built. If amended according to the current draft, the DCP will lead to inefficient use of existing electrical infrastructure and will ensure the unnecessary construction of additional distribution infrastructure.

It appears the DCP has been drafted to exclude particular locations, rather than to ensure the best overall outcome for the community. We believe that minimising visual impact of any potential developments is a laudable goal, but the chosen mechanism of simply imposing distance restrictions (e.g. 500m from primary roads) is a blunt instrument that will not guarantee the intended outcomes in the most effective way. The draft DCP amendment does not acknowledge that the flatter the land, the easier it is to screen such developments. It is not clear, for example, if the Council's proposed 5MW solar farm at the Mudgee sewage treatment plant is well suited as it will face new R1 subdivisions and will be impossible to screen, given the topology. A flatter area of land, on the other hand could be screened by shrubs only 2.5m tall.

We believe the proposed DCP puts unfair limitations on the freedom of landowners to develop their land within the current planning laws. We believe farmers should have a choice of what to cultivate, whether harvesting sunlight to grow grapes, produce beef or generate electricity.

Furthermore, the proposed DCP contradicts the Council's own mission statement: To support "*business and investment activities that in turn generate opportunities for employment, income and sustainable economic growth.*" Instead, the draft DCP will stifle our investment in the region. We do not believe that our planned investment of 30MW of solar generation capacity (worth \$45 million) in this council region can proceed if this DCP is adopted in its current form.

We would be keen to participate in further discussions with Council should there be opportunity to do so.

Yours sincerely,



**Simon Franklin**  
**Managing Director**

Submission to Mid-Western Regional Council

TOPIC

Draft Development Control Plan 2013 Amendment 4 – Solar Farms  
On Public Exhibition

1. The majority of the population now acknowledge that climate change is real and unless drastic action is taken to curb emissions from electricity generation everyone will suffer but particularly the residents of inland Australia.
2. Electricity generation from renewable resources such as wind and solar to replace generation from coal should be a priority for all.
3. Councils are in a unique position to facilitate the use of renewable resources.
4. The area managed by Mid-Western Regional Council has been identified by solar generators as having significant attributes for solar generation due to the clear and usually cloudless skies.
5. Mid-Western Regional Council should be a leader in encouraging development of solar generation in the land under its jurisdiction.
6. The emotive sentence “Council does not favour large expanses of land being covered with solar energy farms” has no place in a DCP. It conjures up, and no doubt is intended to conjure up, thousands of acres of farming land under wall to wall panels. I understand that with the Beryl farm, and other farms in the pipeline, the main transmission line from Wellington is fully committed so all further farms will be probably less than thirty hectares spread along local transmission lines.
7. The proposed amendment will have the effect of preventing any further solar farms in the Mid-Western Regional Council area. A solar farm is only viable if it has access to a suitable transmission line. Existing transmission lines largely follow roads and the settlements and farms they service. Preventing solar farms within 200m from local roads, 500m from Regional and State roads, 500m from any dwelling not associated with the development, or from any lot upon which a dwelling may be constructed and 100m from a non-related property boundary means that there will be no site with the local government area which is viable.
8. There is no evidence that a solar farm will interfere with reception of radio, TV or internet.
9. Apart from the concrete slab for an inverter there is no concrete used in the design of a modern solar farm. The other materials are recyclable and it will not be to the solar operator’s interest to abandon them at the conclusion of a lease.
10. There is no evidence that a solar farm would have a detrimental affect on land degradation, native vegetation loss, alteration to drainage patterns, pollution of surface or groundwater, spread of noxious plants and animals or a bushfire hazard. There are already legislative controls on these matters which will continue when solar farms are built.
11. There is unlikely to be any major loss of agricultural production on the land under a solar farm. In most cases it will continue to be used for sheep grazing.

12. The only noise generated by a solar farm is the hum of the inverters and the sounds of the cranking mechanism. The noises occur only during periods of solar activity (daytime) and are not expected to carry beyond the limits of the development
13. Solar panels are designed to absorb the sun's rays, not reflect them.
14. Objection seems to be taken to the possibility there could be an impact on scenic value. Council should accept that the natural landscape is continually being changed by human development such as houses, commercial buildings, fences and transmission lines and that there is in fact no real impact of these structures once they have been accepted and that the acceptance of them is quick. No one owns a view.
15. The use of solar generation for irrigation pumping has become widespread. These installations would typically be greater than 10kW and by necessity would be at the site of a bore or river which would be on prime agricultural land and being on smaller properties close to lot boundaries and houses. Council should be doing what it can to facilitate such use, not putting many hurdles in place.
16. The restrictions are an unacceptable restriction on farmers use of their land. They pay rates and should be allowed to use their land in the most profitable way.
17. The vision of the Central West and Orana Regional Plan includes "Landmark solar, wind and bioenergy projects distinguish the region as a leader in renewable energy development." As a part of that region Mid-Western Regional Council should adhere to that vision.
18. It is not good enough for Council to give lip service to the use of renewables, then inhibit their use.

In summary I submit the restrictions in the amendment mentioned above are completely unnecessary. In a few years time small solar farms will be a commonplace and acceptable feature of the rural landscape throughout New South Wales and Mid-Western Regional Council will be regarded as a pariah if it goes ahead preventing them.

Christopher Cox

[REDACTED]

21 May 2019

# Development Control Plan 2013

Draft Amendment No. 4

Further information email [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) or telephone 1300 765 002



[www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)



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## PART 1 INTRODUCTION

### 1.1 PURPOSE OF THE PLAN

This Plan contains more detailed guidelines to complement the provisions contained in the Mid-Western Regional Local Environmental Plan 2012 which applies to all land within the Mid-Western Regional Local Government Area.

### 1.2 AIM OF THE PLAN

The aims of this Plan are to:

- Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);
- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Expedite development approvals by providing clear direction of Council's intent and criteria; and
- Provide certainty of development outcomes for developers and the community.

### 1.3 HOW THE PLAN WORKS

The Development Control Plan (DCP) provides specific criteria for local development within the Mid-Western Local Government Area, including the "deemed-to satisfy" criteria that will facilitate *fast – tracking* of certain development applications (DA).

The four different assessment streams for development are outlined in figure 1.

Under Section 79c of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council is required to consider a range of issues in the evaluation of a DA including the DCP. Therefore compliance with this DCP does not guarantee development approval will be issued. However, in relation to certain development types, Council has adopted "non-discretionary" development controls that establish a "deemed-to satisfy" standard of development. Where this standard is achieved, Council will not:

- Further consider those standards in determining the DA; or
- Give weight to objections received relating to those standards; or
- Refuse the DA on the grounds that the development does not comply with those standards; or
- Impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards.

Where the "deemed to satisfy" standard is not achieved, the DA cannot be *fast-tracked*, and the DA must provide justification in line with the Discretionary Development Standards.

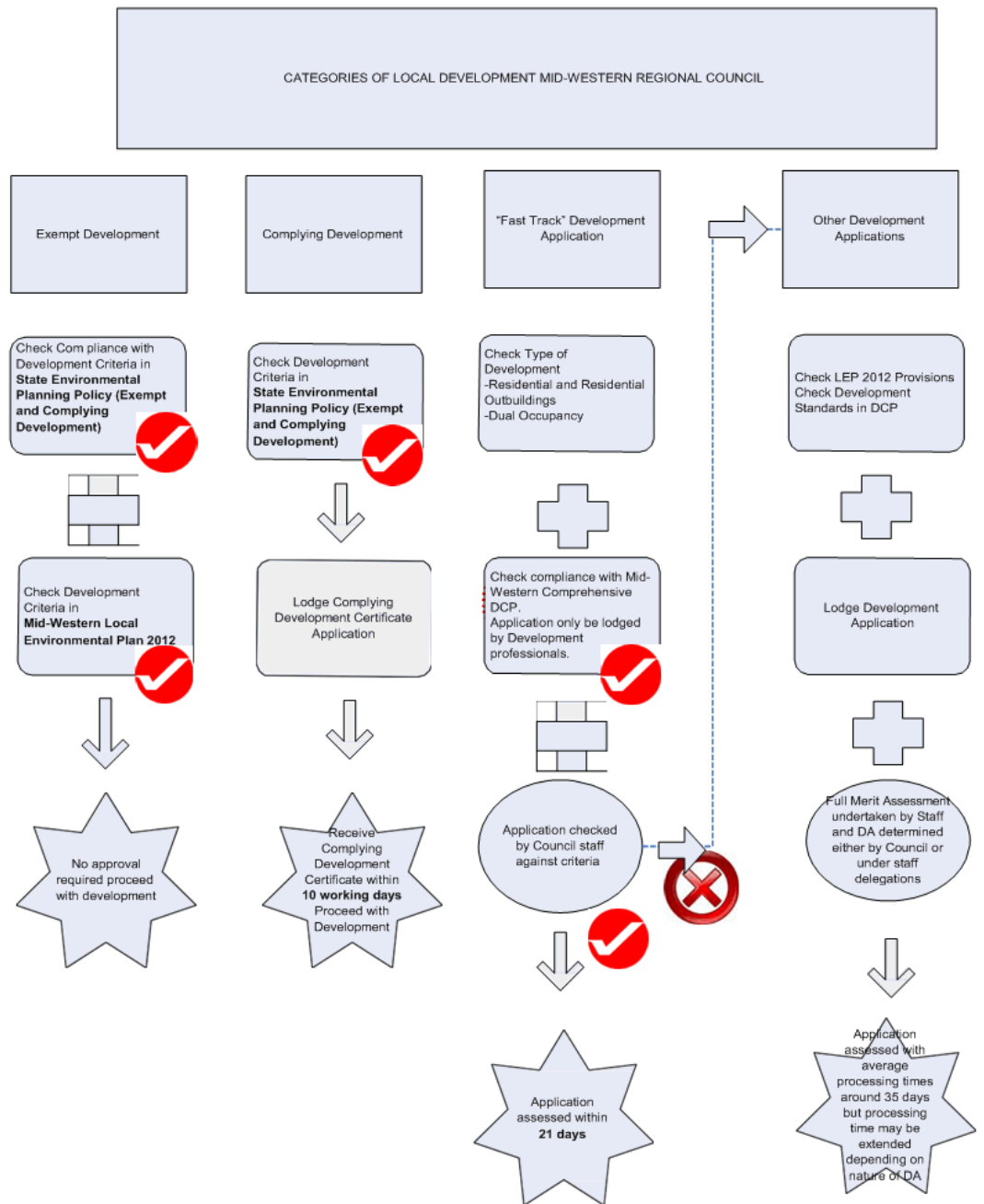
### 1.4 TRANSITION PROVISION

Where a development application is lodged prior to the commencement of this Development Control Plan the applicant must nominate if the application is to be assessed under this Development Control Plan or the Development Control Plans in place prior to the adoption of this Development Control Plan.

Where no development control plan is nominated an application will be assessed in accordance with the Development Control Plans in place prior to the adoption of this Development Control Plan.

### 1.5 FAST TRACK DETERMINATIONS

The *fast-track* process allows specific types of development to be determined more quickly than a standard DA where the proposal meets the “deem-to satisfy” provisions of this DCP. Where a proponent certifies that the minimum standards are met, determination should be issued within 21 days.



The new “deem-to satisfy” process is a simpler, faster approval pathway. Still merit-based, the process streamlines the assessment of common forms of development that can be clearly quantified as achieving outcomes sought by the community, the development industry and Council.

**The following types of development may be fast-tracked where the proponent certifies that the development complies with the minimum DCP controls:**

- Residential (General Housing including ancillary structures such as pools and carports.
- Dual Occupancy
- Fast-tracking does not apply to residential and dual-occupancy development on flood prone land or bushfire prone land.

**Fast-tracking does not apply to any other development.**

**Development Applications lodged under the fast track process will need to be accompanied by signed certification.**

**Council will only accept applications certified by suitably qualified persons (such as planners, architects, engineers, draftsman and surveyors).**

**Where plans are subsequently found to not meet a standard, the application will be removed from the *fast-track* system and the development professional who provided the certification will not be eligible to claim fast track determinations for a period of at least 6 months.**

## 1.6 DOCUMENTATION REQUIRED TO ACCOMPANY A *FAST TRACK* DA

The documentation required to be prepared for a *fast track* DA is the same as for a regular DA. Schedule 1 of the Environmental Planning and Assessment Regulations 2000, specify this information,

A *Fast Track Certification Checklist* must also be completed to confirm that the proposal complies with all the “deemed –to satisfy” controls applicable to that form of development.

Separate checklists are provided for each development type in Council’s website – [Midwestern@nsw.gov.au](mailto:Midwestern@nsw.gov.au) .

## 1.7 DON’T MEET THE “DEEMED TO SATISFY” STANDARDS?

If your proposal does not meet the “deemed to satisfy” standards, your application must provide justification as the variation of the deemed to satisfy provisions and address the relevant performance standards in this DCP.

Applications that do not meet the “deemed-to-satisfy” criteria WILL NOT be processed under the *fast track* stream.

## 1.8 RELATIONSHIP TO OTHER PLANS

The DCP is only one of the matters that must be considered by Council in determining a DA.



The proposal must also be considered with regard to the other matters contained in Section 79c of the Environmental Planning and Assessment Act 1979, including relevant environmental planning instruments, the likely environmental effects, suitability of the site, any submissions received and the public interest.

Where inconsistency arises between this DCP and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevail.

## 1.9 DEVELOPER CONTRIBUTIONS

As a consequence of development it is likely that an increase in the demand for public amenities and services (such as community facilities, local open space etc.) will occur. In this regard, a contribution under Section 94 of the Environmental Planning and Assessment Act 1979 may be required as a condition of the development consent in accordance with Mid-Western's Contributions Plan.

Council required developers to contribute towards the augmentation of water and sewerage works to meet the additional demands of the new development. In this regard, approval must be sought from Council under the Water Management Act 2000 to determine the required contributions.

### 1.10 PRIVATE COVENANTS

Where inconsistency arises between this DCP and any private covenant, the provision of the DCP will prevail. Council is not required to have regard to private covenants in the assessment of development applications. Clause 1.9A of the Mid-Western Regional LEP 2012 outlines the full legal context associated with this provision.

### 1.11 SEWER INFRASTRUCTURE

Council does not permit the following types of development over an existing sewer main or easement for sewer;

- erection of permanent structures,
- cut or fill of land,
- the planting of trees, or
- Concrete structures.

## 1.12 COMMUNITY CONSULTATION

### Advertised Local Development

The following kinds of development will be advertised:

- Demolition of a building identified as a heritage item in Schedule 5 of the Mid-Western Regional LEP 2012.
- Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000 or likely to be of significant community interest;
- Non-residential uses in or adjacent to the R1 General Residential, R2 Low Density Residential, or RU5 Village Land Use zones.
- Subdivision creating 20 or more allotments.
- Sex services premises
- Within the R1 General Residential, R2 Low Density Residential, or RU5 village land use zones, development applications for the purposes of:

Multi dwelling housing; residential flat buildings; senior housing; hostels; boarding house; group homes; tourist and visitor accommodation (excluding B&Bs); boarding houses; caravan parks; exhibition villages; child care centre

**NOTE: Application for residential forms of development lodged as *fast track* DAs will not be advertised.**

- Any development identified by Senior Council staff that should be advertised in the public interest.

#### Process for Advertised Development

- Notice of the development in a local Newspaper, containing the same information as required to be given in the written notice;
- Written notice of the proposal to be given to all adjoining landowners;
- Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days where the period coincides with public holidays.)

### Notified Development Applications

Apart from the exceptions listed below or where a development is advertised development, all other development applications, that involves a use that requires development consent, alteration to the external configuration of a building, the erection of a new building, variation to an adopted building line will be notified to adjoining owners in accordance with this DCP. The kinds of development that will **not** require notification are:

- Single storey dwelling;
- Single storey additions to a house
- Minor dwelling additions such as carports, pergola and verandahs;
- Private swimming pools;
- Detached garage or shed associated with a dwelling to be used in conjunction with the dwelling (i.e. not for commercial/industrial use)
- Any building on land within RU1 Primary Production, RU4 Primary Production Small Lots, which has an area greater than 2 hectares (land);
- Subdivision creating less than 5 lots
- Commercial or industrial development within a business or industrial zone that does not adjoin a dwelling.
- Attached dual occupancy within the R5 Large Lot Residential zone.

Despite the above exclusion, following site inspection of the site and consideration of such factors as the character of the existing development, slope of the site and local amenity, Council may determine that notification should occur and the appropriate fee will be applied.

#### Process for Notified Development

- Written notice of the proposal to be given to all adjoining landowners;
- Period of exhibition to comprise a minimum of 7 days from the date of the notice (plus an additional 3 days where the period coincides with public holidays.)

## PART 2 FAST TRACK DEVELOPMENT APPLICATIONS

### 2.1 GENERAL HOUSING AND ANCILLARY STRUCTURES “DEEMED TO SATISFY” PROVISIONS

The following criteria must be met to qualify for the “fast track” application process.

#### Building Setbacks

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line or average of adjoining properties  5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary
R1, R2 and R3 where Lot size is greater than 901m <sup>2</sup> , less than 1,999m <sup>2</sup>	6.5m to building line or average of adjoining properties 7.5 to the garage	900mm	2m
R2 where 2000m <sup>2</sup> to 1ha	15m	5m	7.5m
R5 Less than or equal to 5ha. in area	30m	20m	15m
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m

\*Applicant to nominate front and secondary setback.

- Where the lot is located on a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.
- Where the lot is located on the State Highway (Castlereagh Highway) the front setback is 200 m and the side setback is 20 metres.
- Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.

#### Building height

- Single storey (Single storey dwelling is one that has only one storey (as defined by the BCA) and the Finished Floor Level (FFL) is less than 1 metre above natural ground level.

#### Privacy

- Single storey development achieving setbacks do not require specific privacy controls.

#### Design

- 75% of the Private open space and internal living areas should have access to sunlight for 3 hours a day between 9 am and 3 pm with direct access to the

- 
- main living areas.
  - 80m<sup>2</sup> of private open space is provided with a minimum dimension of 5 metres.
  - No windowless facades at the street frontage(s).
  - Street elevations are to include at least 5% of openings including windows, doors.
  - Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.
  - For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines.
  - Cannot be a transportable or relocated building.
- Parking**
- Provision for parking of two vehicles behind the building line including at least one space undercover.
- Utilities**
- Buildings and structures are to be located clear of utility infrastructure.
  - No building can be located within an easement for the purposes of utility infrastructure.
  - Structures are to be located 1,500 mm for the centre line of the water or sewer main.
  - Details of water supply and sewer reticulation are to be provided.
    - ❖ If available within 500 m connected to reticulated network.
    - ❖ Where no water supply is available, a minimum tank storage of 60,000 litres is required, of which a minimum of 20,000 litres is retained for fire fighting purposes.
  - Where there is no reticulated sewer system than approval is required for onsite disposal in accordance with Section 68 of the Local Government Act 1919
  - Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable.
  - No building on overland flow paths
- Fencing**
- Front fences to be open panels not to include “Colorbond” and are restricted to a maximum height of 1.2 metres.
  - Where a street fence is proposed, the section of side fence located in front of the building setback shall be open or a combination of open panels and masonry columns to match the front fence.
  - Dividing fences is not to adversely affect the flow of surface of surface water or create flooding problems to adjoining properties.
  - Maximum height of side and rear fences behind the building line to be 1.8 metres.
- Access**
- All weather two wheel drive access
  - Driveways to be located a minimum of 6m from an intersection.
  - For rural area the minimum sight distances-is 250m in the 100km/hr speed zone and 180km/hr for the 80km zone
  - Where the driveway exceeds a slope of 6 % appropriate erosion and sediment control is to be incorporated into the design of the access.

<b>Garages Outbuildings and Carports</b>	Maximum size of garages and outbuildings in urban areas shall be as follows:	
	Lot size m2	Shed Size m2
	<750	50
	750-1000	80
	1000-2000	100
	>2000	120
<b>Ridgelines</b>	<ul style="list-style-type: none"> <li>Development roofline must not project above the ridgeline where visible from any public road or place.</li> </ul>	
<b>Slope &amp; Cut and Fill</b>	<ul style="list-style-type: none"> <li>The slope of the development site cannot exceed 15degrees.</li> <li>Cut is to be limited to 1,000 mm.</li> <li>Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.</li> <li>Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.</li> <li>Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.</li> <li>Cut and fill is not permitted within water or sewer easements</li> </ul>	
<b>Pools</b>	<ul style="list-style-type: none"> <li>Pools and fencing to be located behind the building line.</li> <li>Where visible from a public place or road, details of screening to be provided with DA</li> <li>Any associated retaining walls tor decks not to exceed 1.0 m above the natural ground surface.</li> <li>Pool pump enclosure to be placed greater than 15 m from a habitable room in any dwelling adjoining the property or within a sound proof enclosure.</li> <li>Compliance with the relevant Australian Standards – please check with Council to ascertain the correct standard.</li> <li>Pools over 40,000 Litres require a BASIX Certificate to be provided with application</li> </ul>	
<b>Energy Efficiency</b>	<ul style="list-style-type: none"> <li>New Dwelling – Has a BASIX Certificate</li> <li>Alteration and Additions that do not exceed \$50,000 in value shall provide R3 Ceiling insulation and R1.5 wall insulation (to be shown on the plans)</li> </ul>	
<b>Permissibility</b>	<ul style="list-style-type: none"> <li>The lot is to comply with the minimum area as designated on the LEP 2012 Lot Size Map.</li> <li>Dwellings in rural zone must have a staged dwelling approval or comply with the minimum lot size.</li> </ul>	
<b>Heritage</b>	<ul style="list-style-type: none"> <li>Heritage items are excluded from the fast track provisions.</li> </ul>	



## 2.2 DUAL OCCUPANCY DEVELOPMENT “DEEMED TO SATISFY” PROVISIONS

The following criteria must be met to qualify for the “fast track” application process.

- Minimum** Attached Dual Occupancy – minimum area 600m<sup>2</sup>  
**Lot Size** Detached Dual Occupancy – minimum area 800m<sup>2</sup>  
 Detached dual occupancy is PROHIBITED in the R2 Low Density Residential Zone.

### Building Setbacks

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line or average of adjoining properties 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary
R1, R2 and R3 where Lot size is greater than 901m <sup>2</sup> , less than 1,999m <sup>2</sup>	6.5m to building line or average of adjoining properties 7.5 to the garage	900mm	2m
R2 where 2000 m <sup>2</sup> to 1 ha	15m	5m	7.5m
R5 Less than or equal to 5ha. in area	30m	20m	15m
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m

\*Applicant to nominate front and secondary setback.

- Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.
- Where the lot is located on the State Highway or Goolma Road the front setback is 200 m and the side setback is 20 metres.

- Building Height**
- Single storey (Single storey dwelling is one that has only one storey (as defined by the BCA) and the Finished Floor Level (FFL) is less than 1 metre above natural ground level.

- Design**
- Council will not consider mirror reversed or duplication of design for the two dwellings when fronting streets.
  - 75% of Internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).
  - For attached and detached dual occupancies, any separation between the two dwellings is to be a minimum of 3 metres apart;
  - Compliment the appearance of the streetscape through the replication of the

scale, spacing, fenestration, articulation, roof forms, setbacks and landscaping of dwellings on adjoining and surrounding lots. All dual occupancies must have direct street frontage; that is no dual occupancy can be developed in a battleaxe arrangement.

- No windowless facades at the street frontage(s).
- Street elevations are to include at least 5% of openings including windows, doors.
- The dwellings shall not be relocated or manufactured homes.
- Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of each dwelling.
- Cannot be a transportable or relocated building

#### **Slope & Cut and Fill**

- The slope of the development site cannot exceed 15 degrees
- Cut is to be limited to 1,000 mm.
- Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
- Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.
- Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
- Cut and fill is not permitted within water or sewer easements

#### **Open Space**

- Private open space should be on the northern or eastern side of the dwelling with direct access to the main living areas. Cannot be forward of the building line.
- Each dwelling shall have one principal private open space with a minimum area of 80 square metres and a minimum dimension of 5 metres (depth and width).
- For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and kitchen.
- Decks, balconies and alfresco areas at or near ground level may only be counted as principal private open space area where they have direct northerly aspect and are no more than 25% of the private open space requirement.
- Council may consider private open space within the front setback.
- Where courtyards in the front setback are permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary.

Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of such areas is prohibited in favour of timber or masonry materials.

- At least 75% of each required private open space area, courtyard, balcony, terrace or the like shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).
- Council may require submission of shadow diagrams to demonstrate

compliance with the requirement above

- Site Coverage**
- Maximum site coverage of 35%.
- Parking**
- Each dwelling to have two car parking spaces, at least one being a garage. The second space may be provided in a stacked arrangement in front of the garage providing the space is contained wholly within the subject site.
  - All parking and manoeuvring areas to be hardstand.
  - Driveways to be located 6m from an intersection.
- Utilities**
- Buildings and structures are to be located clear of utility infrastructure (Minimum 1m from light/power poles)
  - No building can be located within an easement for the purposes of utility infrastructure.
  - Structures are to be located 1500mm from the centre line of the water/sewer main.
  - Details of water supply and sewer reticulation are to be provided. If the development is within 500 m of the reticulated water and sewer network it must connect to that reticulated network.
  - Dual Occupancy will not be permitted on allotments less than 5 ha where reticulated water and sewer is not connected.
  - Where no water supply is available, a minimum tank storage of 60,000L is required, of which a minimum of 10,000L is retained for fire fighting purposes for each dwelling.
  - Where there is no reticulate sewer system than approval is required for onsite disposal in accordance with Section 68 of the Local Government Act 1919
  - Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable.
  - No building over flow paths, no increase in flows.
- Fencing**
- All dual occupancy developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units (all residential zones excluding R5 zone). All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.
  - Dividing fences is not to adversely affect the flow of surface of surface water or create flooding problems to adjoining properties.
  - For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines.
  - Maximum height of side and rear fences behind the building line to be 1.8 m.
- Heritage**
- Heritage items are excluded from the fast track provisions.

## PART 3 DISCRETIONARY DEVELOPMENT STANDARDS

Where a development does not comply with the “Fast-track” criteria a normal development application may be lodged. In lodging the development application justification must be given to the variation from the fast track criteria by addressing the objectives outlined in the discretionary standards relevant to the particular type of development.

The discretionary standards represent the standard that Council wishes to apply to development. Variation to these standards will only be considered in extraordinary circumstances and will need to be fully justified due to the unique circumstances of a particular case.

### 3.1 RESIDENTIAL DEVELOPMENT IN URBAN AREAS (SINGLE DWELLINGS AND DUAL-OCCUPANCIES)

#### Buildings Setbacks

- a) Setbacks must be compatible with the existing and/or future desired streetscape.
- b) Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.
- c) Garages are to be setback a minimum of 5.5 metres from the front boundary.
- d) Side and rear walls within 900mm and eaves within 450mm of boundaries are to comply with the BCA requirements for fire rating

#### Deem to satisfy

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary
R1, R2 and R3 where Lot size is greater than 901m <sup>2</sup> , less than 1,999m <sup>2</sup>	6.5m to building line 7.5 to the garage	900mm	2m
R2 where 2000m <sup>2</sup> to 1ha	15m	5m	7.5m

#### Building Height

- a) Elevated housing developments must minimise the impact on areas of predominantly single storey housing.
- b) Building height must ensure that adjacent properties are not overlooked or overshadowed.

Deem to satisfy is a single storey building with a FFL of less than 1 metre above Natural Ground Level.

**Site Coverage**

- a) Stormwater runoff must not exceed infrastructure capacity.
- b) Development must be an appropriate bulk and scale for the existing residential surrounds.
- c) Dual occupancy development is not to exceed 50% site coverage.

Note: Site Coverage means:

The proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- Any basement,
- Any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- Any eaves
- Unenclosed balconies, decks, pergolas and the like.

Deem to satisfy is 35% site coverage

**Solar Access**

- a) Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings.
- b) Dwellings are to be positioned to maximise solar access to living areas.
- c) Shadow diagram must include:
  - Location, size, height and windows openings of buildings on adjoining properties;
  - Existing shadow-casting structures such as fences, carports, hedges, trees etc.; and
  - Topographical details, including sectional elevations where land has any significant slope.
- d) Living areas and gardens should be orientated to the north to maximise solar access to these areas.
- e) North-facing pitched roofs should be incorporated where possible to provide opportunity for solar energy collectors.
- f) Solar access should be controlled within buildings to allow warm winter sun to penetrate rooms while excluding hot summer sun by:
  - Using horizontal projecting screens such as balconies, awnings, verandah roofs, pergolas and wide eaves; and
  - Use of ceiling insulation.

Deem to satisfy  
Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).



**Privacy**

- a) Development must ensure that reasonable privacy is achieved for new dwellings and existing adjoining residences and private open space.

Deem to satisfy  
Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.

**Parking**

- a) Development must provide adequate off-street parking to maintain the existing levels of service and safety on the road network.
- b) Parking areas and access driveways must be functional in design.
- c) Parking areas should be visually attractive and constructed, designed and situated so as to encourage their safe use.
- d) The number of spaces is determined based on the occupation potential. Note: rooms capable for use as a bedroom, e.g. 'study' are counted as a bedroom.
- e) Any vehicle entering or leaving the driveway must be visible to approaching vehicles and pedestrians.
- f) Driveway access to a major road should be avoided where possible.

Deem to Satisfy  
Two (2) spaces per dwelling

**Land-scaping**

- a) Landscaping must enhance the quality of the built environment.
- b) Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winter winds.
- c) Plants with low maintenance and water requirements should be selected.

**Open Space**

- a) Sufficient open space must be provided for the use and enjoyment of the residents.
- b) A plan shall be submitted which demonstrates that the dimensions of the open space provides for functional space, including placement of outdoor furniture.
- c) Open space areas provided must be suitably located and landscaped to obtain adequate sunlight and protection from prevailing winds.
- d) Private open space for dual occupancy development is to be a minimum area of 80m<sup>2</sup> and have a minimum dimension of 5 metres (depth and width).
- e) Private open space for dual occupancy development is to be located behind the front building line and on the northern, eastern or western side of the dwelling.

Deem to satisfy  
 Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m<sup>2</sup> with a minimum dimension of 5 metres.

- Corner lots**
- a) Development must address both street frontages.
  - b) Utility windows are not permitted on either elevation with frontage to the street unless they are integrated into architectural features of the development.

**Fencing**

Fencing facing the street or forward of the building line must avoid extensive lengths of 'Colorbond' as it presents a barrier to the street.

Solid fencing of a length greater than 30% may be permitted where landscaping is provided to soften the visual impact on the streetscape.

Deem to Satisfy  
 1.8 metre high fence to all boundaries including private open space areas.  
 All fencing forward of building line cannot be 'Colorbond' (All Residential zones excluding R5 zone).

- Infra-structure**
- a) Surface infrastructure (e.g. tanks, clotheslines) must not be located within front setback.
  - b) Surface infrastructure must not be visible from the street.
  - c) Garbage storage locations must be included in landscape plan and show how they will be screened.

- Out buildings**
- a) Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for urban areas.

Lot size m2	Shed Size m2
<750	50
750-1000	80
1000-2000	100
>2000	120

**Development near Ridgelines**

- a) A ridgeline is considered an elevated section of land, visible from beyond the individual property boundary.
- b) Development shall protect key landscape features, being the dominant ridgelines and slopes and the intermediate ridges forming a visual backdrop to existing and future urban localities and places of special landscape amenity.
- c) Development should not be visually intrusive or degrade the environmental value, landscape integrity or visual amenity of land.
- d) The dwelling-house and associated buildings must not be visible above the existing skyline or any prominent ridgeline or local hill top.
- e) The dwelling-house and associated buildings will be constructed from low reflectivity building materials and incorporate colours which are visually unobtrusive in relation to the surrounding environment.

**Slopes**

- a) Development maximises retention of natural ground levels and contours. b) Drainage is to avoid erosion of gullies, slopes and drainage lines in the locality.
- c) Cut and fill, earthworks, retaining walls, unprotected embankments and terraces etc are setback from boundaries such that there is no impact on the privacy or visual amenity of adjoining dwellings and their private open space. d) Cut and fill, earthworks, retaining walls, unprotected embankments and terraces etc are setback from boundaries such that they do not redirect the flow of surface water onto adjoining properties.

**Deem to Satisfy**

- Cut is to be limited to 1,000 mm.
- Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
- Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.
- Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
- Cut and fill is not permitted within water or sewer easements

**Access**

- a) All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.

**Relocated Dwellings**

- a) Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.

**Adapt ability**

- a) Adaptable housing design must incorporate practical and flexible features to meet the changing needs of residents of different ages and abilities over time. For example,

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hobless shower area, space for wheelchair access, height of light switches, arrangement and size of rooms,

**Design Principles**

- a) Design should maximise surveillance with clear sightlines between public and private places, effective lighting of public places and landscaping that makes places.
- b) Physical and symbolic barriers should be used to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit crime.
- d) Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height.
- e) Well-proportioned building form that contributes to the streetscape and amenity.
- f) Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.
- g) Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction.
- h) Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.
- i) Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility).
- j) Optimise safety and security, both internal to the development and for the public domain.
- k) Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.
- l) Council will not support dual occupancy development where both dwellings are pre-manufactured or relocatable homes in urban zones.

## PART 4 SPECIFIC TYPES OF DEVELOPMENT

### 4.1 MULTI DWELLING HOUSING

The provisions of this section apply to multi dwelling housing, residential flat buildings, villa and town house forms of development.

The location of multi-dwelling housing is only permissible on lots with an area of at least 1,200 m<sup>2</sup> and should comply with the following:

- Be located within the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village Zone; or
- Be on a lot with two street frontages; or
- Be on any residential lot with a frontage width greater than 25m; or
- Must not be located on a lot which adjoins a lot which is approved for or contains multiple dwellings outside the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village zone.

It is Council's intent to strictly apply this criteria to manage expectations of residents and developers.

#### Built Form

#### Design

- (a) Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with the new development.
- (b) Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.
- (c) The design of the proposal must:
  - Optimise solar access and lot orientation; and
  - Be consistent with the appearance of the streetscape - the scale, spacing, setbacks and landscaping of buildings; and
  - Positively enhance the streetscape.

#### Building Scale Height and Bulk

- (a) Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.
- (b) In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.
- (c) The maximum height of the building at any point shall be measured as the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
- (d) Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.



- (e) Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the amenity, privacy, views and solar access of the surrounding properties.
- (f) Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and landscaped areas.  
 Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadow diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level. In this regard the resultant shadow cast by a structure can vary greatly depending whether the structure is uphill or downhill of the area in question.

**Setbacks**

- (a) 4.5 metres to street frontage
- (b) 3 metres to side and rear boundaries
- (c) 3 metres to secondary frontages

**Development Density**

- (a) The number of units accommodated on a specific site shall be as follows;
  - (i) These density standards apply to the towns of Kandos and Rylstone and to the areas of Mudgee and Gulgong outside the conservation areas, on lots with a single frontage of at least 25m or lots with two street frontages.

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 300m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 380m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 450m <sup>2</sup> of site

- (ii) These density standards apply to the Gulgong and Mudgee Conservation areas:

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 250m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 280m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 310m <sup>2</sup> of site

- (b) the minimum floor area (excluding balconies and garages) for multi-dwelling housing are as follows;

Unit Type	Floor Area m <sup>2</sup>
1 Bedroom unit	55
2 bedroom unit	70
3 bedroom unit	85

A residential flat building may contain any combination of one, two and three bedroom units.

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- Landscaping**
- (a) Site landscaping must not be less than 40% of the site area.
  - (b) Landscaping shall consist of well advanced trees and shrubs, preferably with a predominance of native species.
  - (c) The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.
  - (d) landscaping is to be completed prior to the release of the Construction Certificate.
- Site Coverage and Private Open Space**
- (a) The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a percentage of the total site area, shall not exceed 40%.
  - (b) Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms.
  - (c) Rainwater tanks are not to be located within the principal private open space.
  - (d) Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.
  - (e) Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space.
  - (f) Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials.
  - (g) For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.

**Vehicular Access and Parking**

- (a) The table for calculating the total number of car parking spaces required is shown below. One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space required for a unit must be provided as general visitor parking or as an open space associated with the unit.

Type of Parking	Spaces provided
Residential Parking	1 space per 1 bedroom flat  2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones in Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)  2 spaces per 3 bedroom flat or cluster dwelling
Overflow Parking	1 space per 5 units – not required for developments of 3 or less units

Note: Car parking calculations shall be rounded up to the nearest whole number.

- (b) For dwellings above commercial premises, car parking shall be provided at the above mentioned rates, except in the case of a single dwelling, which requires one car parking space only.
- (c) Car parking must be designed so that either ingress to or egress from each space can be achieved in one movement.
- (d) Parking shall be located so that vehicles can enter and leave in a forward direction.
- (e) All geometric standards applicable to site access and car parking layout are to be in accordance with Council's Development Control Plan - Car Parking.

**Vehicular Access Design.**

- (f) Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.
- (g) Driveways are to be designed as follows:
- A pavement width of 3 metres is required for developments of 3 to 4 dwellings.
  - A pavement width of 6 metres is required for developments of 5 or more dwellings.
  - Where the length of driveway exceeds 30m, the width of pavement must be 6m

at intervals. This width may be varied along its length subject to provision being made for passing along the driveway.

- (h) Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.
- (i) Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (ie. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape.

### **Privacy and Amenity**

Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.

Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.

Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.

All developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units.

All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.

### **Acoustic Privacy**

- (a) Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.
- (b) Development adjacent to high levels of uncontrollable external noise shall incorporate a building design and external wall treatments to minimise the entry of that noise.

### **Waste Disposal**

Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.

All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard. All garbage bins should be stored within the private open space or garage of the dwelling.

Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact.

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## 4.2 AFFORDABLE MULTI DWELLING HOUSING

### ***State Environmental Planning Policy (Affordable Rental Housing) 2009 [SEPP]***

This SEPP provides incentives for the development of affordable housing in its various forms and should be used as the guideline for development for the purpose of affordable in-fill development, secondary dwellings, multi dwelling housing and residential flat buildings. The policy applies to the Mid-Western Region, however, the SEPP **only** applies where development is within **400m of a B2 Local Centre or B4 Mixed Use Zone**.

The purpose of this part of the DCP is to provide guidelines for the development of affordable multi dwelling housing on land that is further than the 400m prescribed by the SEPP.

#### **Definition**

##### **“affordable housing”**

In these provisions the definitions in the SEPP Affordable Rental Housing apply

##### ***Affordable Housing Principles***

- (a) Affordable housing is to be created and managed so that a socially diverse residential population representative of all income groups is developed and maintained in a locality.
- (b) Affordable housing is to be made available to a mix of very low, low and moderate income households.
- (c) Affordable housing is to be rented to appropriately qualified tenants and at an appropriate rate of gross household income.
- (d) Land provided for affordable housing is to be used for the purpose of the provision of affordable housing.
- (e) Buildings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing.
- (f) Rental from affordable housing, after deduction of normal landlord’s expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), is generally to be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing.
- (g) Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the vicinity.

#### **Application**

The following provisions apply to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:

- (a) the development concerned is permitted with consent under another environmental planning instrument, and
- (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the *Heritage Act 1977*.

#### **Location**

The following provisions apply to land with two street frontages or a single frontage of 25m and:



- Land Zoned R3 Medium Density Residential in Mudgee,
- Within the Conservation Area of Gulgong ,and
- Within the Village Zones in Kandos and Rylstone
- Land within 400m of a Business Zone

**Landscaping** (a) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling shall be provided, or  
(b) in any other case—at least 30 per cent of the site area is to be landscaped,

**Solar Access** living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development shall receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

**Parking** Parking is to be provided at the following rates:

Type of Parking	Spaces provided
Residential Parking	1 space 1 bedroom flat 1 space per 2 bedroom flat 1.5 spaces per 3 bedroom flat or cluster dwelling
Overflow Parking	1 space per 3 units

**Dwelling size** Floor areas are to be as follows:

Unit Type	Floor Area m <sup>2</sup>
1 Bedroom Units	45
2 bedroom units	70
3 bedroom units	85

A residential flat building may contain any combination of one, two and three bedroom units.

**Development Density** The following development density applies

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 250m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 280m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 310m <sup>2</sup> of site

**Design** A consent authority must not consent to development to which this section applies

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- Requirements** unless it has taken into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.
- Character of Local Area** A consent authority must not consent to development to which this section applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
- Must be used for affordable housing for 10 years** A consent authority must not consent to development to which this section applies unless conditions are imposed by the consent authority to the effect that:
- (a) for 10 years from the date of the issue of the occupation certificate:
    - (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
    - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
  - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.
- (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.
- Subdivision** Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.

### 4.3 SEX SERVICES PREMISES (BROTHELS)

<b>Location</b>	<ul style="list-style-type: none"> <li>a) Council will not consider an application for a brothel within view or within a 100 metre radius of a church, hospital, school, community facility, residential zone, or any other place regularly frequented by children for recreational activities or cultural activities.</li> <li>b) An entrance to or exit from a brothel is not to be within 300 metres of the entry to any other approved brothel.</li> <li>c) The interior of the premises is not to be visible from a public place.</li> <li>d) Brothels shall not be located in a building that contains a dwelling(s).</li> </ul>
<b>Size Layout and Design</b>	<ul style="list-style-type: none"> <li>a) An adequate reception/waiting room with a minimum area of 20m<sup>2</sup> is to be provided per premises.</li> <li>b) The premises is to be located on an allotment with a minimum size of 900m<sup>2</sup>.</li> <li>c) A brothel shall be restricted to a maximum of five (5) rooms where sexual services are provided at any one time.</li> <li>d) The brothels appearance shall be discrete and sympathetic with adjoining premises.</li> </ul>
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>a) Provision for 2 car parking spaces per room used for prostitution</li> <li>b) Disabled parking to be provided close to the building entrance in accordance with the AS 2890.1 1993</li> <li>c) Car parking areas to be well lit.</li> </ul>
<b>Signs</b>	<ul style="list-style-type: none"> <li>a) Signs do not display words or images which are sexually explicit or otherwise sexually suggestive.</li> <li>b) The sign identifies only the name of the person who conducts the business or the registered name of the business and be limited to 0.3m x 0.6 m lit by a single globe.</li> <li>c) A clearly visible street number must be displayed.</li> <li>d) There is only one sign per premises.</li> <li>e) The content, illumination, size and shape of the sign is well integrated and compatible with the building it is attached to.</li> </ul>
<b>Security and Public Safety</b>	<ul style="list-style-type: none"> <li>a) Development Applications are to provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to address the number of hours of security personnel and the lighting of access ways and car parking areas</li> <li>b) A private security company is to be engaged to monitor and regularly check entrances and exits.</li> </ul>
<b>General Requirements</b>	<ul style="list-style-type: none"> <li>a) The hours of operation nominated with the development application form part of any approval and businesses will be bound by those hours unless a</li> </ul>

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specific condition of consent is imposed by Council to the contrary.

- b) Should the specified operator change, Council must be notified prior to the business operating.
- c) If the number of sex workers, hours of operation or signage are proposed to be changed, it will be necessary to modify the consent or lodge a new application depending on the scale of the changes.
- d) Persons under the age of 18 years are not to be engaged in the business or permitted on the premises.
- e) No alcohol to be provided or offered for sale.

**Limit on  
Development  
Consent**

- a) All development consents granted to a brothel application shall be initially limited to a period of 12 months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the operation of the business, and in terms of compliance with conditions of consent.

If Council is satisfied that the brothel has operated in an orderly manner with minimal impact upon nearby uses, and in compliance with conditions of consent, it may approve a modification to the consent under the Section 96 of the Environmental Planning and Assessment Act, 1979, to extend the consent.

Council may also impose conditions of consent relating to the hours of operation. This will also be subject of review after the 12 month trial. If, after the 12 month trial, any hours of operation are shown to be causing a nuisance or disturbance in the neighbourhood, the approved hours of operation may be further restricted.

## 4.4 SIGNS

### GENERAL REQUIREMENTS

Full details of sign type, size, lettering, location, colours etc. must be provided with a development application.

All advertising must relate to the lawful uses or activities carried out on the same land on which the advertising sign is to be erected.

### Types

<b>Fascia Sign</b>	Attached to the fascia or return end of an awning.
<b>Pole or Pylon Signs</b>	A sign mounted on a single pole independent of any building or other structure.
<b>Projecting Wall Sign</b>	Attached to the wall of a building and projecting horizontally from the wall.
<b>Roof Sign</b>	A sign mounted on the roof of a building but do not project above the ridge cap. Roof signs will generally not be approved in business or residential zones.
<b>Under Awning/Verandah Sign</b>	A sign attached underneath the awning or verandah at right angles from the façade of the building.
<b>Wall Sign</b>	A sign attached directly to the wall of the building or painted directly onto the wall excluding signs including the parapet of the building.
<b>Window Sign</b>	A sign applied on or inside the glass of windows and doors, or etched, painted or attached to the glass or displayed directly behind the surface.
<b>Flags</b>	supported by a freestanding flag pole and not necessarily displaying any words or logos.
<b>Vertical Projecting Wall Signs</b>	Attached to the wall of a building.
<b>Wine Barrel Signs</b>	Signs which use a wine barrel as the template or mounting.
<b>Floodlit Sign</b>	Illuminated by an external source of artificial light.
<b>Post Supported Signs</b>	A sign supported by a post on either side pole independent of any building or other structure.
<b>Sandwich Board or A-Frame Sign</b>	A free standing sign within the property boundary.

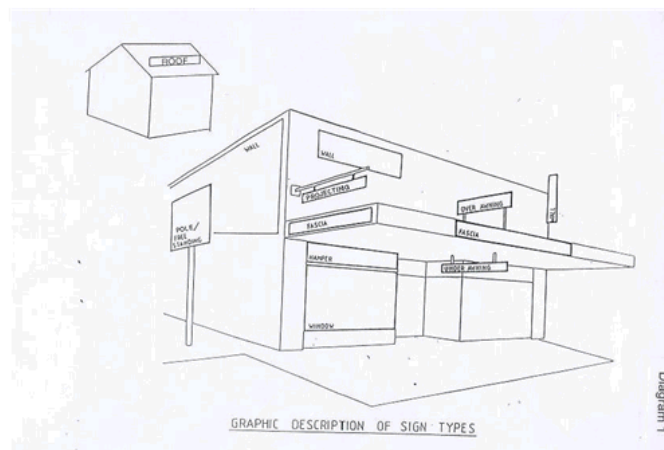
### Prohibited Signs

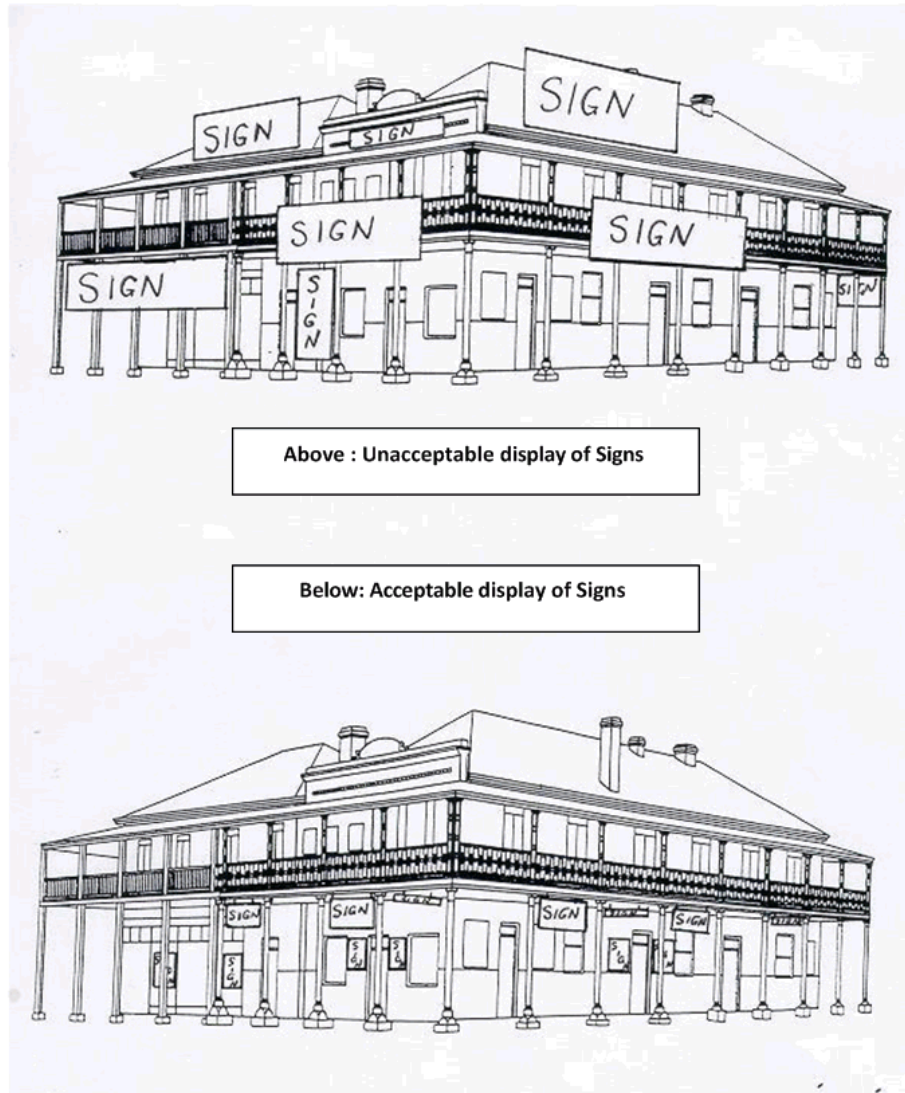
The following types of signs do not contribute to the character of the towns or rural areas and are prohibited.

<b>Advertising Fixed to Trees</b>	Any sign that uses a tree as a pole for mounting.
<b>Above Awning Signs</b>	Signs mounted above the awning or verandah of a building.
<b>Billboards</b>	Additional billboards where the structure is erected for the express purpose of displaying advertising not associated with the use of the land are prohibited.



<b>Bunting</b>	Small flags attached to a single siring mounting between posts or poles usually associated with Motor Vehicle Retailing.
<b>Illuminated Wall Signs</b>	Signs mounting directly onto the building above the level of the verandah or awning.
<b>Corporate Building Signs</b>	Painting buildings to reflect corporate colour schemes as a method of drawing attention to the building is considered to be an extension of advertising signage and will not be permitted.
<b>Flashing Signs</b>	Illuminated at frequent intervals by an internal source of light.
<b>Novelty Signs</b>	Odd shaped signs often three dimensional incorporating items such as cars, wine barrels, "big" product samples etc. Generally will not be permitted in business or residential and rural zones. Council may consider the use of wine barrels in association with wineries and cellar doors.
<b>Sandwich Board Signs</b>	Free standing sandwich board and A frame signs on public land including footpaths other than in the business areas of Mudgee, Gulgong, Kandos and Rylstone.
<b>Under awning Flags</b>	Small flags projecting from the front facade of a building often associated with newsagencies and photographic studios.
<b>Vehicle Signs</b>	Cars, trailers or equipment bearing advertising material do not make a positive contribution to the area and should not be parked for the express purpose of advertising or providing direction to a business.





**Signs in  
 Towns and  
 Villages**

**HERITAGE CONSERVATION AREAS**

- (a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.
- (b) Corporate identification should be carefully selected and amended where necessary to

retain the character of individual buildings and the surrounding locality.

- (c) Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas.

#### **GULGONG HERITAGE CONSERVATION AREA**

- (a) **No new signs or changes to the outside of buildings in this area are permitted without development approval.** This provision also applies to repainting, replastering and/or other external redecoration of buildings.
- (b) Council is required to assess the colour, size, style and architectural/aesthetic impact of proposed works in the Conservation Area.
- (c) Internally illuminated advertisements are not permitted in the Gulgong Conservation Area. External illumination such as spot lighting is encouraged, provided the intensity of illumination is not obstructive in the surrounding area.
- (d) In Gulgong lettering should conform, where possible, with the style used in the 1850 - 1900 period (the most common types were Egyptian (antique), Ionic (Fat Clarendon) and Grosteque (Sans Serif).

#### **Business Areas**

- (a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.
- (b) **Under-awning/verandah signs** must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning/verandah.
- (c) **Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs** are not permitted in both Mudgee and Gulgong business areas.
- (d) **Wall signs** should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powdercoated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.

#### **Industrial Areas**

- (a) **Non-Illuminated Pole/pylon** signs and directory boards shall be limited to a maximum of 6m<sup>2</sup> advertising area and a maximum overall height of 5 metres. In general the bottom of a pole or pylon signs should be at least 3 metres above ground level.
- (b) **Illuminated Pole or pylon** signs must have a maximum area of 4m<sup>2</sup>.
- (c) A maximum of one pole or pylon sign can be erected without Council approval if the above requirements are met.
- (d) A maximum of two (1) pole or pylon signs shall be permitted per site frontage.
- (e) In the case of an **industrial multi unit complex**, one (1) directory sign board of up to 8m<sup>2</sup> in any area may be permitted with approval. Each industrial unit may have a sign at the entrance of each unit having the maximum dimensions of 2000mm by 600mm without approval.

**Business  
Activity  
Centres**

- (f) One **sandwich board** sign per site is permitted without approval however must be located inside the property boundaries and weighted and securely fixed so that it will not blow over. A maximum area of 2m<sup>2</sup> per side applies.
- (g) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.
- (h) Individual directional signage will not be permitted

Business Activity Centres are areas where a number of businesses exist which are not on the main traffic routes and can demonstrate a need to provide direction for customers to the site.

These areas include:

- Gulgong Industrial Estate
- George Street Mudgee Industrial Area
- Depot Road Mudgee Industrial Area
- South Mudgee Shops
- Industrial Avenue, Mudgee
- Cooper Drive, Rylstone

Council will allow the erection of one major directory sign for each business activity centre, on land not necessarily utilised by the businesses.

Development Approval is required for these signs.

**Residential  
Areas**

There are a number of businesses outside traditional shopping centres and industrial estates as well as many home industries.

Businesses in residential areas must have special controls to maintain the residential amenity of the neighbourhood.

**The following criteria must be met for businesses in residential areas:**

- (a) The sign shall only display the name and nature of the business, including address, hours of business, telephone number and the like;
- (b) The sign shall not be larger than one metre long and 300mm high;
- (c) The sign shall not be erected higher than one metre above ground level;
- (d) The above provisions apply to signage on the building or site of the business. Advertising signage on other land will not be permitted.
- (e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.
- (f) Any other signs to be erected on a property shall be considered in accordance with the type of business and whether there are any “existing-use” rights for signage.
- (g) Generally, only one sign will be allowed for home industries and home occupations.

**Rural Areas**

The following criteria must be met for businesses in rural areas and includes signs relating to Landcare and Community Projects:

- (a) Advertising signs must describe premises and be located on private land, not in the road reserve.
- (b) Maximum of one sign only per site.
- (c) Maximum height of 2.5m

- (d) Maximum area 2m<sup>2</sup>
- (e) Made of Non-reflective material.
- (f) Must be free standing post sign
- (g) Must be set back 3m if located on a corner or intersection of a road
- (h) Not illuminated

**Tourist Signage**

Tourist related development includes winery and cellar door facilities, restaurants, accommodation and other businesses catering for tourists.  
Signs on private land must relate to the business contained on the land itself.

**IDENTIFICATION SIGNS**

These are post supported or wall structures located at the front of the site with the express purpose of identifying the business or facility to the travelling public.

- (a) Post supported structures max. height of 3m above ground level or an advertising area of more than 3m<sup>2</sup> with typical dimensions being 1.2m x 2.5m.
- (b) Identification signs must relate to a lawful or approved use of the land and be located on private land, not in the road reserve.
- (c) The size, colour and shape of the signs will generally be left to the discretion of the business but should not include the use of bright or fluorescent colours or highly reflective or illuminated materials.
- (d) Each property shall be allowed **two Identification signs** (which may be double sided). In circumstances when the property has two road frontages Council will consider a third sign on the secondary frontage where that frontage has a minimum of 250m.
- (e) In circumstances where there are two or more businesses operating from a site, Council will consider increasing the maximum sign face area from 3m<sup>2</sup> to 4m<sup>2</sup>.

**ENTRANCE SIGNS**

Signs incorporated into the primary entrance of the site and may include fencing or walls. Advertising incorporated into the entrance structure is restricted to the name of the premises. In circumstances where the business operates after sunset, Council will consider low intensity external illumination of entrance signage.

**VINEYARD IDENTIFICATION SIGNS**

These signs can be erected when the vineyard name has been used on a wine bottle label. The maximum dimension of such signs shall be 3.0m<sup>2</sup>. They shall contain only the company and vineyard name and the design of the sign face should reflect the design on the bottle label.

**INTERNAL SIGNAGE**

This includes signs that direct visitors within the site and include entry/exit signs, toilet and parking facilities, picnic areas and the like. These signs only require approval if they can be viewed from a public road.

**LARGE SCALE TOURIST DEVELOPMENT**

Council will consider an integrated approach to signage for large scale tourist developments outside the dimensional requirements identified above. Large scale developments must lodge a development application that details a signage theme for the property as part of the overall landscape design. In assessing such an application consideration will include;



- (a) Surrounding landscape
- (b) Impact on the rural character of the locality
- (c) Integration of the signage with buildings and other landscape characteristics.

**Maintenance  
and Illegal  
Signs**

- (a) Signage is a reflection on the community as a whole. Council will not tolerate amateurish and poor quality signage.
- (b) A person intending to erect a sign should refer to a qualified sign writer for advice in relation to size, colour, location and design.
- (c) Unprofessional signs will be resisted. In circumstances where, in the opinion of Council, signs become unsightly or unsafe, Council will require the removal, repair or replacement as appropriate under the particular circumstances.
- (d) In circumstances where signs have been erected without prior approval of Council, a notice will be issued requesting the landowner to remove the subject sign. After a reasonable period, Council may pursue legal action where such a request has been ignored.
- (e) Signs that have been erected or placed on public land or within a road reserve without the approval of Council will be impounded without notice and administrative fees levied for their release. After 3 months signs may be sold to offset Council's costs.

**Temporary  
Signage**

- a) Temporary signage for the purpose of advertising a major or charitable event is permitted to be erected on any land (with the owner's consent) for a period of one (1) week prior to the event,
- b) This type of signage may include Variable Message Boards,
- c) This does not permit local businesses advertising particular sales or the like,
- d) Only one sign is permitted per event (multiple signs around a town are not permitted).

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## 4.5 COMMERCIAL DEVELOPMENT

- Building Setbacks**
- (a) No minimum front setbacks apply.
  - (b) Side and rear must comply with Building Code of Australia (BCA)
- Signage**
- Refer section 4.4 Signs
- Design**
- (a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.
  - (b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space
  - (c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials
  - (d) Consider elements within established heritage buildings and how its application may be applied to new development
  - (e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.
  - (f) Design of new development should seek to be sympathetic to heritage items not reproduce them.
  - (g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road.
  - (h) Development on a corner must include architectural features to address both frontages.
  - (i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.
- Scale form and height**
- (a) The LEP controls the height of buildings to a maximum of 8.5m
  - (b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.
  - (c) Gulgong has a building height limit to a maximum of 5m
- Mortimer & Church Street Mudgee**
- (a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.
  - (b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.
  - (c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels , every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.

<b>Articulation and Facade Composition</b>	<ul style="list-style-type: none"> <li>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</li> <li>(b) Excessive length of blank walls are not supported in the front facade.</li> <li>(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</li> </ul>
<b>Post supported verandahs and balconies</b>	<ul style="list-style-type: none"> <li>(a) Setback a minimum 600mm from edge of kerb</li> <li>(b) Compliment the elements of the building to which it is attached</li> <li>(c) Public liability insurance and approval for works on public land will be required</li> <li>(d) Not interfere with the operations of or access to public utilities or infrastructure</li> <li>(e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.</li> </ul>
<b>Residential-Commercial Interface</b>	<ul style="list-style-type: none"> <li>(a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular .</li> <li>(b) Ground and first floor development should not overlook residential properties</li> <li>(c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</li> <li>(d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</li> <li>(e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.</li> </ul>
<b>Utilities and services</b>	<ul style="list-style-type: none"> <li>(a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste</li> <li>(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.</li> <li>(c) Building and structures are to be located clear of infrastructure</li> <li>(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.</li> </ul>
<b>Traffic and Access</b>	<ul style="list-style-type: none"> <li>(a) All vehicles must be able to enter and exit the site in a forward direction</li> <li>(b) All vehicle movement paths are to be sealed</li> <li>(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities</li> <li>(d) For new commercial development all loading facilities are to be located within the</li> </ul>

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site with no loading to occur from the public road system.

- (e) All loading facilities shall be designed to complying with Australian Standards.
- (f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.

**Pedestrian  
Access**

- (a) Maintain existing covered pedestrian access within the town centres
- (b) Convenient and safe access through parking areas
- (c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.

**Parking**

Refer Specific Provisions relating to parking section 1.3.

**Landscaping**

- (a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.
- (b) Landscaping to comprise low maintenance, drought and frost tolerant species

## 4.6 INDUSTRIAL DEVELOPMENT

The following standards are applicable to all development within industrial zones and industrial development generally.

### Setbacks

Site Area	Street	Side/Rear*	Secondary Frontage for Corner Lots*	Site Coverage
Less than 2000m <sup>2</sup>	6m	nil	4m	60%
2,001 to 5,000 m <sup>2</sup>	12m	nil	10m	55%
Over 5,001m <sup>2</sup>	15m	nil	12m	50%

\*Subject to compliance with fire rating requirements of BCA

### Landscaping

- In the front 5 metre where the site adjoins Sydney Road and in the front 3 metres on other sites.
- Landscaping should be provided in front of the building line to increase the visual presentation of the development to the street
- In the side and rear setbacks where it provides visual relief from a public street or area.
- Landscaping to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.
- Landscaping shall be provided in outdoor car parking areas where >10 spaces are required to provide shading and soften the visual impact of large hard stand area.

### Design

- Low scale building elements such as display area, offices, staff amenities are to be located at the front of the premises and constructed in brick or finished concrete.
- Roof materials are to be non-reflective.

### Fencing

- All security fencing is to be pre-coloured or power coated.
- Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is to be only located behind the front setback.
- Where perimeter fencing is proposed, any access gates are to be setback from the boundary by the length of the largest vehicle accessing the site.

### Utilities

- Statement of servicing to be provided to demonstrate the availability and feasibility of providing water, sewer, and stormwater appropriate for the scale of the development.
- Applications must demonstrate adequate provision for storage and handling of solid waste.
- Liquid Trade Waste Application and facilities are required where liquid



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- wastes (excluding domestic waste from a hand basin, shower, bath or toilet) are to be discharged to Council's sewer system.
- (d) No building can be located within an easement for the purposes of utility infrastructure.
- (e) For water and sewer mains structures are to be located 1500mm for the centre line of the main.
- Traffic and Access**
- (a) A traffic assessment report to be submitted that demonstrates:
- i. Site Access
  - ii. Loading and unloading facilities (to be contained within the site and to be able to cater for largest design vehicle.
  - iii. Safe on-site manoeuvring area for the largest design vehicle
- (b) Unsealed vehicle movement areas are not acceptable due to environmental impacts.
- (c) All vehicles must be able to enter and leave in a forward direction.
- (d) The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- (e) No vehicular access will be permitted to a Main Road where there is an alternate access point.
- (f) Driveways must be provided in accordance with AS2890.1 Parking Facilities.
- (g) A separate sealed hardstand loading area which is capable of accommodating trucks that service the site.
- (h) The loading area is to be provided behind the building line at the side or rear of the building.
- Car parking** Refer section 5.1 Car Parking  
Customer parking should be provided convenient to the public entrance.
- Signage**
- (a) Refer section 4.4 Signage
- (b) Single occupant industrial site:
- i. one free standing advertisement within the 5m landscaped setback; and
  - ii. one advertisement integrated within the facade of the building, but no higher than the building roof line.
- (c) Multiple unit industrial site:
- i. one index board near site entrance or within the 5m landscaped setback; and
  - ii. one advertisement integrated within the facade of each unit, but no higher than the building roof line.
- Outdoor lighting and noise**
- (a) Must comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*.
- (b) Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.
- (c) External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.

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- Subdivision**
- (a) Minimum 30 metre frontage for lots.
  - (b) Roads to be designed to AusRoads standards for B-Doubles.
  - (c) Lots are to be provided with reticulated water and sewer.
  - (d) Stormwater drainage and water quality standards are to be implemented – see Section 5.3 – Stormwater Management
  - (e) All lots are to be provided with services for telecommunications and underground electricity
  - (f) Lots are to be designed to be B-double accessible.
  - (g) All roads with new subdivisions are to be constructed with bitumen.

## 4.7 TREE PRESERVATION ORDER

A Tree Preservation Order exists in two forms, one being a significant tree register applying to the LGA and the second being specific approval for certain trees in the Village zone in Rylstone, Kandos, Charbon, Clandulla and Ilford.

### Mudgee and Gulgong

Mudgee and Gulgong Town and Environs – Specific trees have been identified as significant with in accordance with the table below:

LOCATION	SPECIES	SINGLE / GROUP
Tramp Café, Market Street, Mudgee	Betula pendula - Silver Birch	Single
Lot 671 Rifle Range Road, Mudgee	Angophora floribunda - Apple Gum	Group
Kelletts Carpark, Mudgee	Eucalyptus camaldulensis - River Red Gum	Single
158 Robertson Street, Mudgee	Eucalyptus cladocalyx - Sugar Gums	Group 16
Lot 2 Barigan Road, Wollar	Eucalyptus melliodora - Yellow Box	Single
472 Ridge Road, Cooks Gap	Ficus macrophylla - Morton Bay Fig	Single
Roadside Vegetation along Whitehorse Road between Spring Creek Rd & Henry Lawson Drive (including Snelsons Ln from Whitehouse) to form "T" shaped area of bush	Various Eucalyptus species - roadside vegetation	Various
Flirtation Hill, Mudgee	Eucalyptus calophylla - Marri, Port Gregory Gum	
49 Church Street Mudgee	Sebal plametto - Cabbage Palm	Two
Hospital Grounds Mudgee	Eucalyptus maculata - Spotted Gum	Group 84
Police Station Mudgee	Eucalyptus camaldulensis - River Red Gum	Single
Wilbetree Road	Eucalyptus camaldulensis - River Red Gum	Single

The consent of Council is not required for any tree not identified on the register.

### Rylstone, Kandos, Charbon, Clandulla and Ilford

- (1) This provision applies to all land within Zone RU5 Village in Rylstone and Kandos.
- (2) A person shall not, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree without the consent of Council.
- (3) The consent of Council is not required:
  - i. for any tree having a height not exceeding 4m and a trunk diameter not exceeding 150mm (measured 1m above ground), or

- ii. for the pruning of any tree for the purpose of its regeneration or shaping, or
- iii. where the action proposed with respect to the tree is necessary to prevent imminent personal injury or imminent damage to property, or
- iv. where the tree has otherwise become dangerous, or
- v. for the removal of noxious plants.

## PART 5 DEVELOPMENT STANDARDS

### 5.1 CAR PARKING

Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded-up.

Where it is proposed to change the use of an existing retail premises/ floorspace to a restaurant, dining, and/or take food bar, additional car parking shall not be required where car parking cannot be provided on site.

Land Use	Car Parking Requirement
Dwellings (including dual occupancy)	2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage provided that the space is contained wholly within the site.
Multi Unit Housing <ul style="list-style-type: none"> <li>• Resident Parking</li> <li>• Over flow parking Parking</li> </ul> Offices and Business Premises	1 space per 1 bedroom flat  2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones ion Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)  2 spaces per 3 bedroom flat or cluster dwelling  1 space per 5 units – not required for developments of 3 or less units 1 space per 30 m <sup>2</sup> gross floor area (gfa)
Bulky Goods Manufacturing Warehouse	1 space per 50m <sup>2</sup> GFA 1 space per 75m <sup>2</sup> GFA 1 space per 100m <sup>2</sup> GFA
Restaurants or cafes or Take away food and drink premises	1 space per 7 m <sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).  1 space per 4m <sup>2</sup> for licensed floor including outdoor seating or dining
Drive thru food service	10 spaces, either in queue or as normal parking
vehicle body repair workshops, and vehicle repair stations	5 spaces per vehicle workbay
Recreation facilities indoor	3 spaces per court or lane



including Squash Courts, Tennis Courts and Bowling Alleys	
Other Recreation Facilities	As determined by Council, but generally a minimum of 20 spaces plus spectator parking.
Vehicle sales or hire premises	1 space per 50 m <sup>2</sup> of display area
Hospitals	1 space per 3 beds, plus 1 space per 2 staff (day shift)
Pub	Within the Commercial Core B3 zone, car parking study required. All other areas, 1 space per 5m <sup>2</sup> of public/licensed area plus 2 spaces per 3 guest rooms plus 2 spaces per 3 employees.
Tourist and Visitor Accommodation	1 space per unit, plus 2 spaces per 3 employees plus if restaurant included: 1 space per 7 m <sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).  1 space per 4m <sup>2</sup> for licensed floor including outdoor seating or dining
Service Stations and Highway service centres	6 spaces per service bay (including automatic car wash bay), plus 2 driveway spaces per fuel bowser
Educational Establishments	1 space per staff member, plus adequate pickup space, plus 1 space per 10 senior students (Year 11 and up), plus Provision for at least three (3) parking spaces for buses.
Shops	1 space per 30 m <sup>2</sup> gfa
Places of Public Worship, Entertainment Facilities, Community facilities,	1 space per 4 seats or 1 space per 10m <sup>2</sup> of gfa whichever is the greater.
Amusement Centres	1 space per 4 machines
Bulky Goods Retailing, rural supplies, hardware and building supplies	1 spaces per 50m <sup>2</sup> gfa
Garden Centres, landscape material supplies and plant nurseries	1 space per 500m <sup>2</sup> of site area (minimum of 5 spaces) plus 0.5 spaces per staff member.
Child Care centre	1 space per 4 children.
Surgeries and Medical Centres	3 spaces per consulting room, plus staff parking.
Other Uses	Other uses not listed in this Development Control Plan shall be assessed individually heaving regard to the expected traffic generation.
Varying of Standards	Where site conditions warrant, Council may vary the above standards by up to 10% provided the applicant lodges a formal objection, including reasons, against the subject standard.  This is likely to require a car parking and/or traffic impact assessment as means of justification for the variation.

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- Hours of Operation**
- a) Off-Peak development is development which operates or carries out its business outside the peak demand periods for parking which is generally between 9.00 am and 5.00 pm weekdays.
  - b) Development of this type will be assessed in accordance with DCP and have regard to the characteristics of the proposed development, its hours of operation and the availability of publicly accessible parking in walking distance of the development site.

- Change of Use**
- Where existing premises are proposed to be redeveloped or their uses changed, the following method of calculating car parking requirements shall apply.
- a) determine the parking requirement of the previous or existing premises in accordance with the parking rates contained in this plan;
  - b) determine the parking requirement of the proposed development in accordance with the parking rates contained in this plan;
  - c) subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above; and
  - d) the difference calculated in (c) above represents the total parking spaces to be provided.

For a re-development or new development or any additional floorspace in excess of 100m<sup>2</sup> car parking shall be calculated and provided in accordance with the Development Control Plan.

- Car Parking Credits**
- Historic parking credits for lawfully established uses are recognised under this clause and evaluated in accordance with the DCP.

Frontage credits related to parking availability on-street. The parking frontage credit calculation is the subject lot width reduced by the extent of driveways and no-parking zones.

The parking credit available is the historic credit and the frontage credit.

- Heritage Incentive**
- The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application.

The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.

- Landscaping**
- a) Parking facility design shall consider the likely visual impact of the parking facility in the locality and provide an integrated landscape design addressing amenity impacts.

- b) A landscaping plan including details of species selection of mature shade trees, species condition, size of beds, under storey and ground cover planting, irrigation provision shall be submitted to Council for approval.
- c) Landscaping shall be provided to separate pedestrian and vehicle conflict points where possible.
- d) Landscaping provision for sun control (shading) shall be provided at the rate of 1 shade tree for every 6 car parking spaces.
- e) Existing trees on site are to be retained where possible.

Note: Design and layout including manoeuvring, provisions of accessible spaces and access reference should be made to AS 2890.1 Parking Facilities

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## 5.2 FLOODING

- Definitions** *Flood compatible materials* include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached in **Appendix A**.
- Flood evacuation strategy* means the proposed strategy for the evacuation of areas during periods of flood as specified within any policy of Council, the Floodplain Management Plan, the relevant (SES) Flood Plan, by advices received from the SES or as determined in the assessment of individual proposals.
- Flood prone land* means land indicated on the map marked “Flood Prone land” deposited in the office of Council and amended from time to time.
- Freeboard* is a height above the design floor level or ground level which compensates for factors such as wave action, localised hydraulic effects and construction variations.
- Note: Reference to freeboard in this Plan refers to an increased height of 0.5 metres except adjacent to Redbank Creek (within the Mudgee Township and Environs Floodplain) where it refers to an increased height of 1.0 metres.*
- Probable Maximum Flood (PMF)* means the flood calculated to be the maximum likely to occur.
- Flood Risk Precincts** Each of the floodplains within the local government area which have been subject to flood investigations have been divided based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP’s) are outlined below.
- **High Flood Risk**  
Land that is below the 100 year ARI flood that is subject to high hydraulic hazard (ie provisional high hazard in accordance with the Floodplain Management Manual) or areas that are isolated in a 100 year ARI flood due to evacuation difficulties.
  - **Medium Flood Risk**  
Land below the 100 year ARI flood level that is not subject to high hydraulic hazard and where there are no significant evacuation difficulties.
  - **Low Flood Risk**  
All other land within the floodplain (i.e. within the PMF extent) but not identified as either in a high flood risk or medium flood risk precinct.
- Development controls** The development controls apply to all known potentially flooded areas (that is up to the largest estimated flood including the PMF when known). The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Management Study and Plan. The categories applicable to each floodplain are depicted on the planning matrices in Appendix A as follows:

- **Matrix 1** – Urban Floodplains
- **Matrix 2** – All other floodplains.

Performance Criteria

- The proposed development should not result in any increased risk to human life.
- The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.
- The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required.
- Development should not detrimentally increase the potential flood affectation on other development or properties.

**Fill** Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted.

This standard applies to watercourses in the high hazard flood risk precinct.

**Development Application** Applications must include information which addresses all relevant controls listed above, and the following matters as applicable.

**Minor Additions** Applications for minor additions (refer to the Land Use Categories in Appendix A) to an existing dwelling on Flood Prone Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.

**Survey plan required** Development applications for Flood Prone Land shall be accompanied by a survey plan showing:-

- The position of the existing building/s or proposed building/s;
- The existing ground levels to Australian height datum around the perimeter of the building and contours of the site;
- The existing or proposed floor levels to Australian height datum; and
- A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct.

Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum.

**Flood Study**

For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For



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smaller developments the existing flood study may be used if available and suitable (e.g. it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice.

A flood study must demonstrate that the cumulative impact of a development on flood levels for up and downstream properties is negligible.

### 5.3 STORMWATER MANAGEMENT

All development will need to address the issues associated with managing water on the site. Specific design and specification is attached as Appendix B.

#### PERFORMANCE TARGETS

Table 1 Development Categories, Performance Targets & Relevant references

Development Categories	Performance Target(s)	Requirements (refer below)	Section in the Technical Guidelines – Appendix B1
Single dwelling and Dual occupancy development	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A	0
Multi Dwelling housing	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A B C	0 3 4
Residential development in areas of high ground salinity	I. BASIX II. Quality Management During Construction III. Quality Management During Operation IV. Salinity prevention	A C D F	0 4 5 7
Roads in urban areas and Car Parks (> 5 cars) including new roads on subdivisions and road widening	I. Quality Management During Construction II. Quality Management During Operation III. Salinity Prevention (where applicable)	C D F	4 5 7
Commercial, Industrial Developments & Mixed Use	I. Quality Management During Construction II. Quality Management During Operation III. Water conservation IV. Salinity Prevention (where applicable)	C D E F	4 5 6 7
All other types of development including Council development that requires approval under the EP&A Act.	I. Quality Management During Construction II. Quality Management During Operation III. Water conservation IV. Salinity prevention only where applicable	C D E F	4 5 6 7

**A BASIX**

The Development proponent shall meet all obligations included on their BASIX certificate.

**B QUANTITY MANAGEMENT DURING OPERATION**

**EXEMPTIONS TO THIS PART**

Rural development and development which is located in areas of high ground salinity.

**HOW TO COMPLY?**

**Step 1: Determine the minimum runoff storage volume required**

The minimum runoff storage volume (m<sup>3</sup>) required is shown in equation 1 and is:

(1) Rainfall threshold depth, 0.022m x proposed impervious area (m<sup>2</sup>)

*Note that all paved areas which are constructed from permeable paving shall be considered to be permeable for the purposes of applying this policy.*

**Step 2: Work out how much a rainwater tank can reduce the infiltration volume?**

The next step is to work out if a rainwater tank is to be included in the configuration of your solution. If it is, then credit will be given and the retention volume can be reduced in accordance with the following table (2) below.

If there is a rainwater tank obligation arising from BASIX, then credit will be given for the tank and the runoff storage volume will be reduced. If the applicant opts to install a larger tank than that required under BASIX, then even more credit may be given.

**Table 2 Credits (reductions in the runoff storage volume) given for various rain tank sizes and proposed end uses of the rainwater.**

Reduction in runoff storage volume (m <sup>3</sup> ) for using a rainwater tank		
Proposed Rainwater Tank size (kL)	Where outdoor use only is proposed	Where both outdoor and internal use including toilets, hot water and laundry is proposed
<2.5	0	0
≥2.5	1	2.0
≥5.0	1.25	2.5
≥7.5	1.5	3.0
≥10.0	1.75	3.5
≥12.5	2	4.0
≥15.0	2.25	4.5

**Step 3 Configure the proposed trench, rain garden or rainwater tank according to the supporting S2S - Supporting Technical Guidelines (Appendix B2)**

**Alternate solutions**

Alternatively, a unique solution supported with scientific evidence which demonstrates that the proposal complies with the performance targets may be submitted. The supporting technical guidelines document the minimum evidence requirements.

**C QUALITY MANAGEMENT DURING CONSTRUCTION**

**PERFORMANCE TARGETS**

**Table 3** identifies soil and erosion control requirements during construction for all Applicants.

Commercial and industrial internal alterations, refits and refurbishments which do not disturb any earth are exempt from complying with this part.

**Table 3. Water quality management requirements during construction**

Development Scale	Performance Target
Small Scale < 800m <sup>2</sup> of disturbed area	As a minimum, Council requires a hand marked-up plan of proposed works showing sediment and erosion control measures. This plan must be prepared in accordance with the supporting Technical Guidelines
Medium 800 m <sup>2</sup> to 2,500 m <sup>2</sup> of disturbed area	An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Landcom’s Managing Urban Stormwater (2006) otherwise known as ‘The Blue Book’ (refer to the supporting S <sub>2</sub> S - Technical Guidelines).
Large More than 2,500 m <sup>2</sup> of disturbed area	A Soil and Water Management Plan (SWMP) must be prepared in accordance with Landcom’s Managing Urban Stormwater (2006) otherwise known as ‘The Blue Book’ (refer to the S <sub>2</sub> S - Supporting Technical Guidelines).

**D QUALITY MANAGEMENT DURING OPERATION**

**PERFORMANCE TARGETS**

This performance target is applicable to:

- Residential development in areas of high ground salinity
- Subdivisions that comprise the whole or major part of a catchment
- Car parks which have a capacity for more than 5 cars
- Commercial development (excluding internal refurbishment and refits)
- Industrial development (excluding internal refurbishment and refits)
- Any new Council or Special Uses development such as schools, hospitals, etc.

Water Quality Requirements for Urban Subdivision

Development Scale (average lot size of 800m <sup>2</sup> or equivalent land size)	Performance Target
Small Scale Up to 30 Lots	<ul style="list-style-type: none"> <li>• Bio-retention</li> <li>• Post development flows do not exceed pre-development flows up to and including 1.5 year ARI rainfall event</li> <li>• Bio filtration for overland flow paths</li> </ul>
Medium 30 – 100 lots	<ul style="list-style-type: none"> <li>• On Site Detention (OSD) up to 100 year ARI</li> <li>• All water quality requirements except Gross Pollutant Traps (GPTs)</li> </ul>
Large Beyond 100 lots	<ul style="list-style-type: none"> <li>• On Site Detention (OSD) up to 100 year ARI</li> <li>• All water quality requirements including Gross Pollutant Traps (GPTs) and biofiltration</li> </ul>

Water quality performance targets are stipulated in Table 4.

Table 4. Post development pollution reduction targets

Pollution Reduction Target
<ul style="list-style-type: none"> <li>• Total Suspended Solids (TSS) – 85% reduction of the typical annual load</li> <li>• Total Phosphorus (TP) - 65% reduction of the typical annual load</li> <li>• Total Nitrogen (TN) - 45% reduction of the typical annual load</li> <li>• 90% of gross pollutant loads (litter and heavy sediments), oil and grease are retained on site</li> </ul>

HOW TO COMPLY?



DEEMED TO COMPLY SOLUTIONS

There are two deemed to comply solutions which are:

- 1) The use of a bioretention basin or raingarden (which can also be used to increase public amenity) configured to also promote infiltration where permitted.  
  
The minimum area of the bioretention basin is to be based on the proposed impervious area. Table 6 defines the minimum requisite areas. The bioretention basin or rain garden is to be designed in accordance with the supporting S<sub>2</sub>S - Supporting Technical Guidelines (Appendix B2)
- 2) The use of a buried infiltration trench. The deemed to comply infiltration trench solution will need to have a minimum volume calculated in accordance with Table 5. The infiltration trench usually receives stormwater flows from the surface in the same manner as raingardens. However, if the trench is receiving sub-surface flows from the stormwater network then the flows will need to be pre-treated with a sediment trap to ensure that sediment is removed from the runoff before it enters the trench. This, in combination with routine maintenance to remove accumulated sediment will ensure the trench has a long life.
- 3) The provision of a rainwater tank as defined in Appendix B2.

Worked examples are included in the S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.

Table 5. Area of bioretention and volume of infiltration as a proportion of the upstream impervious area.

Average annual rainfall (mm/yr)	<800	>800
Area of bioretention for roads/carparks expressed as % of the upstream <u>impervious</u> catchment area (based on 100mm depth of surface ponding, 500mm filter media depth and 120mm/hour saturated hydraulic conductivity).	1.0%	1.2%
Minimum volume of storage required inside buried infiltration trench per 100m <sup>2</sup> of upstream <u>impervious</u> catchment.	0.5m <sup>3</sup> /100m <sup>2</sup>	0.75m <sup>3</sup> /100m <sup>2</sup>

Both the bioretention/raingarden and infiltration trench shall be constructed in accordance with the supporting S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.

**Alternate solutions**

Alternatively, a unique solution supported with scientific evidence which demonstrates that the proposal complies with the performance targets may be submitted. The supporting technical guidelines document the minimum evidence requirements.

E WATER CONSERVATION FOR NON RESIDENTIAL DEVELOPMENT

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#### EXEMPTIONS

This clause does not apply to residential development.

#### PERFORMANCE TARGETS

New development applicants (other than residential and commercial and industrial refurbishments and refits) shall reduce consumption of potable water by 40% benchmarked against a development which uses only potable water and which has no water conserving fixtures or fittings.

Commercial and Industrial refurbishments and refit applicants shall reduce consumption of potable water by 30% benchmarked against a development which only uses potable water and which does not use water conserving fixtures and fittings.

#### HOW TO COMPLY?

A Water Conservation Report is to be prepared and submitted with the DA which demonstrates how the water consumption on the proposed development will be reduced by 40% when benchmarked against a development which only uses potable water and does not have any water conservation measures. The measures proposed in the Water Conservation Report shall form a statement of commitment and be included on the conditions of consent.

Compliance with the target can be achieved by firstly reducing the demand for water (known as demand management), and secondly by substituting rainwater, stormwater or wastewater sources for town potable water.

With respect to refurbishments and refits and; where consumption is relatively minor, compliance might be achieved simply by implementing demand management measures alone. In all cases evidence must be provided to Council by way of the Water Conservation Report which defines current demand and demonstrates how future demand will be reduced by the relevant performance target.

Demand Management Measures include the following examples noting the list is not exhaustive:

- Use of minimum AAA rated fixtures and appliances
- Use of aerators on existing and proposed taps
- Flush arresters on existing toilets.
- Selection of plants and landscaping that require little or no watering.

If source substitution such as the use of rainwater tanks, grey water recycling systems or other measures are proposed then the applicant shall ensure that all water shall be fit for its intended purpose, including:

- Recycled water (treated wastewater or stormwater) may be used for non-potable purposes such as toilet flushing or irrigation and washdown.
- Rainwater may be used for both potable and non potable uses.
- Applicants are encouraged to maintain a town water supply (where available) to top up a rainwater tank when needed.

- Where town water supply is available but not to be installed, agreement on adequate provisions for fire-fighting shall be made with the NSW Fire Brigade who may permit the use of rainwater for fire-fighting purposes provided it is stored in such a manner that it cannot be drawn down for any other purpose.

## F SALINITY PREVENTION

### AIMS

To prevent a decline in the health of receiving waters from development located in areas with high ground salinity.

### PERFORMANCE TARGET

In areas with high ground salinity or in areas where an elevated saline groundwater table exists, infiltration of runoff shall not be permitted.

Where a Quality Management During Operation performance target exists (such as for residential development in saline affected areas) and for reasons of high ground salinity infiltration is not permitted then:

- 1) Applicants shall be limited to one deemed to comply solution, which is either a rainwater tank, bioretention basin or raingarden.
- 2) If a bioretention basin or raingarden is adopted, it shall be lined to prevent infiltration and otherwise sized in accordance with Appendix B1 and constructed in accordance with the S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.
- 3) Wherever possible, explore the adoption of rainwater tanks or stormwater harvesting to reduce the volume of stormwater runoff as much as possible. This is possible for residential developments where tanks up to 15 kL in volume will help to reduce water bills and runoff greatly.

In areas which are affected by high ground salinity and which have an elevated saline groundwater table, permeable paving may be used provided that no additional areas drain onto the pavement, i.e. only the paved area drains through the pavement.

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## 5.4 ENVIRONMENTAL CONTROLS

- |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Protection of Aboriginal Archaeological Items</b> | <ul style="list-style-type: none"><li>(a) Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence.</li><li>(b) Proponents should determine whether their site has potential archaeological significance and if so, should submit an archaeological survey with their development application. Generally, where a site is located near a water course or on an elevated area, an archaeological study will be required.</li><li>(c) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP&amp;A Act 1979 and if an Aboriginal Heritage Impact Permit is required.</li></ul> |
| <b>Bushfire Management</b>                           | <ul style="list-style-type: none"><li>(a) Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development shall comply with the guideline "Planning for Bushfire Protection" and where required; the Australian Standard AS 3959 - Construction of Buildings in Bush Fire Prone Areas.</li><li>(b) Buildings shall be located to ensure that requirements for fuel free or fuel reduced zones do not impact on existing native vegetation on the site.</li><li>(c) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP &amp; A Act 1979 and if a Bushfire Safety Authority is required.</li></ul>           |
| <b>Riparian and drainage line Environments</b>       | <ul style="list-style-type: none"><li>(a) Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation.</li><li>(b) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP &amp; A Act 1979 and if a water use approval, water management work approval or activity approval is required.</li></ul>                                                                                                                                                                                                                                                                                    |
| <b>Pollution and Waste Management</b>                | <ul style="list-style-type: none"><li>(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.</li><li>(b) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP&amp;A Act 1979 and if an environmental protection license is required.</li></ul>                                                                                                                                                                                                                                     |

	(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.
<b>Threatened Species and Vegetation Management</b>	<p>(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.</p> <p>(b) Development applications should indicate all existing vegetation.</p> <p>(c) Buildings and access areas should be sited to avoid removal of trees.</p>
<b>Building in Saline Environments</b>	<p><i>Information provided by the NSW Government indicates that salinity may occur in parts of the Mid-Western Regional Local Government Area (LGA). This salinity potential is due to inherent characteristics of the Mid-Western Regional LGA landscape. As a result, residential buildings in the Mid-Western Regional LGA may be susceptible to salt damage.</i></p> <p><i>The inclusion of this information in the DCP will assist the Council in the reasonable undertaking of its roles and responsibilities under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.</i></p>
<b>Definitions</b>	<p><b>Salt damage</b> - the deterioration of material such as concrete, metal or brick caused by the chemical and physical impact of salts. Salts can be carried in surface water, soil, groundwater, rain or air.</p> <p><b>Residential Building</b> - Structures classified as either class 1, 2, 3, 9c or 10 in the Building Code of Australia (BCA)</p>
<b>Variation</b>	<p>Council will consider on merit, arguments relating to the application of this policy based on diminished salinity risk*. In all such instances the onus of proof rests with the applicant.</p> <p>*Diminished salinity risk may be argued through a risk assessment based on a site analysis consistent with the Department of Land and Water Conservation (2002) Guide: <i>Site Investigations for Urban Salinity</i> (ISBN: 0 7347 5305 5), and the incorporation into structure design, appropriate measures to manage the risk of salt damage.</p>
<b>House slabs and Footings</b>	<p><b>(A) The following measures must be used for house slabs and footings:</b></p> <ol style="list-style-type: none"> <li>1. For slab on ground construction, a layer of sand at least 50 mm deep under the slab must be provided;</li> <li>2. A high impact damp proof membrane (rather than a vapour proof membrane) must be laid under the slab (NSW BCA3.2.2.6);</li> <li>3. The damp proof membrane must be extended to the outside face of the external edge beam up to the finished ground level. (As per clause 3.2.2.6 and figure 3.2.2.3 of the BCA);</li> <li>4. Class 25 MPa (N25) concrete must be used OR a sulphate resisting Type SR cement with a water cement ratio of 0.5 must be used. Water, which will reduce the concrete strength below 25 MPa must not be added to the concrete at the</li> </ol>



construction site;

5. Slabs must be vibrated and cured for a minimum of three days. Care must be taken not to over vibrate the concrete during placement, as segregation of the concrete aggregates will occur;
6. The minimum cover to reinforcement must be 50 mm from unprotected ground. Chairs including lateral supports should be in position prior to inspection and subsequent pouring of the concrete;
7. The minimum cover to reinforcement must be 30 mm from a membrane in contact with the ground;
8. The minimum cover to reinforcement must be 50 mm for strip footings and beams irrespective of whether a damp proof membrane is used;
9. Admixtures for waterproofing and/or corrosion prevention may be used.

**Brickwork**

**(B) The following measures must be used for brickwork:**

1. The damp proof course must consist of polyethylene or polyethylene coated metal and be correctly placed; (NSW BCA 3.3.4.4);
2. Exposure class masonry units must be used below the damp proof course level. (*Clause 3.3.1.5 (b) and Table 3.3.1.1 of the BCA*);
3. Appropriate mortar (M4 grade) and mixing ratio must be used with exposure class masonry units; (*clause 3.3.1.6 of the BCA*);
4. Admixtures for waterproofing and/or corrosion prevention may be used.

**All buildings**

**(C) The following measures must be used for all buildings:**

1. Once installed the damp proof course or the vapour barrier must not be breached by any later works or additions such as; steps, verandas, walls, rendering, bagging, pointing, paving or landscaping.
2. Appropriate sub-soil drainage must be installed for all slabs, footings, retaining walls and driveways;
3. The dwelling must be designed to suit the sites existing topography and any cut and fill required must not exceed 1000 mm in total.

**Additional controls recommended for all buildings:**

Landscaping and garden designs should not be placed against walls and be designed to minimise the use of water on the site.

Low water requiring plants and water-wise garden designs are required in accordance with the requirements of the Building Sustainability Index.

Buildings shall be maintained in accordance with the requirements of AS2870 Australian Standard Residential Slabs and Footings – Construction. Drainage is to be designed and constructed to avoid the ponding of water against or near footings.

**Alterations  
and Additions****(D) Alterations and Additions.**

Applications for alterations or additions to existing buildings shall comply with the requirements for new structures. Existing buildings affected by the impact of salinity shall be repaired in accordance with the requirements for new buildings and any necessary remediation carried out to the site to ensure the impacts of salinity are eliminated.

Property owners are to obtain advice from suitably qualified building professionals with experience in this field before commencing any repairs or remedial action.

Situations requiring demolition of parts of the building, repairs to drainage systems or structural alterations should not be commenced before the appropriate Construction Certificate or Combined Development Certificate is obtained for the work proposed.

*Notes:*

- 1. In the event that the requirements of this section of the DCP contradicts the Building Code of Australia, the requirements of the Building Code of Australia prevail.*
- 2. Design and construction requirements in this section of the DCP are based on AS3600 Australian Standard Concrete Structures, for moderately aggressive to aggressive environments.*

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## PART 6 DEVELOPMENT IN RURAL AREAS

### 6.1 DWELLINGS

There are provisions within the LEP that prescribe circumstances for the erection of dwellings on rural land. These controls relate to Rural zoned (RU1, RU3, RU4, RU5) land and Large lot residential (R5) zoned land.

The subdivision controls in section 7.2 address dwellings associated with new lots. Additional guidelines are as follows.

**Primary Production Small Lots** Dwellings on land within the Primary Production Small lots zone will only be approved where it can be demonstrated that the dwelling is required to support the agricultural use of the land.

The agricultural use of the land for the purposes of the RU4 zone means intensive plant agriculture (defined in LEP) or the irrigation of pasture and fodder crops.

Applications for a dwelling will need to include:

- ❖ Details of the proposed/existing intensive plant agricultural activity
- ❖ Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices
- ❖ Evidence of water licenses satisfactory for the use
- ❖ Evidence of commencement or intention to commence the activity

Land adjacent to the Mudgee Airport – Dwellings on land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the dwelling is designed to incorporate a hanger. Such an application will need to address:

- ❖ The relationship between the airport and the development site in respect to the interface with the airport; and
- ❖ Access to the airport for private aircraft.

**Dwellings on rural lots within the former Rylstone LGA** The LEP provides for the erection of a dwelling on a lot (including a lot which forms part of larger holding) on which the erection of a dwelling was permissible immediately before the commencement of the (LEP) plan.

This clause ensures that despite the Lot Size Map, a dwelling house may be erected on a lot with a minimum are of at least 40ha within the former Rylstone LGA.

Reference should be made to the provisions of the LEP 2012 which provide for dwellings on lots below the minimum lot size in particular circumstances, for example existing holdings.

**Services** Where the dwelling will be erected on a lot that is within 500m of an R1 General Residential or R2 Low Density Residential zone, it must:

- ❖ Be on a lot with have sealed road frontage and be connected to the sealed road network; and
- ❖ connect to the reticulated water and sewer infrastructure.

**Dwellings adjacent to Village Zones**

Consideration will be given to applications for the erection of dwellings on existing lots within 500m of an RU5 Village zone where the lot has sealed road frontage and is connected to the sealed road network – in many cases this is likely to mean that the proponent will be responsible for the upgrade of the road as part of any development approval.

In circumstances where the site is within 500m of reticulated water or sewer infrastructure, the dwelling will need to be connected as part of any development approval.

**Setbacks**

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R5 Less than or equal to 5ha. in area	30m	20m	15m
Ru1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m

- Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.
- Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.

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## 6.2 TEMPORARY WORKERS ACCOMMODATION

### Definition

**temporary workers' accommodation** means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.

### Location

**The development is to be located:**

- (i) if the development relates to a mine—within 5 kilometres of the relevant mining lease under the Mining Act 1992, or
- (ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed.
  - Provision of suitable arrangements for the disposal of waste water and the provision of a water supply. It should be noted that proposals relying on the provision of water transported by tankers will not be supported.
  - Design of the facility to ensure that there is no adverse visual impact discernable from outside the project site.
  - Submission of a plan of management to address the social concerns having regard to the particular location of the accommodation.
  - The application should address health and residential amenity issues that arise due to the location near the major infrastructure project site.
  - Provision of additional access and parking infrastructure commensurate with the additional demand.
  - Provision of a Social Impact Assessment.
  - The application should identify and address potential positive and negative economic impacts of the proposal.

### Need

The proponent shall demonstrate the need for the facility by providing an analysis of the number of major infrastructure project (including mining) jobs currently approved and the total number of temporary workers accommodation beds approved. The expected life of the Temporary Workers Accommodation facility shall be included in the Statement of Environmental Effects indicating the expected timing of decommissioning to relate to the life of the major infrastructure project.

### Social Impact Assessment

There are many definitions of *social impact*. A contemporary definition (Armour, 1992) defines social impacts as changes that occur in:

- People's way of *life* (how they live, work, play and interact with one another on a day-today basis);
- Their *culture* (shared beliefs, customs and values); and
- Their *Community* (its cohesion, stability, character, services and facilities).



**Key principles of assessing social impacts.**

To achieve a useful and appropriate framework for assessing social impacts, a number of key principles are important.

- The purpose of assessing social impacts is to provide focused relevant details on the significant or problematic impacts.
- It is essential to consider the positive and negative social aspects of the development.
- Persons and groups that may be affected by the proposal should be consulted. Community consultation should identify the possible impacts and mitigating measures that may be introduced. Community consultation should occur early in the process and should lead to the formulation of the terms of reference of the Social Impact Statement. It is a requirement that the proponent consult the NSW Police Local Area Command and local health providers (including General Practitioners and Dentists operating in the local area) during the preparation of the Social Impact Statement. It is recommended that the proponent consult Council after the terms of reference are formulated.
- The proponent should incorporate practical measures that will enhance the positive aspects, may improve the development and limit any possible negative social impacts.

The Social Impact Statement should include but is not limited to the following:

- Identification and an in-depth analysis of social impacts of the proposal.
- Outline the process of community consultation and address issues raised by the community.
- consideration of cumulative impacts, intergenerational equity, impacts on the provision of all services and identify ways to address these impacts.
- The results of consultation with relevant service providers including police and health providers.
- Identification of a strategy to mitigate impacts, encourage integration with the community, and permanent relocation to the area, timeframe for implementation of the strategy and a monitoring program.
- Identify and implement provisions that will address the needs identified by the SIS and the demands generated by the development in a way that will not adversely impact upon the existing community.

**Transportable Buildings**

The application must illustrate that all transportable buildings can be permanently affixed to the site by footings in accordance with the requirements of the National Construction Code and associated Engineer's Certification.

Detail that all buildings and structures will have adequate form and appearance, including material and colours in soft earth browns, creams and greens, which do not detract from the visual amenity of the area. The use of reflective cladding material on walls will not be permitted. Where the use of second hand buildings is proposed the application must be accompanied by the following information:

- Photographs clearly showing the condition from all four elevations of the

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	<p>building.</p> <p>An inspection report from a certified structural engineer or accredited building surveyor that the buildings are suitable for the proposed use and relocation.</p>
<b>Accessibility</b>	<p>Accessibility requirements established by Access to Premises Standard, the National Construction Code and the associated Australian Standards are to be addressed in the application.</p>
<b>Density</b>	<p>Development shall be limited to a maximum of 100 beds per hectare.</p>
<b>Facilities</b>	<p>The accommodation facility is to provide the following facilities as a minimum:</p> <ul style="list-style-type: none"><li>• Ablution facilities to be provided in each accommodation room including shower, toilet and wash basin connected to an approved effluent disposal system. ;</li><li>• Communal laundry and associated facilities connected to an approved effluent disposal system</li><li>• A covered/ sheltered entry for each building;</li><li>• An outdoor activity area of which part shall be shaded;</li><li>• Adequate and secure storage space for workers, equipment and other material associated with the management and maintenance of the accommodation facility;</li><li>• Adequate Lighting for pedestrian and vehicular safety and security throughout the complex.</li><li>• Paved internal pedestrian access to and between all buildings and facilities is to be provided.</li></ul>
<b>Traffic and Parking</b>	<ul style="list-style-type: none"><li>• Internal road and vehicular access provided in accordance with Australian Standard No. AS2890 Council standard.</li><li>• Provision of one car parking space per room and one space per staff member in accordance with the car parking section of this DCP.</li><li>• Designated bus parking and collection/drop off area located within the development area with sufficient manoeuvring area to allow the bus to enter and leave the site in a forward direction.</li><li>• Designated delivery areas.</li></ul>
<b>Services</b>	<ul style="list-style-type: none"><li>• Provision of a potable water supply capable of providing a minimum of 140 litres per person per day. A lower daily minimum may be acceptable where the proposed development includes water saving measures such as recycling systems or non-potable water supply sources.</li><li>• A water balance is to be submitted demonstrating that the proposed provisions for water and sewer services can be met by the development.</li><li>• Demonstration of adequate water supply to maintain the accommodation facility including landscaping.</li><li>• Where the facility is to connect to a reticulated system provided by the local authority, the applicant must demonstrate that the reticulated system can support the additional demand generated by the Temporary Workers Accommodation whilst allowing adequate capacity to service existing demand, demand to meet land already zoned within the</li></ul>

catchment, uses already approved to connect to the reticulated service and land identified in the Comprehensive Land Use Strategy.

- Provision of waste collection and where necessary entering into a waste disposal agreement with Council or an approved waste collection operator.
- First aid facilities.

#### **Landscaping**

A landscape plan should be provided with the application. Where possible, remnant vegetation should be retained. Landscaping should focus on:

- Providing a buffer to surrounding land, in this case vegetation should consist a combination of mature trees and shrubs to achieve a visual buffer;
- Providing privacy within the development;
- Improving the residential amenity through the provisions of shade.
- Consist mainly of native species or species that thrive in this locality.
- At least 25% of the site should be openspace.

It will be a requirement of any development consent that the landscaping is to be maintained for the life of the development in accordance with the approved landscaping plan.

#### **Plan Management**

of The applicant shall provide a Plan of Management that shall form part of any approval granted by Council. The Plan shall address, but is not limited to, the following issues:

- Identification of measures introduced to mitigate social impacts
- Management of security and safety of tenants, community and surrounding residents.
- Noise, dust, odour, light spill and litter.
- Potential conflict with adjoining owners/occupiers that may be affected by the operation of the accommodation facility.
- The method of transport of the workers to the project site.
- The consumption of alcohol at the accommodation facility (if applicable).
- Where adjacent to a town or village, access to facilities.
- Access to medical services.
- Method for the collection of waste within the site.
- Emergency response procedures.
- Soil, groundwater and surface water protection methods.
- Details of signage at the entrance to the accommodation which is to include the following:
  - Site Manager / Operator
  - Specific Rules of the Accommodation site
  - Emergency Contact Details
- Complaints Handling Procedure that will be publicly available and include a compliant contact phone number.

**Decommissioning** The application shall be accompanied by a Decommissioning Plan that shall form part of any approval granted by Council. The Plan shall address the following issues:

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- When the facility shall be decommissioned;
  - Works or facilities that shall remain in place following decommissioning;
  - Details of the clean –up and rehabilitation of the site;
  - The proposed use of the site after decommissioning; and
  - The transfer to public ownership of any legacy infrastructure.

**Developer  
Contributions**

Council will seek to negotiate planning agreements for major developments in accordance with s93F of the Environmental Planning and Assessment Act 1979. Proposal involving less than 50 beds will be assessed in accordance with Council Section 94 Contributions Plan as commercial development.

## 6.3 WIND FARMS

### Scope

For the purpose of the development control plan, commercial wind power generation turbine(s) or towers with a peak capacity power rated output greater than 10kW require development consent and must comply with the provisions of this plan.

For the purposes of this Plan, commercial wind power generation includes wind power generation

Turbine(s) or towers with a peak capacity of power rated output greater than 10kW. The erection of a wind monitoring tower also requires Council's consent.

#### Objectives

- To minimise potential land use conflicts,
- To ensure that there is no unreasonable interference with the comfort or response of adjoining land users,
- To ensure road access and other issues are identified and sufficient information is included with each development application to enable proper assessment, and
- To ensure that adequate provisions are made to restore developed land at the end of the life of the development.

#### State Significant Development

Due to the high capital investment value of large wind farms they often are categorised as State Significant Development. In these circumstances the assessment of the application is undertaken by the Department of Infrastructure and Planning. To determine if your proposal falls within this category reference should be made to State Planning Policy (State and Regional Development 2011).

In the event that your proposal falls within the category of State Significant Development such that Council is not the approving authority, consistency with this Development Control Plan is nevertheless sought.

### Statement of Environmental Effects (SEE)

The development application must be accompanied by a Statement of Environmental Effects

The SEE as a minimum shall contain the following information:

- The location of the property, land contours, boundary dimensions and site area. This should include a topographic map of 1:25,000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid (and include access road, pylon, gradient and erosion control assessments), the service roads on and to the site, and the proximity to significant features such as dwellings, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- The site plan or plans showing positions of the proposed wind turbines, site boundaries, land contours, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- A description of the proposed wind turbine/s, including all relevant details such as number, make, model, dimensions, generation capacity, tower



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height, blade length, materials and colour.

- A land use description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact.
- A noise impact assessment demonstrating compliance with the Department of Environment, Climate Change and Water licensing requirements (whether a licence is required or not) the NSW Wind farm Guidelines (2012) and any other NSW Acts, Rules or Regulations applicable to wind farm noise. The application shall also detail proposed monitoring program(s) for full spectrum noise testing (including low frequency sound and infrasound) to validate predicted noise impacts on neighbouring properties. The impact of The Van Den Berg effect (ie the effects of the wind profile at night on wind turbine sound) is also to be specified.
- A description and assessment of the visual effects including photomontages, plate or panoramic photomontages, computer assisted photo simulations or other graphic representations of the appearance of the wind turbines and transmission lines. Viewshed modelling via the use of a suitable GIS (e.g. "MapInfo") is encouraged. Shadow prediction and shadow flicker assessments shall be included in the visual assessment(s).
- An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include impacts on human and animal health, emergency services, RFS, Police, Ambulance etc. and local television and radio reception and other local communications.
- A construction program and environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, transmission towers, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.
- A report detailing investigations into the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens' peak hour travel to work shall accompany the development application. Detailed road condition reports will be required as part of any consent. Council will require a full traffic assessment as part of the development application;
- An evaluation of flora and fauna impacts with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Department of Environment, Climate Change and Water is highly recommended.
- A decommissioning and site restoration plan and program.
- Demonstration that all issues raised by relevant Agencies have been addressed (e.g. CASA for aviation safety, SCA for water quality issues - AAA for aerial agriculture implications etc.)
- The heritage significance of the site and surrounds.
- An assessment of any risks involved in soil disturbance or arising from vibration or microclimate impact including contamination impacts on hydrology and archaeological issues.
- Assessment of the development regarding all relevant legislation and applicable policies.
- Applicants are required to keep the local community fully informed

throughout their design process.

- Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

#### Controls

The following must be included as part of the design criteria and assessment of any related development application:

- The development should be sited and carried out to minimise impacts on, or restrictions to grazing, farming and forestry practices;
- The development should be carried out in a way that minimises any physical adverse effects on adjoining land and the development site, including, but not limited to:
  - (i) land degradation
  - (ii) alteration to drainage patterns
  - (iii) pollution of ground water
  - (iv) spread of noxious plants and animals, and
  - (v) bushfire hazard
- The developer must assess the visual impact of the project including an assessment of scenic value. The developer must consult with the Council and the community on appropriate visual impact measures;
- The developer must assess the cumulative impact of the development having regard to wind farms in existence, those approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes Council does not favour large expanses of ridgelines being covered with wind farms and turbines;
- Proposed wind turbines shall comply with the NSW Wind farm Guidelines and any other NSW Acts, Rules or Regulations applicable to wind farm noise. Note that where noise levels are found to exceed those guidelines, Council shall require remediation work and may require the cessation or decommissioning of the turbines to reduce the noise impacts on sensitive receptors such as non-related dwellings. The developer shall, upon request of council or an adjoining landowner, furnish the following information: a) noise attributable to the wind farm; b) associated wind speed and direction at the wind farm, weather conditions at the wind farm and power output of individual turbines at the wind farm; and (c) data collected on low frequency noise and Infrasound levels occurring at a representative sample of neighbouring non-host residences;
- Turbines shall not be located within 5.0 kilometres of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed. The 5.0 kilometre setback proposes utilising a precautionary principle in addressing perceived visual, noise and health concerns;
- Turbines shall not be located within a distance two times the height of the turbine (including the tip of the blade) from a formed public road. A greater distance may be required by the road authority;
- Turbines shall not be located within a distance 2.0km from a non-related property boundary;

- Existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, due to the height of turbines, screening is not the preferred method of minimising visual impact. Turbines shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed;
- Turbine locations are to be sensitive to existing related dwellings on the subject site. Noise and shadow flicker should be minimised and turbines should not be located in close proximity to existing dwellings;
- Turbine locations shall not surround a non-related property. Turbines shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. Cumulative impacts, having regard to existing turbines, turbines approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes should be assessed;
- A Communications Study should identify the existing status of communications and detail the proposed method of dealing with potential communication interference. The development should not detract from the reception of radio, TV, internet or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc.) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost;
- Construction vehicles, including concrete trucks, carriers of turbine components, and related heavy vehicles (including relevant contractors) shall only travel on an approved route. This route shall be identified in a report having regard to public safety especially school bus hours and citizens peak hour travel to work and approved in accordance with this Plan;
- A report detailing investigations into the impact of construction vehicles on the proposed route shall accompany the development application. Detailed road condition reports will be required as part of any consent. Council will require a full traffic assessment as part of the development application;
- Council will require road works to cope with the over size and overweight traffic movements related to the construction of a wind farm. Bonds will also be required for any potential damage to roads during the construction phase. The road works and bond amounts will be determined by Council professional staff, but will be determined generally by the length of road and condition of road surface/base bridge, drainage etc. relevant to the selected route. Where road works are determined necessary for the development, costs associated with the road works shall be the developer's responsibility;
- The construction and maintenance of internal roads (roads within the property subject to the development) shall be the responsibility of the developer. Council will require proof that they have been adequately designed and constructed for their purpose. Council and relevant State Government Agencies shall be provided with adequate information about the environmental aspects of the internal road construction;
- All infrastructure related to the wind farm should be included in the development application. Management of temporary facilities, waste, numbers of contractors/employees, etc, should be part of the Development

Application information. All infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground;

- Within six months of the wind turbine generators ceasing to operate, any rights of carriageways that were created to enable maintenance to be conducted on the wind turbine generators are to be extinguished by the developer and the land made good, unless otherwise agreed with the landowner;
- Within twelve months of the wind turbine generators ceasing to operate, they are to be fully dismantled and removed from the site. A security guarantee/bond is to be lodged with the consent authority (prior to any work commencing on-site) in an amount determined by the consent authority to cover the cost of dismantling and removal of the turbines; and
- Details of the proposed connection to the electricity reticulation network shall be included as part of the Development Application Environmental Assessment.

#### Other Aspects

##### Notification

On lodgement of the DA, Council will notify property owners within a 5 kilometre radius of the development in addition to the notification requirements outlined in the DCP. All submissions received will be presented to the Council for their consideration in the assessment and determination process. Where Council is the consent authority, Council will hold a notification and submission period of not less than 60 days and will require the developer to hold a minimum of one public information night during the exhibition and submission period. The developer shall undertake additional consultation with the community and affected property owners.

Much of Council's road network is generally not capable of sustaining the overweight loads involved with wind farms and will require substantial upgrading to accommodate the wind farm construction vehicles. Appropriate bonds will be required to ensure any road damage is repaired to Council's satisfaction. Such bonds are payable prior to commencement of any works on the site. Road sealing shall be required where appropriate on unsealed public roads utilised by the proponent.

##### Consultation with State Government Authorities

Proponents are advised to consult with public authorities that may have a role in assessing their development application. Council may consult relevant public authorities.

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## 6.4 TOURIST AND VISITOR ACCOMMODATION

### Definition

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Note: Refer to the LEP 2012 for individual definition of the above terms.

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

**Development for the purposes of cabins or self contained holiday accommodation, the definition of serviced apartment is applied.**

### Location

- (a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.
- (b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.

### Design & Layout

- (a) The development should address the constraints of the site including topography, existing vegetation
- (b) Development for the purpose of serviced apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).
- (c) The use of manufactured or relocated homes will not be permitted in the urban areas.

### Water Cycle Management

Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed dwelling or cabin site (as the case may be), in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.



**Electricity**      The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity.

**Parking**              Refer to car parking requirements section 5.1 in the DCP

**Signage**                Refer to requirement for signs section 4.4 in the DCP

## 6.5 SOLAR ENERGY FARMS

**Scope** For the purpose of the development control plan, ‘electricity generating works’ comprising of solar energy systems ~~that do not achieve the provisions of exempt or complying development under Part 3, Division 4 of State Environmental Planning Policy (Infrastructure) 2007 with a total capacity to generate more than 10kW, requires development consent and~~ must comply with the provisions of this plan. The placement of inverters and associated infrastructure to support the solar energy system also requires Council’s consent. It is highly recommended that a pre-application meeting with Council is held prior to submitting a Development Application.

~~For smaller scaled solar energy systems less than 10kW that may achieve exempt development and not require the development consent of Council, please refer to Part 3, Division 4 of State Environmental Planning Policy (Infrastructure) 2007.~~

### Objectives

- To minimise potential land use conflicts;
- To ensure that there is no unreasonable interference with the comfort or response of adjoining land users;
- To ensure that impacts on ~~prime~~ agricultural land, businesses and tourism are appropriately considered;
- To ensure road access, visual impacts, noise, health, waste, construction management and environmental constraints are identified and sufficient information is included with each development application to enable proper assessment; and
- To ensure that adequate provisions are made to restore developed land at the end of the life of the development.

### State Significant Development

Due to the high capital investment value of larger solar energy farms, they often are categorised as State Significant Development. In these circumstances the assessment of the application is undertaken by the Department of Planning and Environment. To determine if a proposal falls within this category, reference should be made to State Planning Policy (State and Regional Development 2011).

In the event that a proposal falls within the category of State Significant Development such that Council is not the approving authority, **Council will request via the Secretary’s Environmental Assessment Requirements (SEAR’s) process** that consistency with this section of the Development Control Plan is still required.

### Statement of Environmental Effects (SEE)

All development applications must be accompanied by a Statement of Environmental Effects (SEE).

The SEE, as a minimum, shall contain the following information:

- The location of the property, land contours, boundary dimensions and site area. This should include a topographic map of 1:25,000 scale showing the location of the proposed solar development, the route of transmission lines to the electricity grid (and include access road/s and erosion control assessments), the service roads on and to the site, and the proximity to significant features such as main townships or villages, main roads, other solar farm developments, dwellings, environmentally and visually sensitive land, watercourses or drainage lines, ~~prime~~

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crop and pasture land, forests, national parks, heritage items or conservation areas and aircraft facilities.

- The site plan or plans showing the position of the proposed solar panel arrays, inverters, battery storages and all construction facilities from site boundaries, the land contours, native vegetation to be removed or retained, the proposed vehicular access points, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- A description of the proposed solar arrays including all relevant design details such as number, ~~make / model~~, dimensions, generation capacity, overall height once mounted, rotational information and materials / colour including if mirror or lenses are proposed. This may also be supported by an elevation plan.
- Details of the proposed connection to the electricity reticulation network shall be included as part of the Development Application.
- A land use description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact.
- A Land Use Conflict Risk Assessment (LUCRA) shall be prepared in accordance with the Land Use Conflict Risk Assessment Guide produced by the Department of Primary Industries.
- A preliminary risk screening in accordance with SEPP No. 33 – Hazardous and Offensive Development shall be included, particularly if battery storage is proposed onsite. If the proposal is deemed “potentially hazardous”, a Preliminary Hazard Analysis (PHA) shall be prepared and submitted with mitigation measures to manage the risks including but not limited to spontaneous ignition, bushfire and electro-magnetic fields in accordance with relevant Australian Guidelines.
- A noise impact assessment demonstrating compliance with the NSW Noise Policy for Industry 2017, Noise Construction Guidelines and any other NSW Acts, Rules or Regulations applicable to solar farm noise including during construction and decommissioning. ~~The application shall also detail proposed monitoring program(s) for full spectrum noise testing (including low frequency sound and infrasound) to validate predicted noise impacts on neighbouring properties.~~
- A description and assessment of the visual effects on all scenic, neighbouring and public view locations including photomontages, plate or panoramic photomontages, computer assisted photo simulations or other graphic representations of the appearance of the solar arrays and ancillary infrastructure such as inverters, transmission lines and battery storages. Viewshed modelling via the use of a suitable GIS (e.g. “MapInfo”) is recommended.
- A glint and glare assessment, including full details on night lighting shall be submitted with the DA.
- ~~An evaluation of the electromagnetic radiation and/or interference from the solar arrays and/or transmission lines. This should include impacts on human and animal health, emergency services, RFS, Police, Ambulance etc. and other local communications.~~
- A construction program and environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy

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vehicle movements, site access including all service roads, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.

- The developer shall ensure that a workforce management plan including workforce accommodation considerations are detailed in the DA for the construction and operation phases of the project.
- Council will require a full traffic assessment as part of the development application which shall detail the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens' peak hour travel to work. Detailed road condition reports will be required as part of any consent.
- An evaluation of flora and fauna impacts with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Office of Environment and Heritage is highly recommended.
- A decommissioning and site restoration plan ~~shall~~ **should** be included that provides measures to remediate the land in accordance with SEPP No 55 – Remediation of Land along with details of appropriate disposal methods for all infrastructure.
- Demonstration that all issues raised by relevant State Agencies consulted have been addressed (e.g. CASA for aviation safety, DPI Water for water impacts, OEH for flora and fauna impacts).
- The cultural heritage significance of the site and surrounds.
- An assessment of any risks involved in soil disturbance or arising from vibration or microclimate impact including contamination impacts on hydrology and archaeological issues.
- Assessment of the development regarding all relevant legislation and applicable policies.
- Applicants are required to keep the local community fully informed throughout the design process.
- Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

**Controls**

The following must be included as part of the design criteria and assessment of any related development application:

- The developer **should** ~~must~~ assess the visual impact of the project including an assessment of the development on the scenic value and character of the locality. This assessment ~~shall~~ **should** consider how the proposal will maintain the unique local character of the area, all significant vistas and also examine local community values towards key elements which form the identity of the area being impacted by the proposal.

- The development should be sited and carried out to minimise impacts on, or restrictions to grazing, farming, residential, tourism, business and forestry practices.
- The development should be carried out in a way that minimises any physical adverse effects on adjoining land and the development site, including, but not limited to:
  - (i) land degradation
  - (ii) native vegetation loss
  - (iii) alteration to drainage patterns
  - (iv) pollution of surface and ground water
  - (v) spread of noxious plants and animals, and
  - (vi) bushfire hazard.
- The developer ~~must~~ **should** assess the cumulative impact of the development having regard to solar energy farms already built ~~and~~ those approved but not yet constructed, ~~those for which a Development Application has been lodged with a planning authority~~. Council does not favour large expanses of land being covered with solar energy farms **where there is significant cumulative impact**.
- Proposed solar farms ~~shall~~ **should** consider the NSW Department of Planning and Environment Solar Energy Guidelines, NSW Noise Policy for Industry and any other NSW Acts, Rules or Regulations applicable to solar energy farms.

~~Note: where noise levels are found to exceed those guidelines, Council shall require remediation work and may require the cessation or decommissioning of the solar farm to reduce the noise impacts on sensitive receptors such as non-related dwellings. The developer shall, upon request of Council or an adjoining landowner, furnish the following information: a) noise attributable to the solar farm; b) data collected on low frequency noise and infrasound levels occurring at a representative sample of neighbouring non-host residences.~~

- Where the proposal is located within a 5km radius from main townships and villages, the proposal must demonstrate that it will not impact on the scenic value and character of the locality.
- Solar Energy Farms ~~shall~~ **should** not be located within 500m of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed.
- Solar Energy Farms ~~shall~~ **should** not be located within 200m from a formed Local Public Road or 500m from a Regional or State Road. A greater distance may be required by the road authority where visual impact mitigation is necessary.
- Solar Energy Farms ~~shall~~ **should** not be located within 100m from a non-related property boundary; existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, screening is not the only preferred method of minimising visual impact. Solar arrays shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed.
- Solar Energy Farm locations are to be sensitive to existing related dwellings on the subject site. Noise and glare should be minimised in all respects.



- Solar Energy Farms ~~shall~~ **should** not surround a non-related property. Solar arrays shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. ~~Cumulative impacts, having regard to existing Solar Energy Farms, those approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for solar farm assessment purposes should be assessed.~~
- ~~The development should not detract from the reception of radio, TV, internet or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc.) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost.~~
- Construction vehicles, including concrete trucks, carriers of solar/ inverter/battery storage components, and related workforce vehicles (including relevant contractors) shall only travel on an approved route. This route ~~shall~~ **should** be identified in a **traffic** report having regard to public safety especially school bus hours and citizens peak hour travel to work and approved in accordance with this Plan.
- Council may require road works to cope with the traffic movements related to the construction of a Solar Energy Farm. Bonds will also be required for any potential damage to roads during the construction phase. The road works and bond amounts will be determined by Council professional staff, but will be determined generally by the length of road and condition of road surface/base bridge, drainage etc. relevant to the selected route. Where road works are determined necessary for the development, costs associated with the road works shall be the developer's responsibility.
- The construction and maintenance of internal roads (roads within the property subject to the development) shall be the responsibility of the developer. Council will require proof that they have been adequately designed and constructed for their purpose. Council and relevant State Government Agencies shall be provided with adequate information about the environmental aspects of the internal road construction.
- All infrastructure related to the Solar Energy Farm should be included in the development application. Management of temporary facilities, waste, numbers of contractors/employees, etc., should be part of the Development Application information. All infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground.
- Within six months of the Solar Energy Farm ceasing to operate, any rights of carriageways that were created to enable maintenance to be conducted are to be extinguished by the developer and the land made good, unless otherwise agreed with the landowner.
- Within twelve months of the Solar Energy Farm ceasing to operate, all infrastructure is to be fully dismantled and removed from the site.

**Other Aspects****Notification**

On lodgement of the DA, Council will notify property owners within a one (1) kilometre radius of the development in addition to the notification requirements outlined in the DCP (advertising of the DA will be undertaken).

~~All submissions received will be presented to the Council for their consideration in the assessment and determination process. Where Council is the consent authority, Council will hold a notification and submission period of not less than 60 days and will require the developer to hold a minimum of one public information night during the exhibition and submission period. The developer shall should undertake additional consultation with the community and affected property owners.~~

**Council Assets**

Much of Council's road network is generally not capable of sustaining the increase in large scale construction traffic and may require substantial upgrading to accommodate construction vehicles. Appropriate bonds will be required to ensure any road damage is repaired to Council's satisfaction. Such bonds are payable prior to commencement of any works on the site. Road sealing shall be required where appropriate on unsealed public roads utilised by the proponent.

**Consultation with State Government Authorities**

Proponents are advised to consult with public authorities that may have a role in assessing the Development Application. Council may also consult with those relevant public authorities during the application process.

**Developer Contributions**

Council will seek to negotiate **voluntary** planning agreements for major solar energy farm developments in accordance with 7.4 of the Environmental Planning and Assessment Act 1979. However, this does not exclude application of section 7.11 or 7.12 Developer Contributions in accordance with the relevant Contributions Plan in force at the time of determination.

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## PART 7 SUBDIVISION

### 7.1 URBAN SUBDIVISION

*This section of the Plan provides guidelines for the subdivision of land zoned residential (R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential),.*

- Lot Size** The minimum lot size is determined by the Mid-Western Regional LEP 2012
- (a) All lots must have street frontage.
  - (b) As slope increases the minimum size of the lots will be required to increase according to the following:-

0-10°	600m <sup>2</sup>
10-15°	700m <sup>2</sup>
15-20°	800m <sup>2</sup>
  - (c) Development will not be permitted on slopes in excess of 20°. All lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary) in the case of lots within residential and village zones.

Battleaxe handles in R1General Residential and R3 Medium Density Residential and RU5 Village zones must have a minimum width of 4m and R2 Low Density residential and R5 large lot residential zones must have a minimum width of 6m
- Lot Design**
- (a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.
  - (b) For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width and the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June (Winter solstice)
  - (c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.
  - (d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.
- Street Design and Layout**
- (a) A Traffic Impact Statement is to be submitted for any subdivision involving 5 or more allotments and in all cases where the creation of a new road is proposed.
  - (b) A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area. New roads associated with subdivisions must provide 'through road' connections between surrounding roads and road heads where they exist in the

locality.

- (c) Where a cul de sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision. Multiple use of cul de sacs and “no through roads” is discouraged.
- (d) The maximum number of lots services by a cul de sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.
- (e) A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking.

#### Road Standards for New Development

A road hierarchy has been established in Mudgee and distinguishes between, Minor Roads, Collector Roads, Sub Arterial Roads and Arterial Roads. This hierarchy is to be maintained. The following table sets out the required standards for the construction of new roads.

#### Urban Road Standards

Access to and within a residential subdivision (the road network and internal roads) are to be upgraded or constructed to the following standards. All roads are to be constructed with asphalt or bitumen in accordance with AusRoads standards.

Road Type	Road Reserve	Carriage-way	Nature Strip	Footpath	Kerbing
Minor Road- Cul-de-sac serves ≤10 dwellings	16m	8m	2x4m	No	Roll-over
Residential Road – serves 31-120 dwellings	18m	9m	2x4.5m	1x1.2m	Roll-over
Major Residential Road (collector road) - serves >120 dwellings	20m	11m	2x4.5m	1x1.2m	Roll-over
Sub-arterial Road –Bus Route and/or cycle lane (on one side only)	22m	13m	2x4.5m	2.5m	Barrier
Commercial & Industrial subdivision roads	24m	13m	2x5.5m	1x1.2m	Barrier/ roll over

**Note: The minimum radius of Cul-de-sac kerb return is 8.5m with road reserve of 12.5m**

**Cul-de-sacs will only be considered in commercial/industrial subdivisions where there is no alternative option and should be designed having regard to the size of the lots proposed.**

#### Cycle ways and Footpaths

- (a) Cycle ways and alternative pedestrian networks are encouraged within new subdivisions. Where the site is included in a cycleway plan or pedestrian strategy, the design of the development will need to address this. In other cases, all new residential subdivisions are required to plan and provide combined pedestrian/cycle ways, which will provide direct, convenient and safe access to major facilities eg schools, playing fields, playgrounds, shops,

bus stops, etc.

- (b) Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10 metres.
- (c) The developer will be required to pay council a contribution for the installation of cycle ways and footpaths prior to the release of a subdivision certificate.

**Open Space**

(a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space

(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.

**Landscaping**

A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc.

Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.

**Street Trees**

All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.

**Utility Services**

A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications to the development.

Evidence of consultation with the relevant authorities is to be submitted with the development application.

In the R1 General Residential Zone and the R3 Medium Density Residential Zone an initial assessment will be undertaken at the development application to nominate those lots considered suitable for dual occupancy development. This assessment will have regard to the requirements of this DCP (see Section 2.2 and 3.1) and the suitability of the site. Where a site has been nominated Council will require dual utility services to be provided for those lots. Dual services are to include water,



sewer, stormwater, electrical and telecommunication services. Identification of the site does not pre-empt that development consent will be given for dual occupancy development. Any subsequent Development Application for a dual occupancy will be subject to a full assessment pursuant to Section 79C of the Environmental Planning and Assessment Act 1979.

**Drainage** Refer to section 5.3 Stormwater & Drainage

## 7.2 RURAL SUBDIVISION

*This section of the Plan provides guidelines for the subdivision of land zoned rural and R5 Large Lot Residential.*

**Site Plan** Applicants are required to submit a site plan which identifies existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads.

The application should:

- ❖ Detail the existing use of the land.
- ❖ Address access points and location of proposed lot configuration to public roads.
- ❖ Identify unformed roads and other crown land within and adjoining the subject site.
- ❖ Show any easements for electricity or other services.
- ❖ Clearly mark designated streams or watercourses within the site.

**Lot Size**

- (a) Lots must be of sufficient area to enable the construction of a dwelling house, associated outbuildings, services, vehicle parking and access, private open space without excessive terracing and allow for maximum retention of existing vegetation.
- (b) The minimum area for subdivision will apply to that area that is considered productive for the agricultural pursuit for which the lot is being created.

**Primary Production Small Lots** Subdivision applications on land in the RU4 zone for the purpose of intensive agriculture and a dwelling will need to include:

- ❖ Details of the proposed/existing intensive agricultural activity
- ❖ Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices.
- ❖ Evidence of water licenses satisfactory for the use
- ❖ Evidence of commencement or intention to commence the activity

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Land adjacent to the Mudgee Airport – Subdivision of land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the subdivision will facilitate the development of hangers in conjunction with a dwelling. Such an application will need to address:

- ❖ The relationship between the airport and the development site in respect to the interface with the airport; and
- ❖ Access to the airport for private aircraft.

Any dwelling component will be ancillary to the use of the lot for a hanger.

**Services**

Where the proposed lot(s) is within 500m of an R1 General Residential or R2 Low Density Residential zone, the new lots must:

- ❖ have sealed road frontage and be connected by sealed road to the sealed road network;
- ❖ connect to the reticulated water and sewer infrastructure.

**Roads**

All roads within a rural subdivision are to be sealed or connected to the sealed road network if the proposed lots are less than 500 metres to the sealed road network.

Notwithstanding the previous clause, where land is located within the R5 Large Lot Residential Zone and the subdivision results in lots less than 2 hectares in area then the new lots must have sealed road frontage and be connected by sealed road to the sealed road network.

**Lot design**

New lots to be created to minimise environmental impacts including:

- soil disturbance/erosion
- creek/waterway crossings
- tree removal, and
- adequate separation distances for new and existing development and environmental features

**Bushfire prone areas**

Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with Planning for Bushfire Protection 2006, a NSW Rural Fire Service Publication. Council is able to identify if the subject land is Bushfire Prone prior to the lodging of a development application. Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service.

**Heritage**

A cultural heritage assessment will be required to be submitted along with an application for subdivision where the subdivision will result the creation of a dwelling entitlement and there are overland drainage lines and/or elevated parts of the property (ridgelines and plateaus).

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<b>Vegetation/flora</b>	<p>The Native Vegetation Act 2003 prohibits the removal of native vegetation without prior permission from the relevant Local Catchment Management Authority. Applicants are advised to discuss any proposed clearing of vegetation with their respective Catchment Management Authorities (CMAs) prior to lodging a development application with Council. The relevant CMAs are:</p> <ul style="list-style-type: none"> <li>• Central West CMA</li> <li>• Upper Hunter CMA</li> </ul> <p>It is also advised to check with OEH for any endangered communities or species that may be on your land. If there is a possibility of any Endangered Communities or species on your land a flora study is to be completed and submitted with the application.</p>
<b>Fauna</b>	<p>The OEH should also be consulted to identify any threatened fauna that might be on the development site. If there is a possibility of any threatened fauna species or their habitat on your land then a fauna study is to be completed and submitted with the application.</p>
<b>Crown Roads</b>	<p>If the development is proposed to open or use a Crown Road, the written consent of the NSW Land and Property Management Authority to the making of the application is required prior to the submission of the development application to Council.</p> <p>Any crown road relied upon for the subdivision will be required by Council to be acquired from the Crown and upgraded by the applicant to Councils required standards. Thereafter the road will be designated to Council.</p> <p>Council will only be responsible for the maintenance of roads in accordance with Council's Unmaintained and Unformed Roads Policy.</p>
<b>Watercourses</b>	<p>Works on or near waterways under the Water Management Act (formerly Part 3A of the Rivers and Foreshores Improvements Act 1948) and any crossing of protected waters will require an activity approval from the NSW Office of Water prior to the construction of the crossing.</p>
<b>Rights of Carriageway</b>	<p>Subdivision of land for the purpose of a dwelling house where access is proposed by way of a right of carriageway which serves or is capable of serving any other portion or allotment of land other than that on which the dwelling house is to be erected, is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application along with the written approval of all of the owners of the land over which a right of carriage way is proposed or currently exists to be submitted with the development application.</p>
<b>Battle axe handle access</b>	<p>Subdivision of land where access is proposed by a battleaxe handle is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application.</p>

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No more than two battle axe handles will be permitted. Where more than one battle axe handle is required the access will be redesigned, upgraded and designated as a public road such that all lots created have direct frontage to a road.

**Water cycle management report**

Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed lot, in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.

**Telecommunications Infrastructure advice**

Telstra Corporation is the Primary Universal Service Provider for telecommunications infrastructure in Australia. Extensions to the Telstra network are planned in light of the size and pace of each stage of proposed development and the proximity of existing Telstra network. Early notification of any proposed development will enable Telstra to deliver services with minimal disruption and enable coordination of trenching with other infrastructure. To provide early notification, planned property developments can be registered on the Telstra website. Council requires the extension of the Telstra cable network to all new allotments within any subdivision for residential purposes.

**Electricity**

Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone, RU4 Primary Production Small Lots Zone and R5 Large Lot Residential Zone where the development is more than 1km from the grid system or the cost to provide electricity exceeds \$30,000 per lot subject to a covenant being imposed on the land title stating that the provision of electricity to the allotment is to be provided by the landowner. The approval of alternative methods of power supply is at the discretion of Council.

**Land Use History**

Any application on rural land would need to demonstrate the previous use of the land and potential for contaminating land uses.

**Community title Subdivision**

Any application on Large Lot Residential (R5) zoned land cannot create an overall lot density greater than the Minimum lot size prescribed by the LEP.

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***Additional provision for the creation of lots with a minimum lots size of 2ha*****Water Supply**

For the purpose of this Clause a water reticulation system is a reticulated community bore scheme.

Required water volumes are detailed in the Department of Primary Industries Water publication 'How Much Water Do I need for my Rural Property'. The average combined dwelling and outbuilding rainwater catchment area for the region equates to a required potable water supply of 0.256 mega litres per year.

For lots with a minimum area of 2 hectares, a minimum non-potable water supply of 0.200 mega litres per year must be provided.

To demonstrate this, a copy of the licence issued in accordance with the Water Industry Competition Act (WICA) 2006 issued by the Independent Pricing and Regulatory Tribunal NSW is to be provided to Council with the development application for subdivision.

If it is demonstrated that a licence issued in accordance with the WICA 2006 is not required, a draft Community Management Statement and Community Title Subdivision Plan is to be submitted with the development application for subdivision. The statement and plan must detail all the required infrastructure (both private and common) for the reticulated community bore scheme.

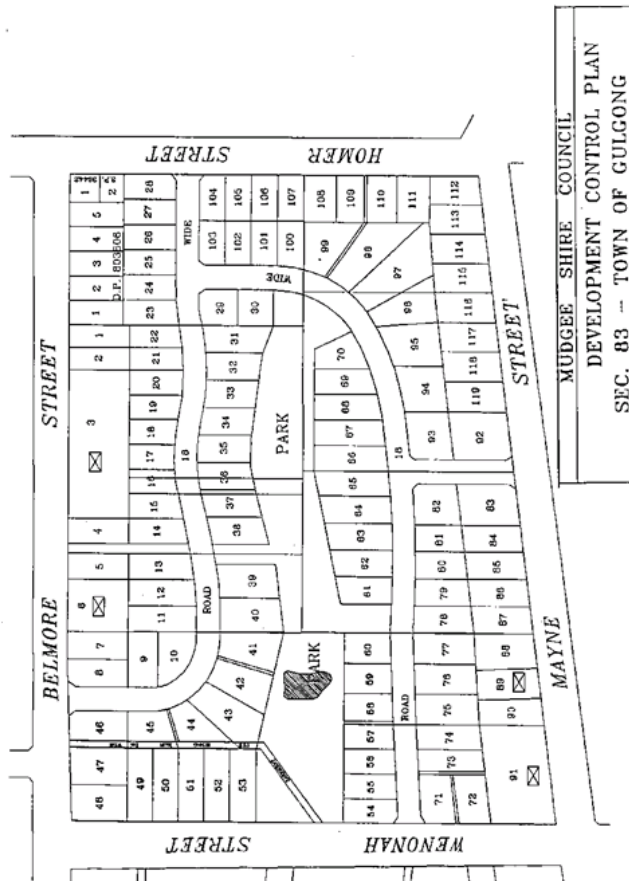


## PART 8 SITE SPECIFIC CONTROLS

### 8.1 GULGONG

A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site area of the lot to be created has an area of not less than 600m<sup>2</sup> and frontage at the front of the building alignment of not less than 18 metres.

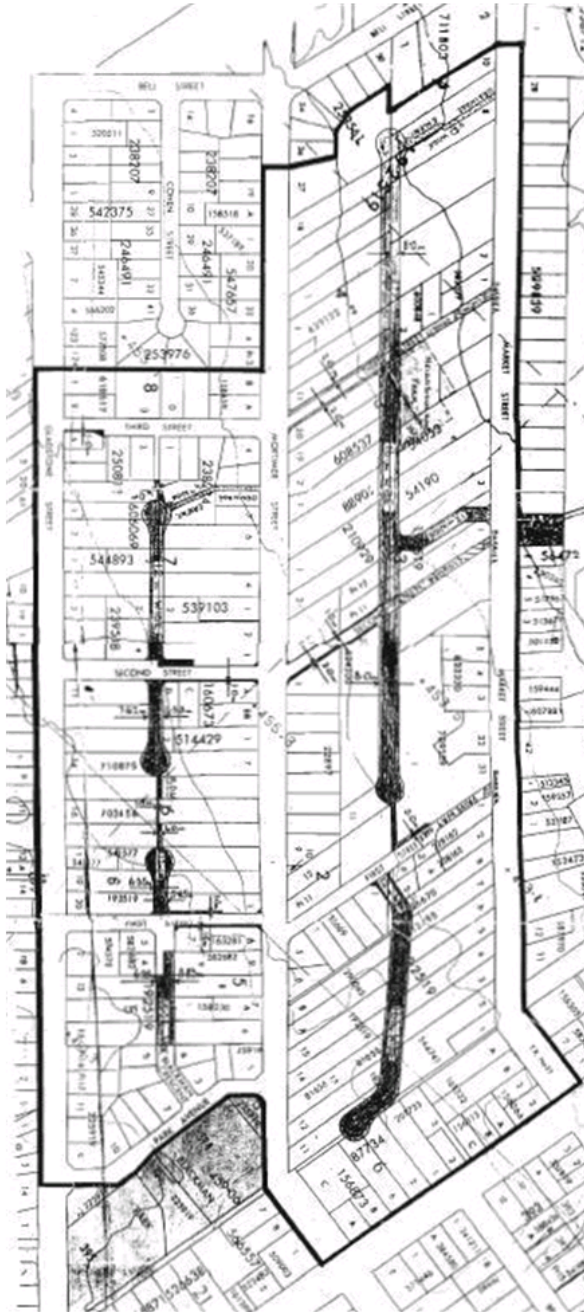
Any subdivision shall occur generally in accordance with the layout in the plan below.



### 8.2 WEST MUDGEE

A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site area of the lot to be created has an area of not less than 600m<sup>2</sup> and frontage at the front of the building alignment of not less than 15 metres.

Any subdivision shall occur generally in accordance with the layout in the plan below.



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### 8.3 CAERLEON RESIDENTIAL AREA

Site specific controls have been developed for the Caerleon precinct north west of Mudgee. The full detail of these controls is outlined in Appendix C Draft Caerleon Development Control Plan.

The Caerleon Precinct is to be assessed in accordance with the whole DCP except where specific provision is made for a standard in Appendix C.

## APPENDIX A FLOOD SCHEDULES

### FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
<b>Flooring and Sub-floor Structure</b>	<ul style="list-style-type: none"> <li>concrete slab-on-ground monolith construction suspension</li> <li>reinforced concrete slab.</li> </ul>
<b>Doors</b>	<ul style="list-style-type: none"> <li>solid panel with water proof adhesives</li> <li>flush door with marine ply filled with closed cell foam</li> <li>painting metal construction aluminium or galvanized steel frame</li> </ul>
<b>Floor Covering</b>	<ul style="list-style-type: none"> <li>clay tiles</li> <li>concrete, precast or in situ</li> <li>concrete tiles</li> <li>epoxy, formed-in-place</li> <li>mastic flooring, formed-in-place</li> <li>rubber sheets or tiles with chemical-set adhesives</li> <li>silicone floors formed-in-place</li> <li>vinyl sheets or tiles with chemical-set adhesive</li> <li>ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>asphalt tiles, fixed with water resistant adhesive</li> </ul>
<b>Wall and Ceiling Linings</b>	<ul style="list-style-type: none"> <li>fibro-cement board</li> <li>brick, face or glazed</li> <li>clay tile glazed in waterproof mortar</li> <li>concrete</li> <li>concrete block</li> <li>steel with waterproof applications</li> <li>stone, natural solid or veneer, waterproof grout</li> <li>glass blocks</li> <li>glass</li> <li>plastic sheeting or wall with waterproof adhesive</li> </ul>
<b>Insulation</b>	<ul style="list-style-type: none"> <li>foam (closed cell types)</li> </ul>
<b>Windows</b>	<ul style="list-style-type: none"> <li>aluminium frame with stainless steel rollers or similar corrosion and water resistant material.</li> </ul>
<b>Wall Structure</b>	solid brickwork, blockwork, reinforced, concrete or mass concrete
<b>Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)</b>	<ul style="list-style-type: none"> <li>reinforced concrete construction</li> <li>galvanised metal construction</li> </ul>

<p><b>Nails, Bolts, Hinges and Fittings</b></p>	<ul style="list-style-type: none"> <li>• brass, nylon or stainless steel</li> <li>• removable pin hinges</li> <li>• hot dipped galvanised steel wire nails or similar</li> </ul>
<p><b>Electrical and Mechanical Equipment</b></p>	<p>For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.</p> <p><b>Main power supply</b> - Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.</p> <p><b>Wiring</b> - All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.</p> <p><b>Equipment</b> - All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.</p> <p><b>Reconnection</b> - Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.</p>
<p><b>Heating and Air Conditioning Systems</b></p>	<p>Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.</p> <p><b>Fuel</b> - Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</p> <p><b>Installation</b> - The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.</p> <p><b>Ducting</b> - All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.</p>



LAND USE CATEGORIES

Essential Community Facilities	Critical Utilities	Subdivision	Residential
<p>Place of assembly, public building or community centre which may provide an important contribution to the notification and evacuation of the community during flood events;</p> <p>Generating works;</p> <p>Hospitals;</p> <p>Institutions; and Educational establishments.</p>	<p>Telecommunication facilities;</p> <p>Public utility undertaking which may cause pollution of waterways during flooding, are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after flood events.</p>	<p>Subdivision of land which involves the creation of new allotments.</p>	<p>Bed and breakfast establishment;</p> <p>Boarding houses;</p> <p>Caravan park– long-term sites only;</p> <p>Child care centre;</p> <p>Craftsman’s studio;</p> <p>Dwelling;</p> <p>Dwelling house;</p> <p>General store;</p> <p>Home industry;</p> <p>Home occupation;</p> <p>Housing for aged or disabled persons;</p> <p>Group homes;</p> <p>Professional consulting rooms;</p> <p>Residential flat building;</p> <p>Tourist facilities; and</p> <p>Utility installations (other than critical utilities)</p>
<p><b>Recreational Uses</b></p> <p>Golf courses</p> <p>Playing Fields</p> <p>Amenity Buildings</p>	<p><b>Agricultural Uses</b></p> <p>Cultivation</p> <p>Pastures</p> <p>Hay sheds</p> <p>Machinery sheds</p>		

**MATRIX 1 URBAN FLOODPLAINS**

Urban Floodplains  
 Planning & Development Controls

Planning Consideration	Flood Risk Precincts (FRP's)																								
	Low Flood Risk						Medium Flood Risk						High Flood Risk												
	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	
Floor Level	3			2	2	2						2	2	2	1	2,4								1	2,4
Building Components	2			1	1	1						1	1	1	1	1								1	1
Structural Soundness	2											2	2	2	2	2								1	1
FloodAffectation	2	2			2	2			1	2	2	2	2	2	2									1	1
Evacuation	2								1	1	1	1	1	1	1									1	1
Management & Design	4,5								1			2,3,5	2,3,5	2,3,5	2,3,5									2,3,5	2,3,5

Not Relevant      Unsuitable Land Use

Note: reference to freeboard refers to an increased height of 0.5 metres

**Floor Level**

- 1 All floor levels to be equal to or greater than the 20 year ARI flood (plus freeboard) unless justified by site specific assessment
- 2 Habitable floor levels to be equal to or greater than the 100 year ARI flood (plus freeboard)
- 3 All floor levels to be equal to or greater than the PMF flood (plus freeboard)
- 4 Floor levels to be as close to the design floor level as practical & no lower than the existing floor level when undertaking alterations or additions

**Building Components & Method**

- 1 All structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)
- 2 All structures to have flood compatible building components below or at the PMF level (plus freeboard)

**Structural Soundness**

- 1 Engineers report to certify that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 2 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including a PMF flood (plus freeboard)

**FloodAffectation**

- 1 Engineers report to certify that the development (or potential development in the case of subdivision) will not increase flood affectation elsewhere
- 2 The impact of the development on flooding elsewhere to be considered

**Evacuation**

- 1 Reliable access for pedestrians or vehicles required during a 100 year ARI flood
- 2 Reliable access for vehicles required during a 100 year ARI flood
- 3 Reliable access for pedestrians and vehicles required during a PMF flood

**Management and Design**

- 1 Applicant to demonstrate that potential development as a consequence of subdivision proposal can be undertaken in accordance with this Plan
- 2 Flood plan required where floor levels are below the design floor level
- 3 Applicant to demonstrate that area is available to store goods above the 100 year ARI flood (plus freeboard)
- 4 Applicant to demonstrate that area is available to store goods above the PMF flood (plus freeboard)
- 5 No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood

**MATRIX 2 NON URBAN FLOODPLAINS**

**Non-Urban Floodplains**

**Planning & Development Controls**

Planning Consideration	Flood Risk Precincts (FRP's)																							
	Low Flood Risk						Medium Flood Risk						High Flood Risk											
	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development
Floor Level	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Building Components	2	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1
Structural Soundness	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Flood Affection	2	2	2	2	2	2	2	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Evacuation	2	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
Management & Design	4,5	4,5	4,5	4,5	4,5	4,5	4,5	4,5	1	2,3,5	2,3,5	2,3,5	2,3,5	2,3,5	2,3,5	2,3,5	4,5	4,5	4,5	4,5	4,5	4,5	4,5	4,5

Not Relevant      Unsuitable Land Use

Note: reference to freeboard refers to an increased height of 0.5 metres

**Floor Level**

- 1 All floor levels to be equal to or greater than the 20 year ARI flood (plus freeboard) unless justified by site specific assessment
- 2 Habitable floor levels to be equal to or greater than the 100 year ARI flood (plus freeboard)
- 3 All floor levels to be equal to or greater than the PMF flood (plus freeboard)
- 4 Floor levels to be as close to the design floor level as practical & no lower than the existing floor level when undertaking alterations or additions

**Building Components & Method**

- 1 All structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)
- 2 All structures to have flood compatible building components below or at the PMF level (plus freeboard)

**Structural Soundness**

- 1 Engineers report to certify that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 2 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including a PMF flood (plus freeboard)

**Flood Affection**

- 1 Engineers report to certify that the development (or potential development in the case of subdivision) will not increase flood affection elsewhere
- 2 The impact of the development on flooding elsewhere to be considered

**Evacuation**

- 1 Reliable access for pedestrians or vehicles required during a 100 year ARI flood
- 2 Reliable access for vehicles required during a 100 year ARI flood
- 3 Reliable access for pedestrians and vehicles required during a PMF flood

**Management and Design**

- 1 Applicant to demonstrate that potential development as a consequence of subdivision proposal can be undertaken in accordance with this Plan
- 2 Flood plan required where floor levels are below the design floor level
- 3 Applicant to demonstrate that area is available to store goods above the 100 year ARI flood (plus freeboard)
- 4 Applicant to demonstrate that area is available to store goods above the PMF flood (plus freeboard)
- 5 No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood

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## APPENDIX B1 MWRC AUSPEC STORMWATER DRAINAGE DESIGN

## APPENDIX B2 STORMWATER TO SMARTWATER

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## APPENDIX C CAERLEON DEVELOPMENT CONTROL PLAN



## APPENDIX D IMPLEMENTING A SUBDIVISION CONSENT



Planning &  
Environment



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

18/107

Attention: Sarah Armstrong, Manager Strategic Planning

Dear Mr Cam,

**Planning proposal (PP\_2018\_MIDWR\_001\_00) – to amend Mid-Western Regional Local Environmental Plan 2012 – housekeeping- Growee and local heritage items**

I am writing in response to your Council's letter dated 15 November 2017 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to rezone land at Growee and include three (3) new local heritage items and amending the description of an existing local heritage item.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. **(Attachment 1)**

I am satisfied that the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands is of minor significance in this case and no further work I required.

At this time, the planning proposal is inconsistent with section 117 Direction 1.3 – Mining, Petroleum Production and Extractive Industries as the rezoning of the land at Growee has the potential to prohibit and restrict the potential development of these resources. Consultation is required with the Department of Planning and Environment – Resources and Energy and this inconsistency is to be addressed and satisfied at section 59 stage.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. **(Attachment 2)**

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ([parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 weeks prior to the projected publication date.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

A copy of the request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au) when requesting the planning proposal be finalised.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Environmental Planning & Assessment Act, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Wayne Garnsey of the Departments Western Region office to assist you. Mr Garnsey can be contacted on (02) 68412180.

Yours sincerely,



18.1.18

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl:  
Attachment 1 – Gateway determination  
Attachment 2 – Written Authorisation to Exercise Delegation  
Attachment 3 – Delegated Plan Making Reporting template



## Planning & Environment

### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_MIDWR\_001\_00):** - housekeeping - to rezone land at Growee and include local heritage items.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Mid-Western Local Environmental Plan 2012 (LEP) to rezone land at Growee and include local heritage items should proceed subject to the following conditions:

1. Council as the relevant planning authority is required to prepare a Statement of Significance for the proposed local heritage items and include this work as part of the community and agency consultation package.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and/organisations under Section 56(2)(d) of the Act:
  - Department of Primary Industries – Agriculture
  - Office of Environment and Heritage
  - Rural Fire Service
  - Department of Planning and Environment – Resources and Energy.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Prior to submission of the planning proposal under section 59 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 18<sup>th</sup> day of January 2018.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**





## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

**Notes:**

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for **Table 2**
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2018_MIDWR_001_00
Date sent to Department under s56	21 November 2017
Date considered at LEP review Panel	N/A
Gateway determination date	18 January 2018

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council resolved to adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and Details	

Additional relevant information:





#### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2018_MIDWR_001_00	Planning proposal to rezone land at Growee and insert three (3) local heritage items and amend one (1) local heritage item.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 18 January 2018

A handwritten signature in black ink, appearing to be 'D. Pfeiffer', written over a faint circular stamp or watermark.

**Damien Pfeiffer**  
Director Regions, Western  
Department of Planning and Environment

**Delegate of the Minister for Planning**



*Looking After  
our Community*

## PLANNING PROPOSAL

HOUSEKEEPING AMENDMENT TO  
THE MID-WESTERN REGIONAL  
LOCAL ENVIRONMENTAL PLAN 2012

1 OCTOBER 2017

MID-WESTERN REGIONAL COUNCIL  
DEVELOPMENT: STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL

THIS DOCUMENT HAS BEEN PREPARED BY THE DEVELOPMENT DIRECTORATE FOR MID-WESTERN REGIONAL COUNCIL.

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## Overview

### Introduction

This Planning Proposal *Housekeeping Amendment* explains the intent of, and justification for, the proposed amendments to the Mid-Western Regional Local Environmental Plan 2012 (MWR LEP 2012).

The planning proposal is to implement a Housekeeping Amendment to the MWR LEP 2012 that:

1. Rezones land at Upper Growee; and
2. Includes three additional heritage items in Schedule 5 Environmental Heritage and amends the legal description of one.

The proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

### Background

Mid-Western Regional Local Environmental Plan 2012 (MWR LEP 2012) came into effect on 10 August 2012. MWR LEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

## Part 1 - Objectives or Intended Outcome

The objectives of the amendments included in this Planning Proposal are outlined in the table below.

AMENDMENT	LAND TO WHICH IT APPLIES		OBJECTIVE/OUTCOME
<b>UPPER GROWEE – REZONE RU4 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE LOT RESIDENTIAL</b>	Lot 1 DP 730108	Lot 4 DP 1084297	Correct an oversight in mapping of the Mid-Western Regional Local Environmental Plan 2012.
	Lot 4 DP 1055368	Lot 3 DP 1084297	
	Lot 1 DP 1055368	Lot 122 DP 755448	
	Lot 102 DP 1195109	Lot 1 DP 1084297	
	Lot 103 DP 1195109	Lot 1 DP 1179425	
	Lot 101 DP 1195109	Lot 2 DP 1179425	

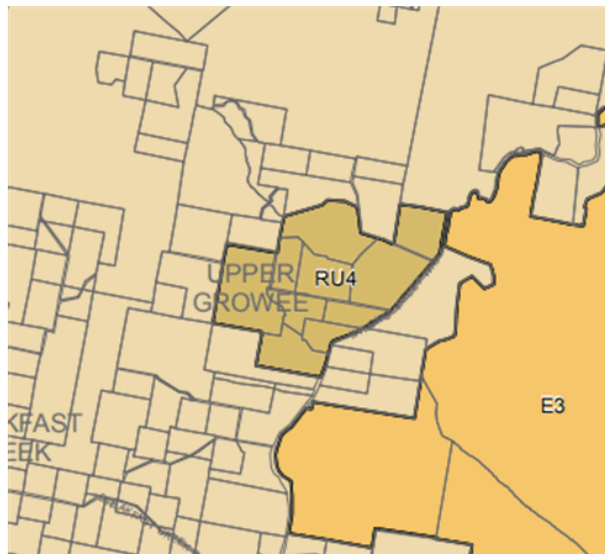


Figure 1: **CURRENT** zoning RU4 of the Upper Growee locality

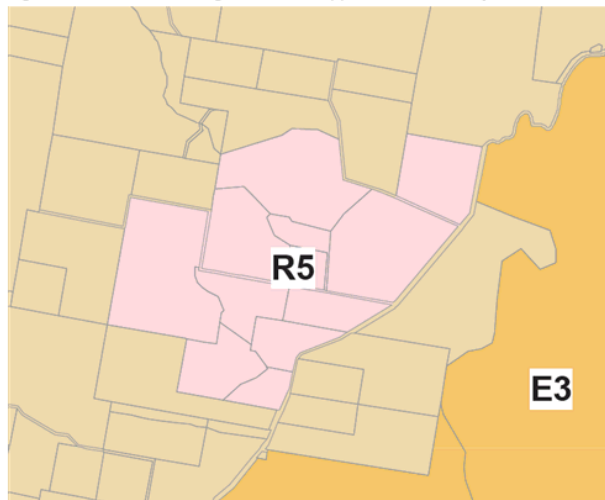


Figure 2: **PROPOSED** zoning R5 of the Upper Growee locality



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AMENDMENT	LAND TO WHICH IT APPLIES	OBJECTIVE/OUTCOME
<b>ADDITIONAL ITEMS TO BE INCLUDED IN SCHEDULE 5 AND DESCRIPTION OF ONE ITEM TO BE CORRECTED</b>	<b>Presbyterian Church (former)</b> 90A Louee Street, Rylstone Lot 3 DP 1230710	In accordance with Council resolution dated 7 December 2011 these properties be included in Schedule 5.
	<b>Rylstone Kandos Cemetery</b> 73 – 75A Nerrango Road, Rylstone Lot 1 DP650678 Lot 1 DP1121520 Lot 1 DP668505 Lot 7023 DP1030117 Lot 1 DP724249 Lot 150 DP755789 Lot 1 DP668504 Lot 1 DP1138214	
	<b>Uniting Church and Manse</b> 3-5 Ilford Road, Rylstone Lot 1 DP 387675 Lot 2 Section 14 DP 758891	
	<b>St Stephen's Anglican Church Bylong</b> Lot 51 DP 1142227 Bylong Valley Way Bylong	

## Part 2 - Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved through the application of the following mechanisms:

### (a) Upper Growee – Rezone RU4 Rural Small Holdings to R5 Large Lot Residential

It is proposed that the zoning map sheet LZN\_009 be amended from RU4 Primary Production Small Lots to R5 Large Lot Residential.

#### Background

The locality at Upper Growee was zoned 1(c1) Rural Small Holdings – Rural Retreat under the Rylstone Local Environmental Plan 1996. The following is the Clause relating to subdivision for the purposes of dwellings:

#### 17 Subdivision for the purposes of dwellings within Zone No 1 (c1)

(1) The Council shall not consent to the subdivision of land within Zone No 1 (c1) unless each allotment to be created has an area of 10 hectares or more and the Council is satisfied that each allotment will be used primarily for the purposes of a dwelling-house.

(2) The Council shall not grant consent to the subdivision of land as referred to in subclause (1) unless it has taken into consideration:

- (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the number of the allotments proposed to be created, and
- (b) the desirability of providing a range and mixture of allotment sizes, and
- (c) whether each allotment to be created by the subdivision is suitable for the economic provision of services, and
- (d) whether each allotment to be created by the subdivision is suitable for on-site sewage management.

As detailed, there is not a requirement for the establishment of an intensive agricultural pursuit.

Further provided, below are the 1(c1) Rural Small Holdings – Rural Retreat Zone Objectives. As detailed below there are no objectives that relate to the establishment of an intensive agricultural pursuit and are in fact in line with the zone objective for the R5 – Small Lots of the Mid-Western Regional Local Environmental Plan 2012 (the proposed zoning).

#### Zone No 1 (c1) (Rural small holdings—rural retreat)

##### 1 Objectives of zone

The objectives of this zone are:

- (a) to promote development of land identified as suitable for:
  - (i) rural retreat or hobby farm development, or
  - (ii) a range of rural, industrial and storage purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect the land or development in the vicinity and,
- (b) to enable other forms of development which are:
  - (i) in keeping with the rural character of the locality and compatible with existing, and likely future, rural retreat holdings, and
  - (ii) compatible with the environmental capabilities of the land and are unlikely to adversely affect the land or development in the vicinity.

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## Current Situation

With the gazettal of the Mid-Western Regional Local Environmental Plan 2012 the subject land was rezoned from 1(c1) Rural Small Holdings – Rural Retreat to RU4 Primary Production Small Lots.

This change in zoning has become problematic for land owners when seeking consent for the erection of a dwelling. Any development application for the erection of a dwelling in Zone RU4 Primary Production Small lots (provided below) requires Clause 4.2B Dwellings houses on land in Zone RU4 Primary Production Small Lots to be satisfied.

To satisfy Clause 4.2B the landowners need to demonstrate what intensive agricultural pursuit will be undertaken amongst other requirements and also satisfy the relevant Mid-Western Regional Development Control Plan provisions.

The DCP provisions require landowners to supply a copy of a water licence to support the intensive agricultural pursuit. These requirements were not part of the Rylstone Local Environmental Plan 1996 and landowners have stated the land is not capable of intensive agricultural uses and no water licences exist. Accordingly, rezoning the land to R5 Large Lot Residential would remove this incorrectly imposed requirement for consideration of an intensive agricultural pursuit.

4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots

(1) *The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.*

(2) *Development consent must not be granted for the erection of a dwelling house on land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that:*

- (a) *the land is being used, or is intended to be used, for the purpose of intensive plant agriculture, and*
- (b) *the dwelling house will be required to support the carrying out of the intensive plant agriculture or the irrigation of pasture and fodder crops, and*
- (c) *the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone, and*
- (d) *services for the supply of water and electricity to support that agricultural use are available or adequate arrangements have been made to make them available when required.*

## Proposed Situation

It is proposed that the zoning map sheet LZN\_009 be amended from RU4 Primary Production Small Lots to R5 Large Lot Residential.

### (b) Additional Items Included in Schedule 5 Environmental Heritage

It is proposed that Schedule 5 Environmental Heritage of the Mid-Western Regional Local Environmental Plan 2012 be amended to include three additional items and that an amendment be made to correct the legal description for St Stephen's Anglican Church, Bylong.

#### Background

At Council's Ordinary meeting on the 7 December 2011, it was resolved that the following be included in Schedule 5 Environmental Heritage: Presbyterian Church (former), Rylstone Kandos Cemetery and the Uniting Church and Manse.

#### Current Situation

It is unclear why Schedule 5 Environmental Heritage was not amended at the time to reflect this resolution.

Council received a Local Heritage Grant Application for the St Stephen's Anglican Church, Bylong which requested the reference in Schedule 5 be corrected to Lot 51 DP 1142227.

#### Proposed Situation

As it has now been identified, it is proposed that these items be listed as per the previous resolution and subject to landowner's consent and the preparation of a heritage Statement of Significance.

The error in the legal description for St Stephen's Anglican Church will also be corrected.

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## Part 3 - Justification

### Section A - Need for the Planning Proposal

#### Q1: Is the planning proposal the result of any strategic study or report?

The Planning Proposal is not the result on a strategic study or report. The Planning Proposal relates to housekeeping matters.

#### State and Regional Policies

Whilst there is no specific State or Regional Environmental Plan that addresses future development in Mudgee or that has relevance to the local government area, there are a number of significant challenges common to strategic planning in inland and regional areas of NSW. These are to:

- Support sustainable agriculture
- Conserve valuable environmental assets
- Minimise land use conflict.

At a general policy level, the proposed amendment will facilitate the more efficient use of land and provide clarity in an otherwise complex planning document.

#### Q2: Is the planning proposal the best means of achieving the objectives or outcomes or is there a better way?

The Planning Proposal is the best means of achieving the intended outcomes.

### Section B - Relationship to Strategic Framework

#### Q3: Is the planning proposal consistent with the application regional or sub-regional strategy?

The Central West and Orana Regional Plan 2036 applies to the Mid-Western Regional local government area. The regional plan does not apply to the Housekeeping Amendment.

#### Q4: Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Not applicable. The proposed Housekeeping Amendment will not impact upon Council's Community Plan key themes.

#### Q5: Is the planning proposal consistent with applicable state environmental planning policies?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPPs) is included in the following table. The proposal is either consistent with or not offensive to any applicable SEPPs.

SEPP	CONSISTENCY / RESPONSE
1 – DEVELOPMENT STANDARDS	Not relevant
14 – COASTAL WETLANDS	Not relevant
19 – BUSHLAND IN URBAN AREAS	Not relevant
21 – CARAVAN PARKS	Not relevant
26 – LITTORAL RAINFORESTS	Not relevant
30 – INTENSIVE AGRICULTURE	Not relevant
33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT	Not relevant
44 – KOALA HABITAT PROTECTION	Not relevant
47 – MOORE PARK SHOWGROUND	Not relevant
50 – CANAL ESTATE DEVELOPMENT	Not relevant
52 – FARM DAMS AND OTHER WORKS IN LAND AND WATER MANAGEMENT PLAN AREAS	Not relevant
55 – REMEDIATION OF LAND	Not relevant
62 – SUSTAINABLE AQUACULTURE	Not relevant
64 – ADVERTISING AND SIGNAGE	Not relevant
65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT	Not relevant
70 – AFFORDABLE HOUSING	Not relevant
71 - COASTAL PROTECTION	Not relevant
AFFORDABLE RENTAL HOUSING 2009	Not relevant
BASIX 2004	Not relevant
EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES 2017	Not relevant
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Not relevant
HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004	Not relevant
INFRASTRUCTURE 2007	Not relevant
INTEGRATION AND REPEALS 2016	Not relevant
KOSCIUSZKO NATIONAL PARK - ALPINE RESORTS 2007	Not relevant
KURNELL PENINSULA 1989	Not relevant
MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES 2007	Not relevant
MISCELLANEOUS CONSENT PROVISIONS 2007	Not relevant
RURAL LANDS 2008	Not relevant
STATE AND REGIONAL DEVELOPMENT 2011	Not relevant
STATE SIGNIFICANT PRECINCTS 2005	Not relevant
SYDNEY DRINKING WATER CATCHMENT 2011	Not relevant
SYDNEY REGION GROWTH CENTRES 2006	Not relevant
THREE PORTS 2013	Not relevant
URBAN RENEWAL 2010	Not relevant
VEGETATION IN NON-RURAL AREAS 2017	Not relevant
WESTERN SYDNEY EMPLOYMENT AREA 2009	Not relevant
WESTERN SYDNEY PARKLANDS 2009	Not relevant



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Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant section 117 Directions are addressed in Appendix 1. The proposal is consistent with the relevant 117 Directions.

## Section C - Environmental, Social and Economic Impact

Q7: 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 rezoning from RU4 Primary Production Small Lots will not increase the maximum dwelling development yields or any associated vegetation clearing.

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable.

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

As set out in A Guide to Preparing Planning Proposals, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

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

The change in land zoning from RU4 to R5 will have an economic benefit in terms of delivery of dwellings into the rural lifestyle market.

The additional items to be listed in Schedule 5 Environmental Heritage will help preserve the regions history.

## Section D - State and Commonwealth Interests

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

Infrastructure is available to support the development generated by the planning proposal.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Not applicable.

## Part 4 - Mapping

The planning proposal will require an amendment to Map Sheet LZN\_009 (Figure 3 provided below).

Council utilises the assistance of the Department of Planning and Environment in drafting all map amendments and this will again be the case in this instance. Mapping amendments will be requested following the public exhibition period to avoid duplication and re-drafting. This has been the practice with previous amendments. Figure 3 below will be used for exhibition purposes.

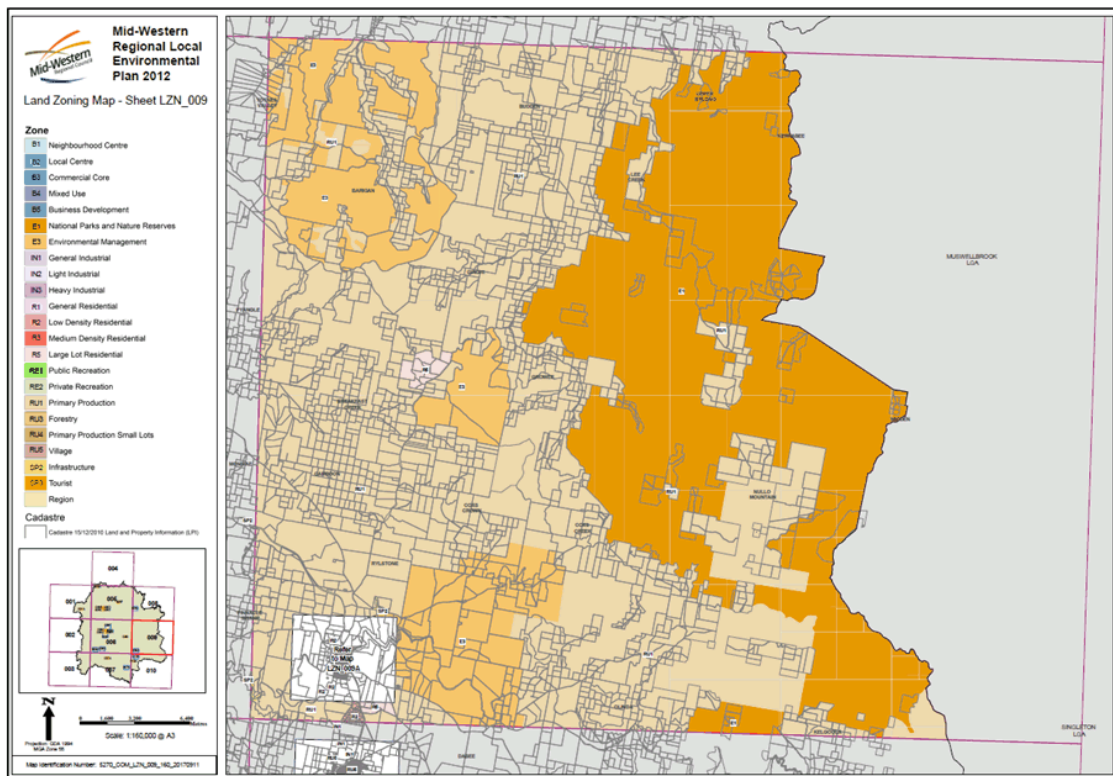


Figure 3: **PROPOSED** amended land zoning map at Upper Growee

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## Part 5 - Community Consultation

The proposal is of minor significance and is considered to be a low impact proposal as outlined in 5.5.2 Community Consultation "Guide to preparing local environmental plans". The proposal is:

- Consistent with the pattern of surrounding land use zones and/or land uses
- Consistent with the strategic planning framework
- Presents no issue with regard to infrastructure servicing
- Not a principal LEP
- Does not reclassify public land

As such the following consultation is proposed:

- An exhibition period of 14 days commencing on the date that a notice of exhibition is printed in the local news press
- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council's website for the duration of the exhibition period

Consultation with agencies external to Council is not considered necessary.

## Part 6 - Project Timeline

The planning proposal is a minor housekeeping amendment to the Mid-Western Regional Local Environmental Plan 2102 and should be able to be achieved within 3 months of the date of the Gateway Determination.

### Proposed Timeline

MILESTONE	DATE
Gateway determination	October/November 2017
Completion of technical information	N/A
Agency Consultation	N/A
Public Exhibition	November/December 2017
Consideration of Submissions	December 2017
Mapping, Legal Drafting & Opinion	December/January 2017
RPA makes plan	January/February 2018

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## Appendix 1 - Section 117 Directions

The Section 117 Directions have been identified in the table below. The planning proposal is generally consistent with the directions.

SECTION 117 DIRECTION	APPLICABLE	CONSISTENT	COMMENT
<b>1. Employment and Resources</b>			
1.1 Business & Industrial zones	No	N/A	
1.2 Rural zones	Yes	N/A	The rezoning from RU4 Primary Production Small Lots to R5 Large Lot Residential is correcting an oversight in the mapping of the Mid-Western Regional Local Environmental Plan 2012.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5 Rural Lands	Yes	N/A	The rezoning from RU4 Primary Production Small Lots to R5 Large Lot Residential is correcting an oversight in the mapping of the Mid-Western Regional Local Environmental Plan 2012.
<b>2. Environment &amp; Heritage</b>			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal Protection	No	N/A	
2.3 Heritage Conservation	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use and Transport	No	N/A	

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3.5 Development Near Licensed Aerodromes	No	N/A	
3.6 Shooting Ranges	No	N/A	
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	No	N/A	
4.2 Mine Subsidence and Unstable Land	No	N/A	
4.3 Flood Prone Land	No	N/A	
4.4 Planning for Bushfire Protection	No	N/A	
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	No	N/A	
5.2 Sydney Drinking Water Catchments	No	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	
5.9 North West Rail Link Corridor Strategy	No	N/A	
5.10 Implementation of Regional Plans	No	N/A	
<b>6. Local Plan making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	This Planning Proposal will encourage the efficient and appropriate assessment of development. In particular in relation to the land to be rezoned at Upper Growee.
6.2 Reserving Land for Public Purposes	No	N/A	
6.3 Site Specific Provisions	Yes	Yes	This Planning Proposal will result in listing of additional items, this listing is not considered unnecessarily restrictive. The correction of the mapping oversight will allow the appropriate consideration of the applications for the erection of dwellings on land at Upper Growee.
<b>7. Metropolitan Planning</b>			
7.1 Implementation of A Plan for Growing Sydney	No	N/A	
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A	
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	N/A	
7.4 Implementation of North West Priority Growth	No	N/A	



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Area Land Use and Infrastructure Implementation Plan		
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<b>No</b>	<b>N/A</b>
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<b>No</b>	<b>N/A</b>

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MID-WESTERN REGIONAL  
CONTRIBUTIONS PLAN  
2019

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Mid-Western Regional Contributions Plan 2019  
Mid-Western Regional Council

## Mid-Western Regional Contributions Plan 2019

Prepared for

**Mid-Western Regional Council**



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Draft Mid-Western Regional Contributions Plan 2019 - Post Exhibition



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## 1. What is this plan about?

The Mid-Western Regional Local Government Area (LGA) is located in the Central West region of NSW, approximately 250 km or 3-4 hours' drive from the heart of Sydney. The whole of the former Mudgee and the majority of the former Rylstone (70%) and part of Merriwa Councils (10%) were amalgamated into the Mid-Western Regional LGA in 2004. With a population of almost 25,000 residents, it forms one of regional NSW's fastest growing areas.<sup>1</sup>

Mudgee is the commercial and tourism centre of the LGA, complemented by the smaller towns of Rylstone, Kandos and Gulgong, 14 villages and other rural localities.

With growth largely concentrated in and around Mudgee, the population of the Mid-Western Regional LGA is anticipated to grow by 2,000 residents over the next 10 years. Employment growth is also anticipated amongst the LGA's strong economic generation areas of agriculture, viticulture, mining, tourism, and retail services.<sup>2</sup>

The additional population and employment growth will generate new demand for a range of local infrastructure that the Mid-Western Regional Council provides, including roads and shared paths, parks and recreation facilities, and community facilities.

Contributions of land, works and money from the developers of land throughout the LGA will be a key source of funding for the new and upgraded infrastructure.

Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals. Councils and accredited certifiers may only impose a contribution if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

**This plan's main purpose is to authorise the Council or an accredited certifier to impose conditions on development consents or complying development certificates (CDCs) requiring section 7.11 contributions or section 7.12 fixed rate levies from development in accordance with the rates in the plan.**

The contributions and levies are summarised in **Table 1**.

<sup>1</sup> Mid-Western Regional Council, *2018 Economic and Business Profile for the Mid-Western Region* (2018 Economic Profile), June 2018.

<sup>2</sup> 2018 Economic Profile.



**Table 1 Contributions or levies to be applied to development**

Development type	Catchment	Type of contribution or levy	Amount of contribution or levy			
Residential development	'Mudgee' catchment	s7.11	\$3,411 per resident*	\$5,118 per secondary dwelling or self-contained seniors dwelling	\$5,118 per studio or 1 bedroom dwelling	\$8,529 per separate lot; per 2 or more bedroom dwelling
Residential development	'Outside Mudgee' catchment	s7.11	\$1,977 per resident*	\$2,965 per secondary dwelling or self-contained seniors dwelling	\$2,965 per studio or 1 bedroom dwelling	\$4,940 per separate lot; per 2 or more bedroom dwelling
Extractive industry development	LGA	s7.11	\$0.66 per tonne of resource removed from the site per quarter by road transport.			
Other forms of development	LGA	s7.12	Where the proposed development cost exceeds \$100,000 but is less than or equal to \$200,000, the levy equals 0.5% of that cost  Where the development cost exceeds \$200,000, the levy equals 1% of that cost (developments which are proposed to cost less than \$100,000 are not levied).			

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.

Notes:

CPI adjustments apply to section 7.11 contribution rates from the base date of this plan (see **Section 6.3.1**) and development costs for which section 7.12 levy percentages are applied (see **Section 6.3.2**).

Development exempt from contributions is in **Section 2.7** and includes residential development on existing lots which have been previously subdivided.

Development which is a mix of residential and other forms of development is subject to either a section 7.11 contribution or section 7.12 levy depending on which development type represents the majority share of the gross floor area (GFA) (see **Section 2.6.1**).

The contributions that are made by developers under this plan over the next 10 years will be applied by Council to deliver the schedule of local infrastructure works listed in **Appendix A**.

A key requirement of the plan is to show that there is a reasonable nexus or need for the infrastructure arising from the new development and funded from section 7.11 contributions, and that the contribution rates to be levied on developers fairly reflect that nexus.

This plan applies to both:

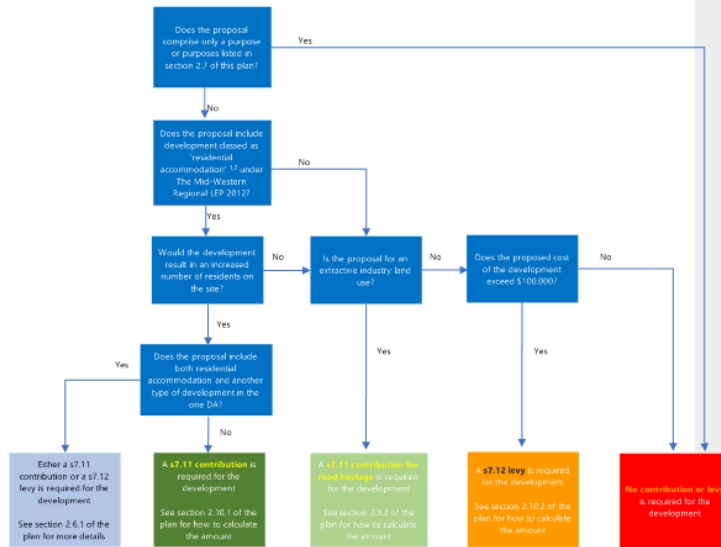
- residential development throughout the LGA; and
- non-residential development in the LGA.

**Figure 1** provides an overview of the different contributions applicable for various types of development under the plan.

Consistent with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**), this plan has been prepared having regard to the latest practice notes issued by the NSW Department of Planning and Environment. It includes the following:

- a schedule of contribution rates for various types of development.
- information on the relationship between the expected future development and the demand for local infrastructure, including how the nexus-based section 7.11 contribution rates were calculated.
- the Council's policies on how and when developers can settle their developer contributions obligations, including opportunities for developers to dedicate infrastructure land and provide works in kind.
- specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- provisions to ensure the fair and transparent administration of development contributions received under this plan.

Figure 1 Overview of contributions rates applicable under this plan



<sup>1</sup> Development includes the subdivision of land  
<sup>2</sup> Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:  
 (a) attached dwellings,  
 (b) boarding houses,  
 (c) dual occupancies,  
 (d) dwelling houses,  
 (e) group homes,  
 (f) hotels,  
 (g) multi dwelling housing,  
 (h) residential flat buildings,  
 (i) rural workers' dwellings,  
 (j) secondary dwellings,  
 (k) semi-detached dwellings,  
 (l) seniors housing,  
 (m) sleep top housing,  
 but does not include tourist and visitor accommodation or caravan parks

## **2. Plan summary**

### **2.1 How to use this plan**

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below.

#### **Section 2 – Plan summary**

This section identifies both the land and developments that this plan applies to, as well as the contribution rates that apply to these developments. Most users of the plan will only need to look at this section.

#### **Section 3 – How are the contributions rates calculated?**

This section explains how the development contributions are calculated. The expected development is described, as well as the basis for determining the list of local infrastructure works that will be required to meet that development. It also provides the formulas and approach for how the contribution rates have been calculated.

#### **Section 4 – How and when will contributions or levies be imposed on development?**

This section explains how conditions of consent will be used to require contributions and levies, and the ways in which contribution rates and amounts will be adjusted over time to reflect changes in infrastructure costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and CDCs.

#### **Section 5 – How and when a contribution requirement can be settled?**

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan, such as through the use of works in kind agreements, bank guarantees, VPAs or deferred payments.

#### **Section 6 – Other administration matters**

This section outlines other administrative arrangements applying to the operation of this plan.

#### **Appendices**

The appendices include a schedule and location maps of the local infrastructure that is to be delivered under the plan and worked examples of how to calculate the contributions and levies for different types of development.

## 2.2 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in the *Mid-Western Regional Local Environmental Plan 2012*, or the EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

**Adaptive reuse** means a change from a disused or ineffective item into a new item that can be used for a different purpose. The adaptive reuse of a historic building or site should have minimal impact on the heritage significance of the building or site.

**CDC** means complying development certificate.

**Consent authority** has the same meaning as in section 4.5 of the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

**Council** means Mid-Western Regional Council.

**EP&A Act** means the NSW Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the NSW Environmental Planning and Assessment Regulation 2000.

**IPART** means Independent Pricing and Regulatory Tribunal.

**LGA** means local government area.

**Local infrastructure** means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

**Studio** means a building that is permitted and adapted to be used for separate occupancy which includes a bedroom, bathroom, laundry and kitchen facilities.

## 2.3 Name and commencement of plan

This plan is called the Mid-Western Regional Contributions Plan 2019.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

## 2.4 What are the purposes of this plan?

The main purpose of this plan is to authorise:

- the consent authority, when granting consent to an application to carry out development to which this plan applies; or
- the Council or an accredited certifier, when issuing a CDC for development to which this plan applies,

- to require either a contribution (under section 7.11 of the EP&A Act) or a fixed development levy (under section 7.12 of the EP&A Act) to be made towards the provision, extension or augmentation of local infrastructure required as a consequence of development in the Mid-Western Regional LGA. The contribution or levy may also be applied towards existing local infrastructure that was provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

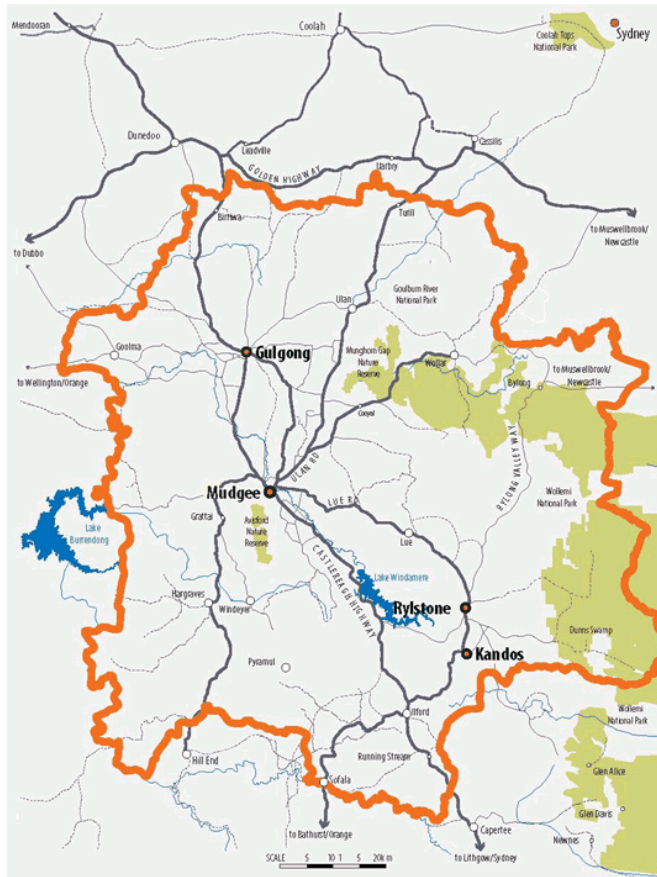
- To provide the framework for the efficient and equitable determination, collection and management of development contributions in the Mid-Western Regional LGA.
- To establish the relationship between the expected development and proposed local infrastructure to demonstrate that the section 7.11 contributions required under this plan are reasonable.
- To allow the opportunity for local infrastructure to be provided by land developers as works in kind in lieu of paying a monetary contribution.
- To allow the opportunity for the dedication of land by land owners at no cost to Council in lieu of a monetary contribution.
- To ensure that the broader Mid-Western Regional community is not unreasonably burdened by the provision of local infrastructure that is required as a result of development in the Mid-Western Regional LGA.

## 2.5 What land and development does this plan apply to?

This plan applies to all land within the Mid-Western Regional LGA, as shown on the map in **Figure 2**.



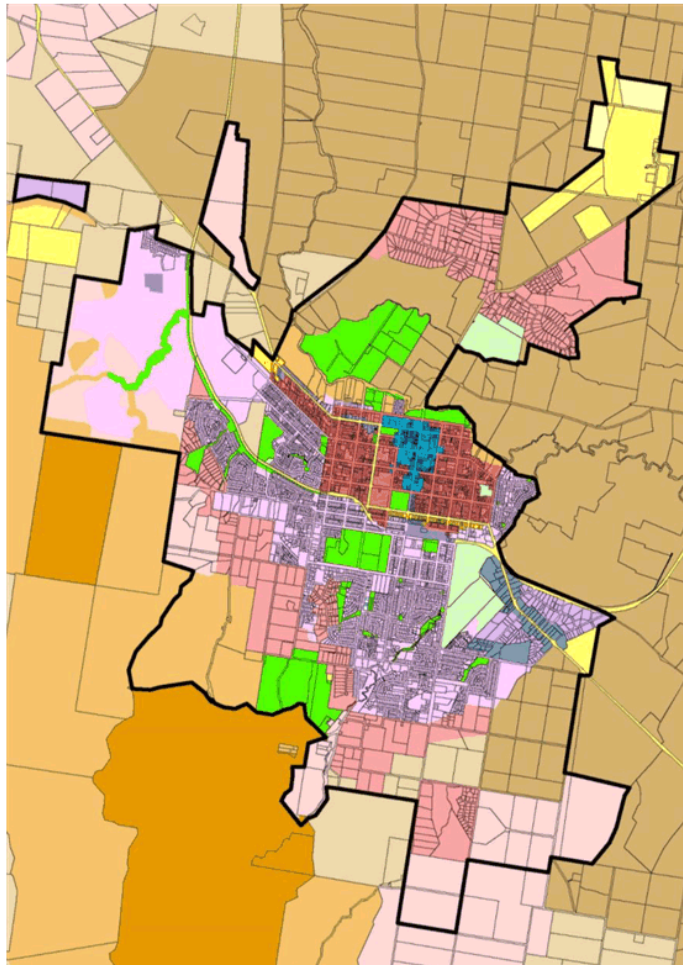
**Figure 2** Mid-Western Regional LGA boundary



Source: Mid-Western Regional Council, 2018 Economic and Business Profile for the Mid-Western Region, June 2018, p 3.

Separate contribution rates apply to land within two separate catchments within the LGA – ‘Mudgee’ and ‘Outside Mudgee’. Figure 3 shows the boundary for areas within the ‘Mudgee’ catchment, with all other areas of the LGA representing the ‘outside Mudgee’ catchment.

Figure 3 Mid-Western Regional LGA – 'Mudgee' catchment



## 2.6 What development does this plan apply to?

Subject to **Section 2.7**, this plan applies to:

- (a) The following Residential Accommodation developments that would result in a net increase in residents<sup>3</sup> on the land:
  - (i) Residential subdivision creating additional dwelling house lots;
  - (ii) Residential flat buildings, dual occupancies, multi dwelling housing, semi-detached dwellings, attached dwellings, rural workers dwellings, shop top housing;
  - (iii) Secondary dwellings;
  - (iv) Boarding houses, group homes, hostels; and
  - (v) Seniors living housing that comprises self-care housing only.
- (b) Extractive industry developments (e.g. mine or quarry sites).
- (c) Developments other than type (a) or (b) developments that have a proposed cost of more than \$100,000.

Type (a) and (b) developments will be subject to condition requiring a contribution imposed under section 7.11 of the EP&A Act. Refer to **Sections 2.9.1** and **2.9.2** for the contribution rates that apply for Type (a) and (b) developments respectively.

Type (c) developments will be subject to a condition requiring the payment of a levy under section 7.12 of the EP&A Act. Refer to **Section 2.9.3** for the levy rates that apply.

Where a single development application comprises a mix of type (a) and (c) developments, either a section 7.11 contribution or a section 7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application.

**Table 2** shows common development types and the types of contributions that apply to those developments under this plan. [For the sake of clarity, 'All other development', refers to any other types of developments permitted with consent under the Mid-Western Regional Local Environmental Plan 2012.](#)

<sup>3</sup> Net increase in residents is determined by applying the assumed occupancy rates shown in **Section 2.10.1 (Table 7)** to both the existing and proposed development.

**Table 2 Common Development types and the contribution types that apply**

Development	Contribution type that applies
<b>Residential</b>	
Residential subdivision	Section 7.11 contribution, see Tables 3, 4
Apartments, shop top housing	Section 7.11 contribution, see Tables 3, 4
Dual occupancies, multi dwelling housing	Section 7.11 contribution, see Tables 3, 4
Secondary dwellings	Section 7.11 contribution, see Tables 3, 4
Boarding houses, group homes, hostels	Section 7.11 contribution, see Tables 3, 4
Seniors living housing (self-care housing)	Section 7.11 contribution, see Tables 3, 4
Seniors living housing (integrated facilities and residential care facilities)	Section 7.11 contribution, see Tables 3, 4
<b>All other development</b>	
Industrial and <a href="#">business-park</a> commercial development	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Retail shops, business premises, commercial premises, offices, etc.	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Educational establishments	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Tourist and visitor accommodation	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Change from one non-residential use to another with or without fitout	Section 7.12 levy <sup>(1)(2)</sup> , see Table 5
Mixed use development where the development would result in a net increase in dwellings	Section 7.11 contribution or section 7.12 levy <sup>(3)</sup>
Extractive industry developments (e.g. mine or quarry sites)	Road haulage section 7.11 contribution, see Section 2.9.2. Council may negotiate a voluntary planning agreement for the developer to provide contributions that satisfactorily address the impacts of the development.

(1) Development with a cost exceeding \$100,000 only.

(2) Only required where development involves an enlargement, expansion or intensification of a current use of land, as required under 25J(3)(g) of the EP&A Regulation.

(3) The contribution type used will be the type that yields the highest contribution amount, refer to the section below for details.

Refer to **Section 2.9** of this plan for the rates that apply to different development types.

### 2.6.1 Mixed use developments

A single development can only be the subject of either a section 7.11 contribution or a section 7.12 levy, not both.

Where a single development application comprises a mix of type (a) and (c) developments, the component that represents the majority share of the gross floor area (**GFA**) of the proposed development shall inform which contribution method applies.

**Example:** If a development is 'shop top housing' and comprises 1,000m<sup>2</sup> of residential GFA and 300m<sup>2</sup> of retail premises GFA, then a section 7.11 contribution would be imposed on that development. The contribution would be based on the type (a) component, being the residential floor space.

In the case where the majority of the total GFA is a type (c) development, the section 7.12 levy shall be based on the proposed cost of the entire development including the type (a) component.

**Example:** A proposed development comprises a shop with a GFA of 250m<sup>2</sup> and a dwelling with a GFA of 200m<sup>2</sup>. In this case the type (c) component comprises the majority of the total GFA in the development, and a section 7.12 levy based on the proposed cost of the entire development would be imposed.

Refer to **Section 2.9** of this plan for the rates that apply to the different development types.

## 2.7 What development is exempt?

This plan DOES NOT apply to the following types of developments:

- Dwelling houses on lots created in an earlier subdivision, whether that earlier subdivision was subject to a s94 / s7.11 contribution or not.
- Any residential development that does not result in an increase in demand for local infrastructure (e.g. replacement dwelling houses).
- Any work or a change from one use to another that does not result in any increase in GFA on the land.
- Development exempted from section 7.11 contributions or section 7.12 levies by a direction made by the Minister for Planning under section 7.17 of the EP&A Act.<sup>4</sup>
- Development for the purpose of the adaptive re-use of an item of environmental heritage.
- Housing proposed by a social housing provider or affordable housing as defined [and carried out under in the State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#).
- Development for the purposes of any form of seniors housing defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* that is provided by a social housing provider.
- Public infrastructure to be carried out by or on behalf of any public authority including Council.

<sup>4</sup> or the corresponding sections 94 and 94A of the EP&A Act that existed immediately before the commencement of the *Environmental Planning and Assessment Amendment Act 2017*.

## 2.8 What local infrastructure will be provided under this plan?

The local infrastructure to be provided by contributions from developers received under this plan is listed below:

- Transport works such as sealed rural and urban roads, pedestrian access facilities and a footbridge;
- Recreation and open space facilities, including Glen Willow Regional Sports Complex Stage 2, walkways, park field lighting, a water park, pool cover, adventure playground, other playground work, public toilets and lane lighting;
- Community facilities including a regional art gallery, showground facilities, public artwork, preschool and library resources; and
- New drainage works.

The infrastructure has either been provided or is expected to be provided over the next 10 years. The costs of administering this plan over this period will also be met by contributions imposed under this plan.

A summary of the costs of local infrastructure to be met by development is shown in **Table 3**.

Some of the infrastructure has a nexus only with residential development in either the 'Mudgee' or 'Outside Mudgee' local catchments; other items have nexus in both catchments. These latter infrastructure items, and the contributions for same, are called LGA-wide infrastructure.

More details on the demand for local infrastructure, the relationship of the local infrastructure with the expected development, and specific facilities to be provided are included in **Part 3** and **Appendix A** of this plan.



**Table 3 Summary of infrastructure costs**

Local infrastructure works	Total cost of works	Anticipated funding towards works costs from s7.11 contributions under this plan			Total costs funded from s7.11 contr'ns under this plan <sup>a</sup>	Anticipated funding from s7.12 levies under this plan <sup>b</sup>
		Mudgee - local	Outside Mudgee – local	LGA-wide		
Transport facilities	\$26,310,000	\$1,179,510	\$90,364	\$1,627,135	\$2,897,008	
Recreation and open space	\$17,020,000	\$737,367	\$66,697	\$592,838	\$1,396,902	
Community facilities	\$6,690,000	\$28,252	\$12,909	\$458,610	\$499,771	
Stormwater management	\$2,500,000	\$235,430	-	-	\$235,430	
Plan administration	\$787,800	-	-	\$787,800	\$787,800	
<b>Total</b>	<b>\$53,307,800</b>	<b>\$2,180,559</b>	<b>\$169,970</b>	<b>\$3,466,383</b>	<b>\$5,816,911</b>	<b>\$500,000+</b>

a. This is the anticipated total amount expected from section 7.11 contributions levied on residential development under the plan.

b. Additional monies from section 7.12 levies on non-residential development will increase the overall pool of development contributions (and will fund some of the balance of infrastructure costs that are not met by section 7.11 contributions).

## 2.9 What are the contribution rates required for local infrastructure?

### 2.9.1 Residential development subject to a section 7.11 contribution

Tables 4 and 5 contain the section 7.11 contribution rates for residential developments under this plan.

The plan levies residential development contributions in two separate catchments:

1. 'Mudgee'; and
2. 'Outside Mudgee', which applies to all areas in the remainder of the Mid-Western Regional LGA (**Figure 2**).

The rates shown in the tables below incorporate the contributions for both local and LGA-wide infrastructure.

**Table 4 Section 7.11 contribution rates - Mudgee**

	Per resident*	Per secondary dwelling or seniors	Per studio or 1 bed dwelling	Per 2 or more bed dwelling / separate house
Transport facilities	\$1,721	\$2,582	\$2,582	\$4,303
Recreation and open space	\$864	\$1,296	\$1,296	\$2,160
Community facilities	\$251	\$377	\$377	\$628
Stormwater management	\$181	\$272	\$272	\$453
Plan administration	\$394	\$591	\$591	\$985
<b>Total</b>	<b>\$3,411</b>	<b>\$5,118</b>	<b>\$5,118</b>	<b>\$8,529</b>

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.  
 Note: CPI adjustments apply to section 7.11 contribution rates (Tables 34 and 54) from the base date of this plan (see Section 6.3.1). Development exempt from contributions is in Section 2.7 and includes residential development on existing lots which have been previously subdivided.

**Table 5 Section 7.11 contribution rates – outside Mudgee**

	Per resident*	Per secondary dwelling or seniors	Per studio or 1 bed dwelling	Per 2 or more bed dwelling / separate house
Transport facilities	\$943	\$1,414	\$1,414	\$2,357
Recreation and open space	\$392	\$588	\$588	\$979
Community facilities	\$248	\$372	\$372	\$619
Stormwater management	-	-	-	-
Plan administration	\$394	\$591	\$591	\$985
<b>Total</b>	<b>\$1,977</b>	<b>\$2,965</b>	<b>\$2,965</b>	<b>\$4,940</b>

\* the per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels.

**2.9.2 Non-residential development subject to a section 7.11 haulage contribution**

The plan also levies quarterly contributions under section 7.11 on extractive industries for road maintenance and rehabilitation costs. It is accepted practice to levy development contributions based directly upon the number and weight of laden truck movements, which contribute to the damage to road surfaces and the need to upgrade roads.

The monthly contribution rate is:

- **\$0.66 per tonne of resource removed from the site per quarter by road transport.**

The contribution rate assumes an average distance of **14.7 km** travelled by the laden truck on the local road network for a typical trip. Council may at its discretion use a different travel distance for the purpose of calculating contributions based on this formula where there is sufficient evidence provided by the operator or otherwise available that shows that the average distance for its heavy vehicle trips is significantly different.

This plan also does not preclude the negotiation of a Voluntary Planning Agreement between Council and the developer concerning a proposal for a mine or quarry development, to ensure contributions are provided to mitigate its impact. See **Section 3.2.4** about the haulage contributions for more details.

### 2.9.3 Developments subject to a section 7.12 fixed development consent levy

**Table 6** contains the rates for developments that are subject to a section 7.12 fixed development consent levy under this plan. The fixed rate levies apply to development not addressed in **Section 2.9.1** or **2.9.2** throughout the LGA (within and outside the Mudgee catchment).

**Table 6 Section 7.12 levy rates**

Development type	Levy rate
Development that has a proposed cost of carrying out the development:	
• up to and including \$100,000	Nil
• more than \$100,000 and up to and including \$200,000	0.5% of that cost
• more than \$200,000	1.0% of that cost

## 2.10 Calculating a contribution under this plan

### 2.10.1 Calculating a section 7.11 contribution for residential development

The contribution that applies to residential development is calculated using the rates shown in **Tables 4 or 5**, less any allowances for assumed infrastructure demand arising from existing developments, if applicable (refer to **Table 7** below).

The occupancy rates included in **Table 7** reflect the estimate of future infrastructure demand for the proposed residential development as well as the estimate of existing demand allowances (or credits) for existing development.

For the sake of clarity, an existing vacant allotment which could, under the Mid-Western Regional Local Environmental Plan 2012, be approved and developed for a dwelling is deemed to have a demand credit equivalent to that pertaining to a single dwelling house – i.e. 2.5 persons.

Examples of how to calculate a section 7.11 contribution are in **Appendix B**.

**Table 7 Assumed occupancy rates for calculating contributions and demand credits**

Development type	Assumed occupancy rate
<b>Residential accommodation</b>	
Dwelling houses with 2 or more bedrooms, or vacant allotments that have a dwelling entitlement	2.5 persons per dwelling / lot
Secondary dwellings, studio and 1-bedroom dwellings, or seniors living independent living unit dwellings	1.5 persons per dwelling
Boarding houses, group homes and hostels	1 person per bed

#### 2.10.2 Calculating a section 7.12 fixed development consent levy

The total levy amount that is imposed on any individual development is calculated by multiplying the applicable contribution rate in **Table 6** by the proposed cost of the development. **Section 4.3** provides more details about how to determine the cost of development.

There is no allowance for assumed existing infrastructure demand in the calculation of any section 7.12 levy.

Examples of how to calculate a section 7.12 levy amount are in **Appendix B**.

### 3. How are the contribution rates calculated?

This section principally applies to contributions authorised by this plan to be imposed on developments under section 7.11 of the EP&A Act.

There are particular requirements for section 7.11 contributions as distinct from section 7.12 levies, including the following:

- Contributions can only be imposed if the consent authority considers that the development 'will or is likely to require the provision of or increase the demand for public amenities and public services within the area' (s7.11(1)).
- Contributions toward recoupment of facilities can only be imposed if the facilities were provided in preparation for or to facilitate the carrying out of development in the area and the development will benefit from the provision of those public amenities or public services (s7.11(3)).
- Contributions that are imposed must be reasonable (s7.11(2) and (4)), and that a developer may appeal to the Land and Environment Court on the grounds that contributions imposed on a development are unreasonable in the particular circumstances of the case (s7.13(3)).

These requirements mean that any contributions plan that authorises section 7.11 contributions should show that the contribution rates are reasonable by explaining the relationship between the anticipated developments and the infrastructure included in the plan that is needed to meet the demands of those developments.

So that the contributions that are imposed are reasonable, the section 7.11 contribution rates in this plan have been calculated having regard to the principles of nexus and fair cost apportionment. This has included consideration of:

- accounting for grants or other income likely to be available to provide the facilities included in this plan.
- whether infrastructure serves one or more geographic areas, and the degree to which development in different areas generate demands.
- whether the infrastructure serves existing or new populations or both, and the degree to which these populations generate demands.

This section explains the expected development in the Mid-Western Regional LGA, the infrastructure necessary to support this development, and the way in which the section 7.11 contribution rates have been calculated.

#### 3.1 Expected demand for local infrastructure

##### 3.1.1 Area context

The Mid-Western Region is located 250 km from Sydney in the Central West of NSW. The area covers over 8,700 km<sup>2</sup> and has a population of almost 25,000. The region stretches from the Wollemi National Park in the east to Lake Burrendong in the west and from the Goulburn National Park in the north to the Macquarie and Turon Rivers in the south. It includes the towns of Gulgong,

Kandos, Mudgee and Rylstone in addition to the rural villages of Birriwa, Bylong, Charbon, Clandulla, Goolma, Hargraves, Ilford, Lue, Pyramul, Ulan, Windeyer and Wollar.<sup>5</sup>

The Mid-Western Regional economic base is diverse and strong and offers many opportunities for employment growth. The region is well known for significant agricultural, mining operations and wineries growth which is envisaged for many years to come. Tourism in the region is also prominent with more than 500,000 visitors each year. Construction and retail industries are also important economic generators for the LGA.<sup>6</sup>

Other significant regional centres are relatively close by. The region is located close to Orange, Bathurst and Lithgow to the south, Wellington and Dubbo to the west and Muswellbrook and Scone to the east. Travel times from Mudgee to these other towns are in the order of one to two hours.<sup>7</sup>

### 3.1.2 Recent development and population characteristics

Over the past 5 years (2011 to 2016), the number of dwellings has increased by almost 900 (or 10%) in the Mid-Western Region (Table 8).

Detached low density housing makes up most of the housing stock (90%). Medium density and high density housing made up just 4% and 3% of the stock respectively in 2016, which are much lower proportions than for NSW overall (where it is around 12% and 20% respectively).

The dwelling composition is likely to be sustained over the life of the plan given the strong demand for low density living in Mudgee and surrounding areas.

**Table 8 Dwelling Structure Comparison 2011 - 2016**

Dwelling type	2011		2016		Change 2011 to 2016
	Number	%	Number	%	
Separate house	8,003	90%	8,863	90%	+860
Medium density	344	4%	390	4%	+46
High density	337	4%	264	3%	-73
Caravans, cabin, houseboat	187	2%	149	2%	-38
Other	54	1%	47	0%	-7
Not stated	4	0%	108	1%	+104
<b>Total Private Dwellings</b>	<b>8,928</b>		<b>9,825</b>		<b>+897</b>

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016.

<sup>5</sup> 2018 Economic Profile.

<sup>6</sup> 2018 Economic Profile.

<sup>7</sup> Mid-Western Regional Council, *Glen Willow Master Plan*, 8 January 2016, p 10.



The average household size in the Mid-Western Regional LGA was 2.4 in 2016.<sup>8</sup> This has informed the assumed occupancy rates in the plan (**Table 7**), including 2.5 for low density dwellings.

The population for the LGA was estimated to be 24,815 in 2017, following average annual growth of 1.2% over the past 10 years.<sup>9</sup> Much of this growth has been concentrated in and around Mudgee on account of new mining activity, and to a lesser extent, Gulgong. Since 1991, Mudgee has attracted 83% of the LGA's new residents while Gulgong's share was 15%.<sup>10</sup>

In 2016, the forecast population was 11,728 for the Mudgee catchment (SA2) which is published by the Australian Bureau of Statistics (ABS), but this is a different catchment than the Mudgee catchment in this plan. The assumed population in the catchment for Mudgee, which includes other villages and townships outside the Mudgee town centre, is 12,500 in 2017. The assumed population in the residual areas is 12,315.

### 3.1.3 Expected population growth

**Table 9** below summarises the current (as at 2017) and projected resident population for the Mid-Western Regional LGA used in the calculation of contribution rates in this plan. The plan is assumed to span 10 years from its commencement to 2029.

Across the LGA, 2,000 more residents are expected over the next 10 years (from 2017). Most growth is forecast to be concentrated in the Mudgee region (10% or an average of 0.9% per annum) with more marginal growth expected in the remainder of the LGA (6% or an average of 0.5% per annum).

Council has referred to population forecasts by HillPDA Consulting in 2014 for the LGA which assumed average annual growth of 0.8% for Mudgee and 0.4% for other areas. HillPDA Consulting acknowledged that the forecasts were relatively conservative because they did not account for the level of anticipated mining activity in the region.<sup>11</sup>

Council's forecasts in **Table 9** have assumed higher growth rates to account for these impacts, in addition to the stronger population trends evident in the LGA over the past 10 years.

**Table 9 LGA population forecast, 2017 - 2029**

Suburb	2017	2029	Change	
	Number	Number	Number	%
Mudgee	12,500	13,800	+1,300	10%
Outside Mudgee	12,315	13,015	+700	6%
<b>Mid-Western Regional LGA</b>	<b>24,815</b>	<b>26,815</b>	<b>+2,000</b>	<b>8%</b>

**Source:** ABS Quickstats have informed the 2017 population figures for the Mid-Western LGA. The 2017 populations in each catchment are assumed by Council based on the catchment boundaries. Council has forecast growth with reference to the HillPDA Mudgee and Gulgong URS.

<sup>8</sup> ABS, 2016 Census Quickstats, Mid-Western Regional LGA.

<sup>9</sup> 2018 Economic Profile and ABS, 2016 Census Quickstats.

<sup>10</sup> HillPDA, Mudgee and Gulgong URS, p 113.

<sup>11</sup> HillPDA Mudgee and Gulgong URS, p 29.

### 3.1.4 Value of non-residential development

**Table 10** shows the value of non-residential development approved in the LGA over the past five years. This indicates how the value of non-residential building approvals tends to be quite volatile from year to year. The annual approved value of building work peaked in 2016/17 at \$13.32 million and has averaged \$6.63 million per annum over this five-year period.

**Table 10 Value of non-residential building, 2013/14-2017/18**

	2013/14	2014/15	2015/16	2016/17	2017/18	5-year annual average
<b>Mid-Western Regional LGA</b>	\$5.37m	\$8.76m	\$4.65m	\$13.32m	\$1.08m	<b>\$6.63m</b>

Source: ABS, Building Approvals, Cat No. 8731.0, Australia, June 2018.

This growth in non-residential development is expected to continue over the life of this plan and will contribute to the demand for improved civic amenity and parking facilities in the town centres, in particular, as well as other traffic and drainage infrastructure.

### 3.2 Infrastructure schedule and nexus

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on open space and recreation, traffic management and community facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand in the relevant catchment (e.g. 'Mudgee', 'Outside Mudgee' or 'LGA-wide'), as represented by the estimated total population in the catchment at the end of the plan period. This reflects how the existing community will share the demand for the capital works with the new population.

#### 3.2.1 Facility studies

Council completed two key infrastructure studies in recent years which have informed the need for many of the infrastructure items included in the works schedule to this plan:

- *Mudgee Township - Traffic Management Study 2014 – Final Report*, February 2015, prepared by Gennaoui Consulting Pty Ltd for Mid-Western Regional Council. The objective of the study was to prepare an effective Traffic Management Plan for the township of Mudgee, which in turn informed other Council plans, including the development contributions plans.
- Mid-Western Regional Council, *Recreation Strategy 2013*, 25 July 2013. This study aimed to reinforce the direction provided in the former 2005 Strategy and continue to offer direction to Council and the community on the planning and development of recreation opportunities and facilities over the next 10-15 years.

Council plans to undertake another traffic management study to inform the traffic network needs of Mudgee and the broader LGA and has included the costs of this work in the plan. The outcomes from this study will inform infrastructure planning for the next 15 years, including the parking amenity needs in the Mudgee CBD.

Council has used its *Glen Willow Master Plan*, 8 January 2016, to guide planning for further development at the Glen Willow Regional Sports Complex.

Council has also relied upon its *Delivery Program 2017/21 & Operational Plan 2017/18*, 21 June 2017 (Delivery Program 2017/21) to determine the capital works needs for its growing community. The program of works for this plan largely correspond to those planned infrastructure works for traffic management, open space, recreation and community facilities, where new and existing development contributes to the demand for the facilities.

### 3.2.2 Open space and recreation facilities

#### Objectives

One of key themes for Council in the Community Strategic Plan is to 'look after our community' through the effective and efficient delivery of infrastructure.<sup>12</sup>

As part of this theme, Council's objective is to provide a range of open space and recreation facilities that will meet the demand of future residents, aligned with Council's broader strategy for facility provision for the existing community across the LGA.

#### Needs assessment and infrastructure strategy

The Mid-Western community currently enjoys a range of open space and recreation facilities.

The LGA has altogether 126.6 hectares of open space, consisting of 73.5 hectares of local and district parkland, 31.4 hectares of regional parks, and 21.7 hectares of local and regional sports facilities.<sup>13</sup> The land area is generally considered adequate to serve the needs of the population over the short to medium term.

Glen Willow is a key regional sporting facility in Mudgee, and there are also a number of other facilities owned and/or managed by Council across the LGA. Jubilee Oval, a single field, is the other regional facility, also located in Mudgee. All other facilities within the region are considered local sports grounds and are suitable for local activities within the town in which they are located.

Most Council facilities are set up to be multi-purpose, allowing the fields to be used for more than one sport. Whilst this is functionally good, it can also restrict usage of the facilities without significant re-marking and changeover of posts or goals, etc.

A number of schools within the region have sporting facilities that are primarily for school use. Some facilities in the public schools are made available to the public for use out of hours. These facilities are considered to be local level only.

<sup>12</sup> Delivery Program 2017/21, p 9.

<sup>13</sup> Recreation Strategy 2013, 25 July 2013, p 21.

There are a number of other facilities for sporting groups that are within the region, such as swimming pools and tennis courts. Sporting groups will also gain either a direct or indirect benefit from the Glen Willow facility.

The Recreation Strategy 2013 drew on the results of the community survey undertaken by Micromex Research (in August 2012) to determine community preferences and demands for open space and recreational facilities. All open space and recreation facilities in the LGA are considered to be well-utilised. The Strategy identified a number of 'high priorities' for future provision based on strategic importance, identified facility gaps and/or the level of the community demand expressed:

- Walking/running/cycling – the continued development of shared pathways is required to provide valuable, alternative and safe opportunities for these highly popular activities. In addition, pathways provide access and transportation for both young people (taking local trips and/or travelling to facilities) and tourists/visitors (e.g. in visiting wineries close to towns or cycling around or between towns or wineries);
- Swimming – upgrades to the three swimming pools are needed to stimulate further use and provision of year-round access to a swimming pool;
- Additional fields and associated facilities and amenities – to cater for sports such as AFL, softball and hockey;
- Playgrounds – both the upgrade of selected children's play equipment facilities and new facilities are needed;
- Recreation opportunities in natural areas, particularly close to Mudgee – the need to promote these opportunities and support non-traditional uses such as mountain biking; and
- Glen Willow – continued staging and development as a regional multi-purpose facility, ultimately catering for softball, hockey and cricket.

The Strategy recommended that developer contributions (via Council's contributions plan(s)) should be directed towards the provision of equipment or facility works rather than land provision. Only capital works are funded under this plan.

The works program provides a combination of renewal and new active and passive recreation facilities, generally consistent with the priorities in Council's Recreation Strategy, which has guided the planning and development of facilities over the next 10-15 years.

The works include:

- Glen Willow Regional Sports Complex Stage 2;
- Putta Bucca eco trail;
- Shared pathways;
- Mudgee water park;
- Mudgee pool cover;
- Adventure playground (Gulgong);
- Lighting at Victoria Park field (Gulgong) and Pitts Lane (Mudgee); and

- Various playground works (including shade sails, equipment, rubber softfall), pool play equipment and public toilets and amenities.

#### **Nexus and apportionment**

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on open space and recreation facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

The need for the open space and recreation facilities in the plan, as established in this Strategy or Council's capital works program, are outlined in more detail below.

#### **1. Glen Willow Regional Sports Complex Stage 2 development**

Council has established Glen Willow as a regional sporting facility that has the capacity to attract important regional and State level competitions. The ongoing aim is to develop Glen Willow further and to have a facility that is conveniently located to the majority of residents in the region, attract high profile teams to play and encourage more participation by local people in sporting activities.<sup>14</sup>

In addition to the main field already featured at the complex, it is proposed to establish a number of multi-use fields for both summer and winter competitions including soccer, AFL, rugby league, rugby union, touch football, cricket, junior league, hockey, softball, baseball and netball.<sup>15</sup>

The Micromex community survey had canvassed the wider community support for the complex accommodating the sports currently played at West End and Cahill Park (such as rugby union, junior league, hockey and softball).

The Strategy then recommended that Council focus on the delivery of Stages 2 and 3 of the Glen Willow sports complex facility in conjunction with the rationalisation of duplicated facilities.

The Stage 2 works included in this plan, and also planned as major works in Council's Delivery Program for 2017/21, are for:

- rugby union and rugby league playing fields,
- multi-purpose playing fields,
- junior rugby league playing fields, and
- associated amenities buildings for these facilities.

In the future, Stage 3 works at Glen Willow will encompass the development of netball, AFL, cricket and hockey facilities.

<sup>14</sup> Mid-Western Regional Council, *Glen Willow Master Plan*, 8 January 2016, p 4.

<sup>15</sup> *Ibid.*

## **2. Putta Bucca Eco Trail and shared pathways**

The plan includes investment for shared pathways in accordance with Council's Pedestrian Access and Mobility Plan and the development of the Putta Bucca Eco Trail. This follows the recommendation of the Strategy for Council to continue to develop shared pedestrian/cycleway networks throughout the towns, including cycle warning signage on local roads adjacent to the urban areas.

The Strategy also identified Council's plans to continue the walking track along the river, ultimately linking up with Glen Willow via a pedestrian bridge at Cox Street and then extending the track to Putta Bucca Wetlands and providing a loop back to Mudgee via Putta Bucca and Ulan Roads. The urban release area at Caerleon will also be linked back to Mudgee with a shared pathway running parallel to the railway corridor and linking into the Bellevue Estate development.

## **3. Mudgee Water Park**

A water park was identified as one of the top three priority projects by residents during consultation for the Community Plan.

The plan includes a waterpark within Council's swimming pool complex at Lawson Park in Mudgee. Council has accessed grant funding from the State Government of \$800,000 towards this waterpark.<sup>16</sup> The contributions from development will assist in covering the remaining funding needs for the facility, corresponding to the new population's share of demand.

## **4. Mudgee pool cover**

The plan to upgrade Mudgee pool with pool coverage has responded to the Strategy's recommendation that Council investigate opportunities to facilitate access to swimming year round (with all swimming pools otherwise outdoors).

## **5. Adventure Playground (Gulgong) and various playground works**

An adventure playground is identified as key recreational infrastructure in Council's delivery program and responds to public submissions to the Draft Recreation Strategy for such a facility.

Council's Recreation Strategy recommended that Council develop a strategy for the ongoing upgrade and maintenance of playgrounds at a rate of one within 400m of a dwelling. Upgrades to passive parks, facilities and amenities are consistent with the Capital Works Program in Council's Delivery Program.<sup>17</sup>

## **6. Lighting at Victoria Park field (Gulgong) and Pitts Lane (Mudgee)**

The Recreation Strategy noted the need for lighting improvements at certain venues to facilitate increased capacity. Lighting installation is proposed both at Victoria Park field, Gulgong and Pitts Lane, Mudgee.

<sup>16</sup> This funding was granted under the NSW Government's \$200 million Stronger Country Communities fund.

<sup>17</sup> Delivery Program, p 16.



**Section 7.11 contribution rates calculation**

The contribution formula for open space and recreation infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

Where:

- \$INF** = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the open space, recreation and community facility infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).
- AF%** = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).
- P** = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

**3.2.3 Community facilities****Objectives**

Council's objective for community facility provision also builds on its key theme of 'looking after our community' through the effective and efficient delivery of infrastructure.<sup>18</sup>

**Needs assessment and infrastructure strategy**

The community facility works included in the plan reflect the priorities in Council's Delivery Program.

<sup>18</sup> Delivery Program 2017/21, p 9.

The community facility works included in the plan are for:

- A regional art gallery;
- Mudgee showground development;
- Public art expansion;
- The Kandos/Rylstone preschool extension; and
- Various library resources.

The development of the regional art gallery is among the top 10 community priorities in Council's Community Strategic Plan.

The Mudgee Showground Development is in accordance with Council's adopted Master Plan. This Master Plan 'provides a long term vision for the Showground (as a significant multi-purpose activities and event facility), identifying what it should look like and how it should function into the future'.

#### **Nexus and apportionment**

This plan levies section 7.11 contributions on residential developments that accommodate an increased population to cater for the additional demand on community facilities.

New development is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

#### **Section 7.11 contribution rates calculation**

The contribution formula for community facilities can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

Where:

**\$INF** = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the community infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).

**AF%** = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).

**P** = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

### 3.2.4 Transport infrastructure

#### Objectives

Council aims to deliver a "high quality road network that is safe and efficient" for its community.<sup>19</sup> A range of transport works are required to meet the demands of the future population in Mudgee and the remainder of the Mid-Western Regional LGA, in the context of achieving this objective.

#### Needs assessment and infrastructure strategy

Council maintains a road network of approximately 2,445km, including 163km under contract to the State Government (the Castlereagh Highway and Sofala Road), and establishes an Annual Road Network Strategic Plan.

The community has an expectation that the level-of-service provided for roads and associated assets will continue to be improved into the future. Council's present funding levels for roads, particularly unsealed roads, is insufficient to meet desired level-of-service parameters based on life-cycle cost. Roads were voted as the top priority for future Council spending during Council's recent "Towards 2030 Community Plan" public consultation period. Future population growth will place further pressure on the traffic network.<sup>20</sup>

The aim of the Mudgee Traffic Management Study (2014) was to prepare an effective Traffic Management Plan for the township of Mudgee, by:

- Establishing current and predicted traffic flows, incorporating existing problem areas.
- Determining current traffic and transport infrastructure and treatment measures, resulting from present day and predicted traffic volumes.
- Identifying road infrastructure upgrades that promote efficient traffic movement around Mudgee, bearing in mind new developments and end destinations.
- Prioritising upgrades so that implementation is timely with growth and levels of service remaining satisfactory.
- Determining both current and future needs with regards to rail crossing points.

<sup>19</sup> Delivery Program, p 29.

<sup>20</sup> Mid-Western Regional Council, *Roads Asset Management Plan 2016 - 2026*, 18 May 2016, p 10.

- Informing the developer contributions plan.

Consistent with community priorities and, the findings of the Mudgee Traffic Study, this plan levies section 7.11 contributions on residential developments to fund a range of roadworks:

- Sealed rural road works;
- Bridges on rural roads;
- Urban road works;
- A pedestrian footbridge (in Rylstone); and
- Pedestrian access mobility plan works in Mudgee and the remainder of the LGA.

Funds are also allocated towards further studies to determine the traffic network needs for Mudgee and the broader LGA over the next 10 years, to consider the projected demands on the network associated with population growth.

#### **Nexus and apportionment**

The Mudgee Traffic Study (2014) has informed the traffic needs around the Mudgee township, including the need for various roadworks included in the plan.

The study identified the streets and intersections where traffic volumes are expected to considerably increase as a result of new residential development.

The study found that around 18,600 vehicle trips per day may be generated over the next 15 to 20 years by the potential residential areas in Mudgee.<sup>21</sup>

This study has informed Council's current capital roadwork program, as have annual reviews of roadwork needs across the broader LGA and opportunities to leverage funding for roadwork. In this plan, new development is apportioned the cost of these infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population at the end of the plan period.

Further studies are required to determine the traffic network needs within Mudgee and the remainder of the LGA, and study costs are apportioned to the plan to reflect the new residents' share of demand only.

#### **Section 7.11 contribution rates calculation**

The contribution formula for transport infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{p} \right)$$

<sup>21</sup> Mid-Western Regional Council, *Mudgee Township - Traffic Management Study 2014 – Final Report*, February 2015, p 3.  
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Where:

- \$INF = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the transport infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).
- AF% = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).
- P = The expected total population or growth in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

#### **Roads and Traffic – Haulage Contributions**

##### **Objectives**

While each truck movement associated with extractive industries will contribute to the volume of traffic within the public road system, the actual damage to the road surface and the need to upgrade roads is substantially and directly associated with laden trucks and the burden that they place on the road network. Accordingly, this plan levies development contributions based directly upon the number and weight of laden truck movements.

##### **Needs assessment and infrastructure strategy**

Council has an asset management program that aims to maintain the local road system at an adequate level of service and establishes the costs of necessary maintenance and rehabilitation work required to achieve this level of service. The demand for a large proportion of this roadwork can be related directly to the volume of material leaving an extractive industry site.

#### **Nexus and contributions methodology**

The impact of heavy haulage of quarried materials on the local road network is by its nature difficult to determine with precision. The destination and travel routes of heavy haulage vehicles can vary depending on the nature of the business, the major projects being serviced, the amount of material being hauled, and other product and market factors.

Heavy vehicles have a significant impact on the life of sections of the local road network that in turn imposes significant costs by requiring more frequent reconstruction works to ensure road safety and satisfactory levels of service for all users.

This contribution plan establishes a reasonable estimate of the cost per tonne of extractive material hauled that are to be paid to Council for the cost of road reconstruction necessary as a result of the pavement damage to the local road network on the identified truck routes. The approach is similar to methodologies applied by other NSW regional councils (including in the Hunter region).<sup>22</sup>

This approach is based on:

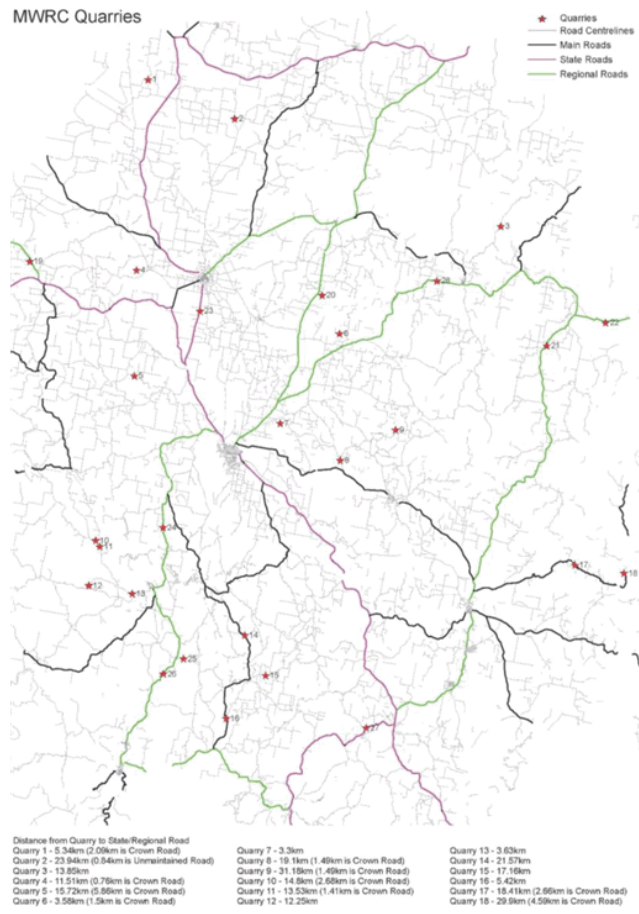
- The average cost of road reconstruction due to typical heavy haulage vehicles on a tonne per kilometre rate.
- An estimated average travel distance per tonne of weight associated with the transport by typical heavy haulage vehicles on the local road network based on existing quarries and various assumptions about the heavy haulage destinations (see **Figure 4** below for assumed quarry routes).

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<sup>22</sup> Includes the Upper Hunter Shire, Dungog Shire and Great Lakes councils.



**Figure 4 Mid-Western Regional LGA - quarry routes on local road network**



The average cost of road reconstruction is based upon the cost to replace the asset from Council's Roads Asset Management Plan 2016-2026<sup>23</sup> and the estimated design traffic loading.

The estimated design traffic loading refers to Austroads Pavement Design guidelines where pavement design life can be expressed in accordance with design traffic loadings (Equivalent Standard Axles (ESAs)). This means that the life of a pavement can be expressed as the total number of equivalent axles that should pass over it prior to replacement.

The design life of the roads on the main truck routes in the Mid-Western Regional network is assumed to be approximately 1,500,000 ESAs over a 50 year period.<sup>24</sup>

Each of the steps in calculating the contribution rate are explained in **Table 11**.

**Table 11 Summary of calculation of contribution rates for rural road pavement damage**

Step	Workings for sealed road with medium traffic
Determine design ESA	Assumed design life of pavement: <b>1,500,000 ESAs</b> over 50 years
Estimate the cost to reconstruct/maintain 1 lane km (for the above ESAs)	Average pavement reconstruction cost where: <ul style="list-style-type: none"> <li>Sealed road (75 yr. life) pavement rehabilitation cost for &gt;15km is \$21.59m<sup>2</sup></li> <li>Sealed local road bitumen seal (19 yr. life) is \$7.61m<sup>2</sup> where 2 seals required in 50 years</li> <li>lane width assumed to be 5m</li> <li>original cost in \$2015</li> </ul> = \$21.69+\$7.61(x2) x 1,000 x 5 x 1.05326 (CPI factor) = <b>\$194,379 per lane per km</b>
Calculate the contribution rate in \$ / ESA / km	Pavement = \$194,379 / 1,500,000 = <b>\$0.1296 per ESA per km</b>
Calculate the \$ / typical vehicle ESA	The typical vehicle is assumed to be a 'class 4 + dog trailer' & no. of ESAs per typical vehicle = 5.2  Contribution per typical vehicle = \$0.1296 x 5.2 = <b>\$0.6738 per vehicle</b>
Calculate \$ / tonne / km	The typical load in a typical vehicle is assumed to be 15 tonnes.  Contribution = \$0.6738 / 15 = <b>\$0.0449 per tonne per km</b>

<sup>23</sup> See Table 5.1 – Lifecycle cost parameters (pp 32-34) for unit rates for road rehabilitation costs sourced from this plan, dated 18 May 2016.

<sup>24</sup> Both the Dungog Shire and Upper Hunter Shire councils (in 2017 contributions plans) assume the standard life of local sealed roads is approximately 1,000,000 ESAs over 20 and 30 years respectively, thus this plan assumes 1,500,000 ESAs over 50 years given the likely number of trips by heavy vehicles on the Mid-Western Regional local road network.

Step	Workings for sealed road with medium traffic
Contribution per tonne	The average distance for a typical trip in the Mid-Western LGA by a laden truck to or from an operator's quarry site is 14.7 km. Contribution = \$0.0449 x 14.7 = <b>\$0.66 per tonne</b>

Council could as a condition of consent require the travel routes for every heavy haulage truck movement to be logged and for this information to be used to calculate the precise cost of the pavement damage and associated need for road reconstruction attributable to those movements. This is considered an onerous approach that would require considerable resources to administer by both operators and Council.

Instead, this plan sets the contribution per tonne payable by operators of quarry and other extractive industry developments, which is representative of the cost for a typical operator.

Council may at its discretion use a different travel distance for the purpose of this formula where there is sufficient evidence provided by the operator or Council to indicate that there is a significant difference between its typical travel distance per trip and the standard **14.7 km** assumed travel distance. The application of a different distance in the calculation of a contribution will therefore be determined by Council on a case by case basis.

This contribution also does not preclude the negotiation of a Voluntary Planning Agreement between Council and the developer concerning a proposal for a mine or quarry development, which ensures contributions are provided to mitigate its impact.

**Section 7.11 contribution rates calculation**

Contributions will be required to be paid on a quarterly basis to Council based on a fee for each tonne of extractive resource leaving the extractive industry site by road transport. This levy will be calculated as follows:

**QCR = TONNES x RATE**

Where:

**QCR** = the quarterly contributions required;

**TONNES** = tonnes of resource removed from site per quarter by road transport; and

**RATE** = \$0.66 per tonne, if based on the assumed typical distance per route.

The rate per tonne is based on the assumed typical distance per vehicle trip in the plan (14.7 km), and as stated above, this could vary on a case by case basis, at Council's discretion.

Council's adopted rate per tonne will be indexed in accordance with quarterly movements in the CPI from the base period of this plan.

### 3.2.5 Drainage infrastructure

#### Objectives

Council is committed to identifying and planning required renewals and upgrades for its stormwater assets, in accordance with existing and new development needs.

#### Needs assessment and infrastructure strategy

One of Council's key projects in its Delivery Program is to effectively maintain its existing drainage network including built infrastructure and overland drainage reserves.<sup>25</sup>

The works program in this plan reflects the Delivery Program's drainage works in the Mudgee township, including:

- Drainage capital improvements;
- Causeway improvements;
- Bent Street Drainage Improvements;
- Lawson Park West Pipe Extension;
- Mudgee Flood Study and Floodplain Management Plan;
- Bombira Ave Drainage Improvements; and
- Court Street Drainage Improvements.<sup>26</sup>

#### Nexus and apportionment

New development in the Mudgee catchment is apportioned the cost of the infrastructure works reflective of the forecast growth population's share of final demand, as represented by the estimated total population in Mudgee at the end of the plan period. Although drainage infrastructure need is linked to the impervious area of a development, population is considered a suitable proxy for demand, in the interests of simplicity in the plan.

#### Section 7.11 contribution rates calculation

The contribution formula for drainage infrastructure can be expressed as follows:

$$\text{Contribution per resident (\$)} = \sum \left( \frac{\$INF \times AF\%}{P} \right)$$

<sup>25</sup> Delivery Program, p 23.

<sup>26</sup> Operational Plan 2017/18, p 83.

Where:

- \$INF** = The estimated total cost - or if the facility has been completed, the indexed actual cost - of providing each of the drainage infrastructure items required to meet the development of the Mid-Western Regional LGA (refer works schedule in **Appendix A**).
- AF%** = The proportion of the total cost of each infrastructure item that should reasonably be met by the expected population growth in the relevant catchment area (refer to **Table 3** and **Appendix A** for values).
- P** = The expected total population in the relevant catchment area in 2029 (refer to **Table 9** and **Appendix A** for values).

To determine the total section 7.11 contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development, and then adjust for CPI as required.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in **Table 7**, and then adjust for CPI as required.

Contribution calculations should also account for any infrastructure demand credits pertaining to the existing residential development on the site. This includes a single dwelling house credit for vacant lots where no prior contributions have been collected. Refer to **Sections 2.7** and **2.10** for more details.

### 3.2.6 Plan administration

#### Objectives

Council's aim is to implement and manage this plan so that the contributions remain reasonable over the life of the plan, and that the infrastructure is provided in a reasonable time.

#### Strategy

This plan has been prepared to allow contributions to be levied on development so that infrastructure demands can be satisfied. The costs that Council has incurred in this regard include the commissioning of external experts to prepare the plan text and works schedules.

Additionally, Council is required to manage, monitor and maintain the contributions plan. The effective coordination and administration of the plan will involve many tasks, some of which include the following:

- Monitoring the receipt of contributions.
- Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules.
- Monitoring and programming works identified in the works schedules.

- Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.
- Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined.
- Reviewing and determining the suitability of any works in kind and material public benefits proposed by a developer.
- Preparing and making available the accountability information as required by the EP&A Regulation.
- Providing advice to applicants and the general public regarding the operation of the plan.
- Commissioning of consultant studies and advice in relation to the efficacy of the development and demand assumptions of the contributions plan.

#### **Nexus, apportionment and contribution rates calculation**

As plan administration costs arise directly as a result of the future development, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in the area. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for management and administration are determined based on the IPART benchmark<sup>27</sup> of an allowance equivalent to 1.5% of the cost of construction works that are to be met by development approved under this plan.

Although the 1.5% is based on the total cost of local infrastructure, which will only be partially funded by this plan, an average allowance of \$78,780 per annum is considered appropriate to cover the plan administration costs incurred by Council in preparing and administering the plan over its life.

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<sup>27</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2014), *Local Infrastructure Benchmark Costs*, p 63.



## 4. How and when will contributions be imposed on developments?

### 4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring either a contribution under section 7.11 or a levy under section 7.12 of the EP&A Act on that approval for:

- the provision, extension or augmentation of local infrastructure to be provided by Council; and
- the recoupment of the previous costs incurred by Council in providing existing local infrastructure.

A section 7.12 levy cannot be required in relation to development if a section 7.11 contribution is required in relation to that development.

The types of development subject to either a contribution or levy, and the contribution or levy rates applying to different development types, are identified in **Section 2.8** and **Tables 4** and **5** of this plan.

Accredited certifiers should also refer to **Section 4.4** of this plan as to their obligations in assessing and determining applications.

### 4.2 Section 7.11 contributions

This section of the plan applies only in respect to the calculation of section 7.11 contributions for individual developments.

#### 4.2.1 Latest rates to be used

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 7.11 contribution rates shown in **Table 4** reflect the contribution rates at the date that this plan commenced. These rates will be regularly adjusted for inflation and fluctuations in land values (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

#### 4.2.2 Variation to section 7.11 contributions authorised by this plan

The consent authority, other than a private accredited certifier, may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application setting out the following, as relevant:

- the grounds on which the variation to the plan contribution is reasonable in the circumstances;
- details and calculations showing that application of the plan's contribution rates results in an unreasonable contribution amount; and
- calculations showing that an alternative amount fairly reflects the net increase in demand for the infrastructure included in this plan.

The consent authority will not consider requests for reductions based solely on any perceived broader community benefit of the development.

The decision to accept a variation to a contribution is at the sole discretion of Council.

#### **4.3 Section 7.12 fixed development consent levies**

This section of the plan applies only in respect to the calculation of section 7.12 levies for individual developments.

##### **4.3.1 Determining the proposed cost of carrying out a development**

Section 7.12 levies are calculated as a percentage of the cost of development.

##### **4.3.2 Cost Summary Report must accompany development application or complying development certificate**

Where a section 7.12 levy is required under this plan in relation to a DA or application for a CDC, the application is to be accompanied by a Cost Summary Report prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development.

Council will validate all Cost Summary Reports before they are accepted using a standard costing guide or other generally accepted costing method. Should the costing as assessed by Council be considered inaccurate, Council may, at its sole discretion and at the applicant's cost, engage a person referred to in **Section 4.3.3** to review a Cost Summary Report submitted by an applicant.

##### **4.3.3 Who may provide a Cost Summary Report?**

The persons approved by the Council to provide an estimate of the proposed cost of carrying out development:

- A cost summary report must be completed for works with a value no greater than \$1,000,000.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$1,000,000.

#### 4.3.4 What must be included in a Cost Summary Report?

Clause 25J of the *Environmental Planning and Assessment Act 1979 Regulations 2000* sets out the things that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- If the development involves the erection of a building, or the carrying out of engineering or construction work – the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation;
- If the development involves a change of use of land – the costs of or incidental to doing anything necessary to enable the use of the land to be changed;
- If the development involves the subdivision of land – the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

#### 4.4 Obligations of accredited certifiers

##### 4.4.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

##### Procedure for determining a section 7.11 contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11(6) of the EP&A Act such as that envisaged in **Section 2.109** of this plan, or an exemption for part or the whole of the development under **Section 2.67** of this plan, the accredited certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.

2. Determine the unadjusted contributions in accordance with the rates included in **Tables 3.4** and **4.5** of this plan taking into account any exempted development specified in **Section 2.76** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed local infrastructure demand relating to existing development (**Section 2.10**).

**Terms of a section 7.11 condition**

The terms of the condition requiring a section 7.11 contribution are as follows:

7.11 Contribution

*The developer must make a monetary contribution to Mid-Western Regional Council in the amount of \$[insert amount] for the purposes of the Local Infrastructure identified in the Mid-Western Regional Local Infrastructure Contributions Plan 2018.*

[strike out any of the following infrastructure categories are not applicable]

<i>Open space and recreation</i>	\$ [insert amount]
<i>Community facilities</i>	\$ [insert amount]
<i>Transport facilities</i>	\$ [insert amount]
<i>Drainage improvements</i>	\$ [insert amount]
<i>Plan administration</i>	\$ [insert amount]
<b>Total</b>	<b>\$ [insert amount]</b>

Indexation

*The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\frac{\$C_c \times CPI_p}{CPI_c}$$

*Where:*

*\$C<sub>c</sub> is the contribution amount shown in this certificate expressed in dollars*

*CPI<sub>p</sub> is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution*

*CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate*

*Note: The contribution payable will not be less than the contribution specified in this certificate.*

Time for payment

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred or periodic payments of contributions must be agreed by Council.*

Works in kind agreement

*This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.*

**Procedure for determining the section 7.12 levy amount**

1. Ensure that the development is not subject to a section 7.11 contribution under this plan or any other contributions plan adopted by the Council and that remains in force.
2. Determine the section 7.12 levy in accordance with the Cost Summary Report prepared by or on behalf of the applicant under **Section 4.3** of this plan using the rates included in **Table 6** of this plan and taking into account any exempt development specified in **Section 2.76**.

**Terms of a section 7.12 condition**

The terms of the condition requiring a section 7.12 levy are as follows:

7.12 Contribution

*The developer must make a monetary contribution to Mid-Western Regional Council in the amount of \$ [insert amount] for the purposes of the Local Infrastructure identified in the Mid-Western Regional Local Infrastructure Contributions Plan 20189.*

Indexation

*The monetary contribution is based on a proposed cost of carrying out the development of \$ [insert amount]. This cost (and consequently the monetary contribution) must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\text{Indexed development cost (\$)} = \frac{\$Co \times \text{Current CPI}}{\text{Base CPI}}$$

*Where:*

*\$Co is the original development cost estimate assessed at the time of the issue of the complying development certificate*

*Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment*

*Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution*

*Time for payment*

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by clause 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred or periodic payments of contributions (up to 6 months) must be agreed by Council.*

*Works in kind agreement*

*This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.*

**4.4.2 Construction certificates**

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and / or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.



## 5. How and when can a contribution requirement be settled?

### 5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals are required – before the development consent is issued.
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works authorising construction above the floor level of the ground floor.
- For works authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

### 5.2 Deferred or periodic payments

Council may accept the deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies the Council that:

- a. Compliance with the provisions relating to when contributions are payable is considered unreasonable or unnecessary in the circumstances of the case;
- b. The deferment of payment or allowing periodic payments does not prejudice the timing or the manner of the provision of the public facility or service for which the contribution was required as outlined in the Capital Works Program; and
- c. The full amount of the contributions being deferred is paid within 6 months.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

All requests to Council for deferred or periodic payments should be formulated in writing based on consultation with Council and forwarded to Council prior to the determination of a development application by Council.

When Council allows a deferral of contributions, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to seven (7) months interest.
- Any charges associated with establishing or operating the bank security are payable by the applicant.
- The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- The bank guarantee is able to be redeemed within 24 hours' notice from Council.

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development; and
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, plus CPI if required.

### **5.3 Can the contribution be settled by dedicating land or undertaking works?**

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a monetary contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan on the Council's behalf delivering that infrastructure, then the developer can approach this either one of two ways:

- (a) The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.

- (b) If the developer has already received a development consent containing a condition requiring a monetary contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer of works or land should be consistent with the relevant LEP and DCP applying to the land.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

#### **5.3.1 Offers and agreements generally**

Any offer for works in kind or other material public benefit shall be made in writing to the Council and shall be made prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land may be accepted by the Council under the following circumstances:

- Council will generally only accept offers of works or land that are items included in the schedule of local infrastructure in this plan; and
- Council determines that the works in kind are, or the land to be dedicated is, appropriate and meets a broad community need.

In assessing the request, Council will consider the following:

- The design of the facilities, and whether the design will result in facilities that are fit for purpose.
- The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised in this plan.
- The amount of contributions that will be offset as a result of the works in kind or land dedication.

Plans and cost estimates of the proposed works are to be prepared by suitably qualified professionals and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will negotiate with the applicant, as relevant, the following:

- an acceptable standard for workmanship and materials;
- frequency of progress works inspections;
- the program for completion of the works or the dedication of the land; and
- an appropriate defects liability period.

## 6. Other administration matters

### 6.1 Relationship of this plan to other contributions plans

The following contributions plans are repealed by this plan:

- Mid-Western Regional Council, *Section 94 Development Contributions Plan 2005 – 2021*, adopted 4 July 2007 (and as amended); and
- Mid-Western Regional Council, *Section 94A Development Contributions Plan 2005 – 2021*, adopted 24 January 2006 (and as amended).

This plan however does not affect development consents applying to land in the Mid-Western Regional LGA containing conditions requiring contributions or levies under the above plans.

Contributions imposed on developments under the above plans and paid to or held by Council will be applied to completing the works schedules in those plans. When works are completed, funds will be allocated towards the works schedules in this plan.

### 6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC that was submitted but not yet determined on the date on which this plan took effect.

### 6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

#### 6.3.1 Section 7.11 contribution rates

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the section 7.11 contribution rates set out in this plan to reflect quarterly movements in the Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics.

The latest contribution rates will be published on the Council's website [in the Annual Fees and Charges.](#)

#### 6.3.2 Contribution and levy amounts in consents

A section 7.11 monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Similarly, the proposed cost of carrying out development the subject of a section 7.12 levy is to be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

#### **6.4 Pooling of contributions funds**

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in **Appendix A (Table A.1)** of this plan.

#### **6.5 Accountability and access to information**

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's administration office and may be inspected upon request.

**APPENDIX A**

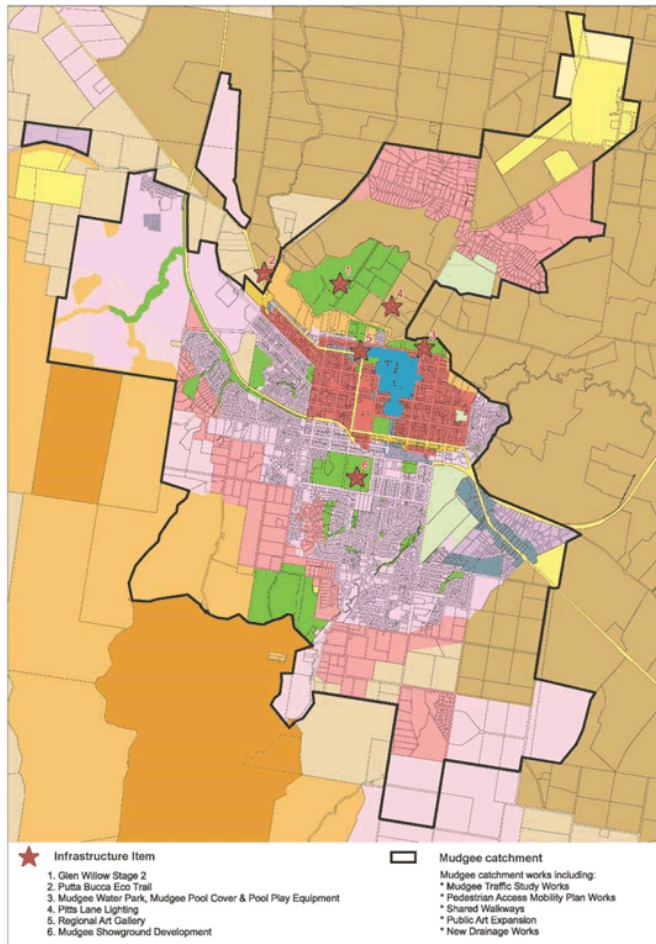
**Infrastructure schedule and location map**

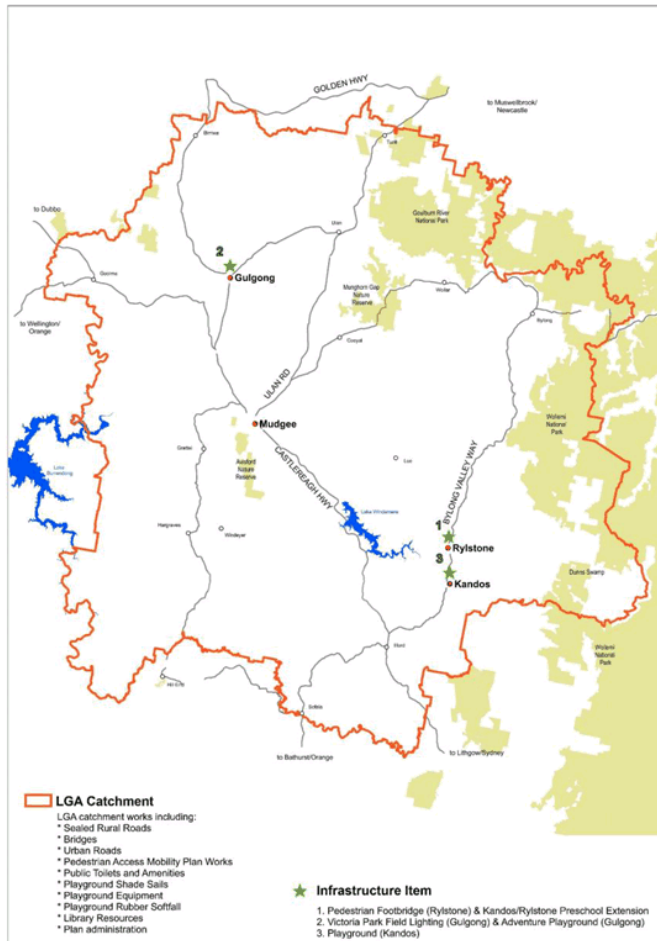
**Table A.1 Local Infrastructure schedule and apportionments for s7.11 contributions**

Infrastructure Item	Catchment	Total cost (\$)	Population for apportionment <sup>1</sup>	\$ contribution per person (cost/population)	Cost funded from s7.11 plan <sup>2</sup>	Planned delivery timing
<b>Transport</b>						
Sealed Rural Roads Capital Works (10 year spend)	LGA	\$8,500,000	26,815	\$317	\$633,852	2019-2029
Bridges Rural Roads Capital Works (10 year spend)	LGA	\$570,000	26,815	\$21	\$42,505	2019-2029
Urban Roads (projected 10 year spend)	LGA	\$8,000,000	26,815	\$298	\$596,566	2019-2029
Mudgee Traffic Study Works - local network works	Mudgee	\$1,010,000	1,300	\$777	\$1,010,000	2021-2023
Mudgee Traffic Study Works - regional network works	LGA	\$4,750,000	26,815	\$177	\$394,211	2024-2026
Pedestrian Access Mobility Plan Works - Mudgee	Mudgee	\$1,800,000	13,800	\$130	\$169,510	2019-2029
Pedestrian Access Mobility Plan Works - Remainder of LGA	Outside Mudgee	\$1,200,000	13,015	\$92	\$64,546	2019-2029
Pedestrian Footbridge (Rylstone)	Outside Mudgee	\$480,000	13,015	\$37	\$25,818	2019-2021
<b>Recreation and Open Space</b>						
Glen Willow Stage 2	LGA	\$7,000,000	26,815	\$261	\$521,996	2019-2021
Victoria Park Field Lighting (Gulgong)	Outside Mudgee	\$580,000	13,015	\$45	\$31,197	2019-2021
Putta Bucca Eco Trail	Mudgee	\$680,000	13,800	\$49	\$64,037	2019-2021
Mudgee Water Park	Mudgee	\$800,000	13,800	\$58	\$75,338	2019-2021
Mudgee Pool Cover	Mudgee	\$4,000,000	13,800	\$290	\$376,688	2021-2023
Adventure Playground (Gulgong)	Outside Mudgee	\$560,000	13,015	\$43	\$30,121	2019-2021
Public Toilets and Amenities	LGA	\$300,000	26,815	\$11	\$22,371	2019-2029
Pitts Lane Lighting	Mudgee	\$100,000	13,800	\$7	\$9,417	2021-2023
Playground (Kandos)	Outside Mudgee	\$100,000	13,015	\$8	\$5,379	2021-2023
Shared Walkways	Mudgee	\$2,000,000	13,800	\$145	\$188,344	2019-2029
Playground Shade Sails	LGA	\$150,000	26,815	\$6	\$11,186	2019-2029
Playground Equipment	LGA	\$350,000	26,815	\$13	\$26,100	2019-2029
Playground Rubber Softfall	LGA	\$150,000	26,815	\$6	\$11,186	2019-2029
Pool Play Equipment	Mudgee	\$250,000	13,800	\$18	\$23,543	2019-2029
<b>Community</b>						
Regional Art Gallery	LGA	\$4,500,000	26,815	\$168	\$335,569	2019-2021
Mudgee Showground Development	LGA	\$850,000	26,815	\$32	\$63,385	2021-2023
Public Art Expansion	Mudgee	\$300,000	13,800	\$22	\$28,252	2019-2029
Kandos/Rylstone Preschool Extension	Outside Mudgee	\$240,000	13,015	\$18	\$12,909	2019-2021
Library Resources	LGA	\$800,000	26,815	\$30	\$59,657	2019-2029
<b>Stormwater Management</b>						
New Drainage Works	Mudgee	\$2,500,000	13,800	\$181	\$235,430	2019-2029
<b>Plan administration</b>						
Plan administration	LGA	\$787,800	2,000	\$394	\$787,800	
<b>Total</b>		<b>\$53,307,800</b>			<b>\$5,816,912</b>	

**Notes:** The schedule excludes the civic improvements to the value of \$500,000 to be funded from s7.12 contributions (such that the **total schedule of works is \$6,316,912**).  
 (1) The catchment population in the final year of the plan (2029) except for the Mudgee Traffic Study Works item which is apportioned to growth in the Mudgee catchment only.







## APPENDIX B

### Examples of how to calculate contributions and levies

#### Section 7.11 Contributions

##### Worked example 1:

A proposed residential flat building development in Mudgee involves the demolition of 2 x 4 bedroom dwelling houses on 2 allotments of land and construction of a new building containing 25 x 2-bedroom apartments and 5 x 1-bedroom apartments.

plus 25 x 2 bedroom dwellings	=	25 x \$8,529 (refer to Table 4) = \$231,225
plus 5 x 1 bedroom dwellings	=	5 x \$5,118 (refer to Table 4) = \$25,590
less 2 x 4 bedroom dwellings credit	=	2 x \$8,529 (refer to Table 4) = \$17,058
<b>Total contribution</b>	=	<b>\$239,757</b>

##### Worked example 2:

A proposed subdivision of land in Gulgong involves the creation of 15 Torrens title allotments on a single parent lot that is vacant.

15 lots each with a dwelling entitlement	=	15 x \$4,940 (refer to Table 5) = \$74,100
less 1 existing vacant lot credit	=	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	=	<b>\$69,160</b>

**Worked example 3:**

A proposed single dwelling house comprising 4 bedrooms on a vacant rural residential lot in Rylstone either via Development Application or a Complying Development Certificate.

1 x 4 bedroom dwelling	=	1 x \$4,940 (refer to Table 5) = \$4,940
<u>less</u> 1 existing vacant lot credit	=	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	=	<b>Nil</b>

**Worked example 4:**

The proposed demolition of an existing 3 bedroom dwelling house and the construction of an attached dual occupancy, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x 3 bedroom dwelling <a href="#">credit</a>	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

**Worked example 5:**

The proposed construction of a detached dual occupancy on vacant land, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

**Worked example 6:**

The proposed construction of a detached dual occupancy on vacant land, each comprising 4 bedrooms in Mudgee and Torrens Title Subdivision of the land.

2 x 4 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land & subdivision 1 into 2 lots	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

**Worked example 7:**

The proposed construction of a detached dual occupancy on vacant land, each comprising 3 bedrooms in Mudgee.

2 x 3 bedroom dwellings	=	2 x \$8,529 (refer to Table 4) = \$17,058
<u>less</u> 1 x credit for vacant land	=	1 x \$8,529 (refer to Table 4) = \$8,529
<b>Total contribution</b>	=	<b>\$8,529</b>

**Worked example 8:**

The proposed construction of a secondary dwelling in Gulgong (either via Complying Development [Application-Certificate](#) or Development Application).

1 x secondary dwelling	=	1 x \$2,965 (refer to Table 5) = \$2,965
<b>Total contribution</b>	=	<b>\$2,965</b>

**Worked example 9:**

The proposed construction of a seniors living development (not provided by a social housing provider) comprising of 15 self-care dwellings in Mudgee.

15 x seniors living dwellings	=	15 x \$5,118 (refer to Table 4) = \$76,770
<b>Total contribution</b>	=	<b>\$76,770</b>

**Worked example 10:**

The proposed construction of a boarding house in Mudgee comprising of 45 residents.

45 residents x per resident contribution	=	45 x \$3,411 (refer to Table 4) = \$153,495
<b>Total contribution</b>	=	<b>\$153,495</b>

**Worked example 11:**

The proposed construction of a Multi-Dwelling housing development in Mudgee consisting of 3 x 3 bedroom new attached dwellings and the retention of the existing detached 3 bedroom dwelling.

<u>3 x 3 bedroom new dwellings</u>	=	<u>3 x \$8,529 (refer to Table 4) = \$25,587</u>
1 x 3 bedroom existing dwelling	=	1 x \$8,529 (refer to Table 4) = \$8,529
<u>Less 1 x credit for 1 x 3 bedroom existing dwelling</u>	=	<u>1 x \$8,529 (refer to Table 4) = \$8,529</u>
<b>Total contribution</b>	=	<b>\$25,587</b>



**Worked example 12:**

A proposed residential change of use with alterations and additions from an existing storage shed to a single dwelling house comprising 3 bedrooms in Cooks Gap (no existing dwelling on the land).

1 x 3 bedroom dwelling	≡	1 x \$4,940 (refer to Table 5) = \$4,940
less 1 x credit for existing allotment	≡	1 x \$4,940 (refer to Table 5) = \$4,940
<b>Total contribution</b>	≡	<b>Nil (refer to Section 2.7 of the Plan)</b>

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**Worked example 13:**

A proposed extractive industry (quarry) proposing to remove and transport 150,000 tonnes of gravel per month.

0.66 cents x 150,000 tonnes / month	≡	\$99,000
Levied amount per quarter (3 x \$99,000)	≡	\$297,000
<b>Total contribution</b>	≡	<b>\$297,000 per quarter (refer to Section 2.9.2 of the Plan)</b>

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### Section 7.12 Contributions

#### Worked example 1:

A proposed commercial re-development in Mudgee involving the demolition of existing improvements and the construction of a building, car parking and landscaping with a cost of construction of \$4 million.

\$4 million x 1%	=	\$40,000
<b>Total levy</b>	=	<b>\$40,000</b>

#### Worked example 2:

A proposed change of use from business premises to a retail shop in Mudgee which involves no building works to increase the Gross Floor Area of the building with a cost of construction of \$100,000.

As the proposal does not increase the Gross Floor Area of the building under the change of use, the development is exempt from the levying of contributions (refer to <b>Section 2.7</b> of the Plan).
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### Worked example 3:

A proposed mixed use development comprises a function centre with a GFA of 300m<sup>2</sup> and apartments with a GFA of 150m<sup>2</sup>. Total cost of construction is \$2,000,000.

In this case, the function centre component comprises the majority of the total GFA in the development, and a section 7.12 levy based on the proposed cost of the entire development would be imposed. If, however, the residential component (apartments) comprised the greater GFA, a section 7.11 contributions on the entire development would apply based on the number of apartments and bedrooms (**Tables 4 or 5**).

\$2 million x 1%	=	\$20,000
<b>Total levy</b>	=	<b>\$20,000</b>

**Worked example 45:**

A proposed change of use to a commercial building in Kandos with an increase in GFA of 40m<sup>2</sup>. The cost of construction is \$65,000.

Whilst the proposal increases the Gross Floor Area of the building under the change of use, the development is exempt from the levying of Section 7.12 contributions as the cost of works is less than \$100,000 (refer to **Table 6**).

**Worked example 56:**

A proposed change of use of an existing dwelling to a serviced apartment ([tourist and visitor accommodation](#)), no increase in floor area, however an internal fit out is required to include accessible facilities. The cost of construction is \$65,000.

As the proposal does not increase the Gross Floor Area of the building under the change of use and the cost of works is less than \$100,000, the development is exempt from the levying of Section 7.12 contributions (refer to **Section 2.7** of the Plan).



Dear Mr Kennedy, Mr Cam & Mr Kearns

I hope this email finds you well

I am writing in regards to the Draft Operational Plan 2019/20 which I have just reviewed.

I was saddened to see that there was no mention of sealing any minor local road in the region. I of course can only speak of our experience with Lower Piambong rd, however i'm sure my sentiments will be echoed throughout many unsealed minor local roads in the region.

As you may be aware we own and operate Sierra Escape (Mudgee's first and premiere Luxury Glamping retreat) at 1345 Lower Piambong rd, Piambong. We have been fortunate to win Gold Tourism awards in both regional and state, and were finalists at the Australian Tourism awards. Our promotional imagery features heavily in promotion of the Mudgee region, and conservatively our guests currently contribute over \$350,000 each year to the visitor economy (calculated using 2015 visitor spend figures in the Mudgee Region DMP). We have been featured in countless articles, featured on Sydney Weekender, and hosted many influencers and bloggers on behalf of DNSW and Mudgee Tourism. We're platinum members of MRTI and contribute often to local causes and activities, including 200BALES and other drought initiatives. Recently I personally directed and created a video campaign (using resources In my other business Brightworks) - which lead to National TV exposure for 200BALES as we secured it airtime on every major network across the country. You can view the video here - <https://www.youtube.com/watch?v=HiMfxovte-Q>

To date we've also contributed over \$400,000 ourselves to the local economy through development and purchasing local supplies. We also employ many local staff including 1 x full time position and 1 x part time position. We are also primed to increase our staff numbers as we continue to grow the businesses.

We were recently informed by Mr Kearns that an inspection of Lower Piambong road has taken place and it was agreed that the road required grading work. This is great news, and we hugely appreciate it - however we feel that it is not a long term solution, and given the severity of the current weather situation (intense draught, mixed with severe storms) - it won't take long before the road deteriorates and we're back where we started. Please do not interperate this email as a lack of gratitude - because of course when it comes to the road, we'll take whatever assistance we can get - i just wanted to express our opinions on the Operational Plan.

We're incredibly passionate about the Mudgee region and strive everyday to ensure that tourism in the region has a sustainable future. Our current DA allows for 5 tents (we currently have 3), and we have plans to add even more tents (council permitting). We also acquired 125 acres at 1243 Lower Piambong road, where we have DA approval for 3 x luxury tiny houses (converted from shipping containers). These developments will bring even further spend to the local economy both through local trades and visitor spend. We estimate by the end of 2022 our guests will contribute over 1 million dollars a year to the visitor economy (no small feat for two small business).

There are also other accomodation offerings on Lower Piambong (e.g Canguri) as well as a popular and well known Horsemanship Clinic.

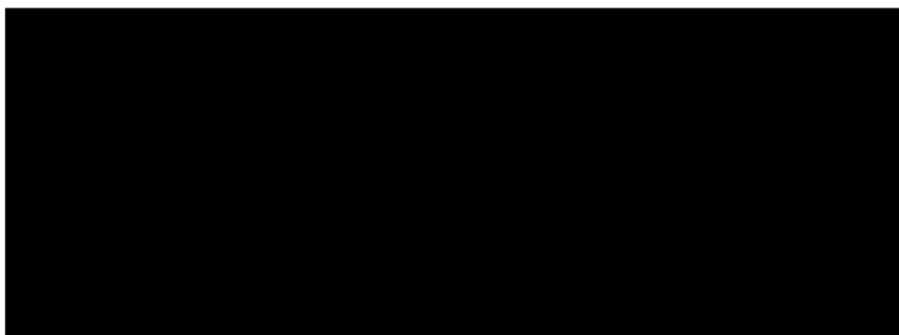
I also regularly hear from local Mudgee people that they use Lower Piambong road as a thoroughfare to get from Mudgee to Wellington & Dubbo as opposed to going up to Guntawang road, and then backtracking back along Goolma road.

These sentiments are also shared widely within the Piambong community, and i know that residents are often having to repair tyres or fix damage to their vehicles. (We know our guests certainly are).

We therefore request that you reconsider sealing the entire Lower Piambong road as part of the Operational Plan 2019/20 for the benefit of the locals living there, road safety, visitors and the tourism sustainability of the region. I completely understand that budgets are tight and that the council doesn't necessarily have money to burn - but i think if you look at it from a long term perspective and the wider benefits of the region, you'll realise that it will be a very worthwhile investment.

I am contactable on the below details to discuss this matter at any stage, as we strive to have a co-operative and productive relationship with the Mid Western Regional Council as we continue to grow our business holdings in the region.

Many thanks for taking the time to read my lengthy email. :)



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Hi All

I have spoken to both Councillor Shelley, and Brent Barlow from KRR.

We will be treating the letters received to date as a submission to the Operational Plan, yet to go out on exhibition.

I have explained the new process and Brent has agreed to complete the Community Grant forms for next years program (should he request more than the \$5k already granted).

Brent also provided the following additional information:

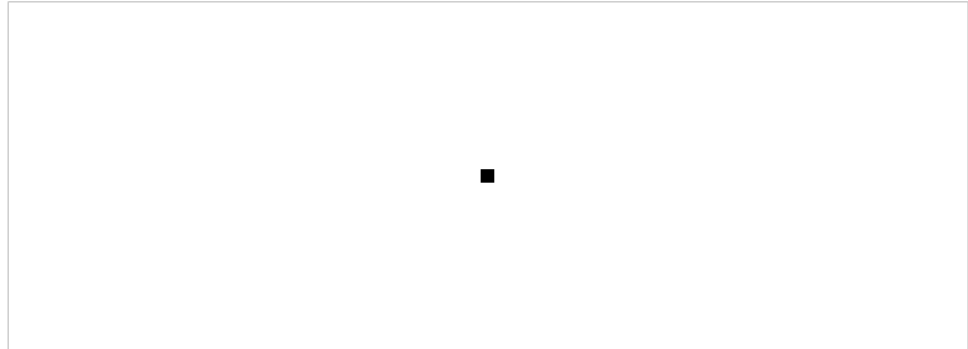
- Community Capers was originally an in-house initiative for Rylstone Council, prepared as a contract agreement by the Rylstone Business & Tourism Assoc
- After the amalgamation KRR were requested to continue this service with a \$10k grant from Council to cover the cost
- KRR contributes between \$2k - \$3k to cover the costs of Community Capers each year
- They sell advertising – limit 6 per newsletter
- They produce and mail out 1700 copies to Rylstone/Kandos residents, and a few members of parliament
- They produce an electronic version for Council and the advertisers only
- They also drop hard copies at newsagencies, Council, Mudgee info centre, real estate agents
- The increasing costs of postage and printing have contributed to the request for more money this year \$11k
- Council needs to decide whether they value the service. \$5k will not be adequate. It's a question of \$10-11k for the service, or cease the service.

[Redacted]

[Redacted]

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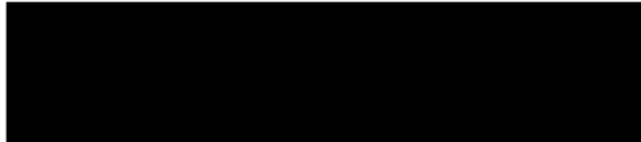
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[REDACTED]  
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[REDACTED]  
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The General Manager  
MWRC  
Market St MUDGEE NSW 2850

FOOTPATH - ROBINSON ST GULGONG -

MEDLEY TO HERBERT

Dear Brad

Please find attached photos regarding the above.

As GHM approaches its opening later this year, we are concerned for the safety of pedestrians wishing to access our facility from Herbert St. owing to the uneven surfaces, narrowness, patches, cracks, trip hazards and redundant humps along this section of Robinson.

Robinson St will also be a major thoroughfare between the Gulgong Gold Experience from GHM.

GHM, at its own expense and under Council supervision, has laid new concrete at the rear of GHM, and respectfully request that Council attend to the remainder as a matter of urgency.

We would be happy to discuss this matter onsite at any time.

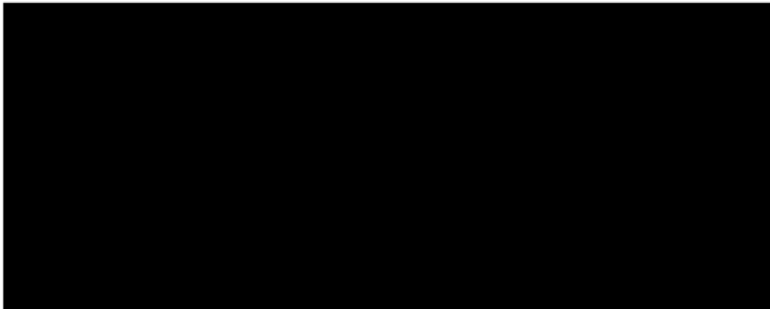
#### COUNCIL RATES

As you are aware, GHM is a one million dollar plus community project powered entirely by volunteers.

Given the obvious benefits to regional tourism which GHM will bring, we trust there is discretion within Council policy to waive our annual rates as a trade off for all the work to date, and the ongoing efforts required.

Yours faithfully,

Chris Pearson  
(Chairman GHM)



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14/05/2019

**Mid-Western Regional Council Mayor**

**CR Des Kennedy**

**Councillors S. Paine , P. Cavalier, R Holden, A Karavas, E Martens, J O’Neil,**

**P Shelley, P Thompson**

**Manager Works**

**Andrew Kearins**

**Submission to the Operational Plan.**

**Dear Sirs and Madam,**

I am a 60 year old woman trying to run a cattle property on Egans Lane Gulgong. I am finding it increasing difficult to access my holding due to the state of the lane. It has become that bad that it is very difficult for the trucks delivering feed and taking the cattle to the sale yards. Also my family and friends cannot get to the house in their normal 2 wheel drive cars. A few weeks ago the chassis of the cattle truck, that had just picked up 8 cows , twisted and sprung the gate resulting in 5 cows escaping. There are also safety concerns for myself , my 70 year old partner and his son if anything should happen and we needed emergency help. I know the Lane is a unmaintained road but it was never upgraded to a standard sufficient to serve the development. As you would appreciate conditions for farmers are very tough and I have no funds to repair the lane so I am putting in a request to have the lane at least made suitable for safe access to my property. A few loads of fill spread out and graded on the worst 500 metres of the lane would provide access and address my safety concerns. If this was done I could in the future do minor maintenance work (eg fill pot holes) as I would have a base to work with.

**Yours sincerely**

**Susan Mills**

Mid-Western Regional Council  
86 Market Street  
MUDGEES NSW 2850  
Attn: General Manager



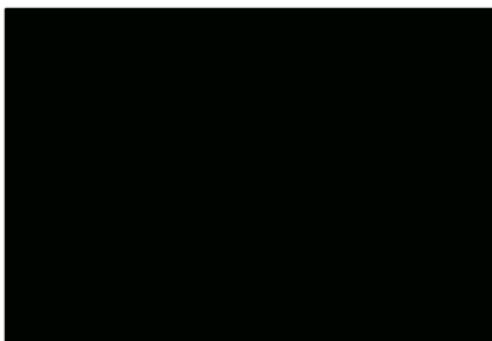
### BUDGET SUBMISSION

I am writing on behalf of the Mudgee Dressage Group in support of the Access Committee's request for improved access, parking and shade (trees) at the Mudgee showground.

The Mudgee Dressage Group uses the showground facilities for their training days and supports the dressage competition at the annual Mudgee Show. Some of our members have disabilities and I am aware that other horse groups, including the Pony Club and the Riding for the Disabled, also have members with disabilities. Additionally, some members of the public who attend functions at the showground, including residents of several disability group homes and clients of other disability organisations, have disabilities that require them to be in wheel-chairs or to use 'wheelie-walkers'.

Firstly, the showground lacks firm foot paths that unsteady walkers or people in wheel-chairs can use. Secondly there is no dedicated parking for people with a disability so they cannot congregate safely when arriving or departing. Thirdly, many people with disabilities have difficulty maintaining their body temperature in hot weather, and the lack of shade (sails, but particularly trees) is a problem. The demolition of the grandstand, which provided good shade, will only make this a greater problem.

The Mudgee Dressage Group urges the Mid-Western Regional Council to act on the Access Committee's request for improved access, parking and shade trees at the Mudgee Showground.





20 March 2019

Mid- Western Regional Council

Dear Councillors

Subject : Submission to Operational Plan 2019/2020

I am writing to council once again to ask if they would re-consider my request for street lighting, 183-185 Market Mudgee

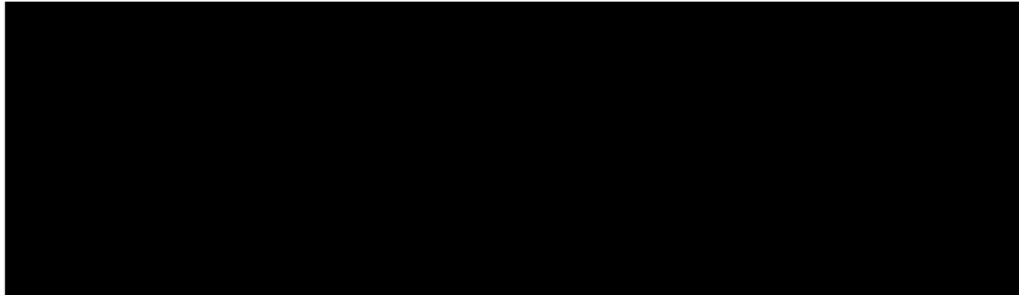
I am again raising my concerns regarding this very dark area of Market Street outside the Kingdom Hall of Jehovah Witnesses. This is a very busy main highway leading into Mudgee and the traffic is relentless. It is very dangerous for those (especially the elderly) leaving the hall at night to safely get across the road and into their cars. It is an accident waiting to happen.

Previously on the community Plan the council recommended funding for the lighting but for some reason this did not go ahead. Could you please review this matter as I have been bringing it to your attention for 3 years now and feel it is a very reasonably request as the pole is already there and only needs a light put on it.

Regards

Julie Consadine





Dear Mid Western Regional Councillors,

SUBMISSION BY THE “FRIENDS OF THE HISTORIC CAMPING TREE” FOR AN INFORMATION BOARD *SIMILAR TO* THE INFORMATION BOARDS ERECTED BY M. W. R. C. AT “THE MUNGHORN PICNIC AREA” AND AT “THE WETLANDS”. . . . Photograph of Munghorn Information Board attached.

Mid Western Regional Council, over the last few years have been working with us, the “Friends of the Historic Camping Tree” at the Reserve in which the Historic Tree stands. Much work has been achieved to improve the site by Council, Donated materials, and volunteer workers.

However, visitors to the Reserve, both local and from afar have **no** information as to the importance of the remains of an old tree set within a grand fence. Also, directions to the reserve are not good and the sign(s) should read (TO THE) **HISTORIC CAMPING TREE**, as the current sign could indicate a camping area.

Some visitors to “The Tree” that I have spoken with, have seen, and have commented on the trimming and capping not being complete, to which we, as “The Friends” agree. Can more be done ?

Now that the fenced-in area has been wood-chipped, an entry of some sort should be placed in the “Mudgee Visitor Guide”.

We can provide text and photographs to include on the information board which would cover the time pre and post European settlement of the site.

There is no need to go over the importance of this Historic Tree again, but should you need more information please contact me.



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May 21<sup>st</sup>, 2019

Mr. Brad Cam, General Manager,  
Mid-Western Regional Council,  
Market St.,  
Mudgee. 2850

Dear Mr. Cam,

Re: Budget Submission for Mudgee Showground

On behalf of Mid Western Working Horse Association, and as a member of the Showground Management Committee, I would like to request council consider a budget allocation for the development of a plan to improve the accessibility, parking and landscaping of Mudgee Showground.

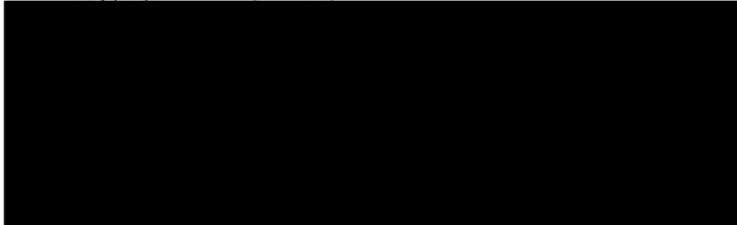
There has been some concern expressed in the community about the difficulties experienced by people with a physical disability or limited mobility, in accessing the showground to attend functions, including the annual Mudgee Show. Given that Mudgee has embraced the Riding for the Disabled Association, it would be highly appropriate to consult with members and the Access Committee to have an integrated access plan for the three entrances, paths, pavilions and amenities.

Of particular interest to the horse owners and riders is the current parking area for floats and cattle trucks. Improving the surface of the area adjacent to the grass on the Madeira Road side of the grounds, and around the stock yards and loading ramp, would make the area more workable and less likely to be damaged after rain. The current grassed area near the day yards has practical benefit for horses and handlers, and is worthy of being maintained.

It is appreciated that Mudgee Showground is an attractive facility, which could be further improved by landscaping and associated tree planting. The MWWHA is often required to conduct events at Gulgong Showground in order to make use of the shade trees that are available near the rodeo and campdraft arenas, for the comfort of our competitors and their horses. Equine and cattle activities could be more easily conducted during the warmer months and thereby distributed across the Shire if adequate shade was available at Mudgee Showground.

I do not have a definite budget, but would like to suggest Council consider an allocation of up to \$5000 to prepare a plan addressing accessibility, parking and landscaping. MWWHA would appreciate you passing this request to councillors for their consideration.

Yours sincerely,







Hi Brad

Second request - the lower piambong experiment was initially excellent but deteriorated with exposed rocks etc It is b awful - thanks for filling in the gaps where the tar splash pads meet the receding soil - they were causing big belts - splash pads are good but need two more metres each end.

Upper piambong is approaching Gibb River corrugations.

I have been reviewing your Operational Plan and comparing the current road management plan with the plan for 1998 - frankly Council your road maintenance plans are going backwards instead of forwards - this is a major financial problem which require ACTION NOW. Remember the sealing plan before 2000 - now you say forget sealing - forget 6 month gradings - forget unsealed road inspections - thank you for 12 month gradings - because we are on a bus route - you tell us that as you cant't afford regular inspections and 6 month gradings we must all drive to the road conditions !!!! what do you think we residents do ????. we plan to survive !

It is the visitors, tourists and tradies who are the big risk - they don't know that our council only puts out ROUGH ROAD signs on sealed roads - gravel road signs one at the beginning and good luck

Your risk analysis should be at the top for unsealed roads - I am sure you don't forget the major claims in other councils where non residents using unsealed roads rolled over and were severely injured - hit our corrugations at 20-50kph and enjoy the ride -sideways !

Unsealed roads can be excellent roads if they have regular inspections and responsive repairs and 6 month quality grading.

You say your aim is for a high quality road network - well we have 1,000km of sealed roads - which is inspected and 1,239 km of unsealed roads - which are not inspected - and definitely aren't high quality roads.

Why do you think our community response to your survey attempts rate Health, roads and entertainment up the top and Art Galleries down near the bottom.

March Community News told our community that you were going to spend \$2,300,000 of our community's money on your Arts and Cultural Centre together with a State Grant of \$2,298,000

\$4,598,000 on a project which came 10th in your survey to identify the top five major projects.

The Entertainment Centre came 5th

The Indoor Aquatic Centre and Entertainment Centre were top five major projects in your survey specially for community members under 50.  
OUR COMMUNITY NEEDS THE REGENT TO BE DEVELOPED INTO A COMMUNITY ENTERTAINMENT CENTRE  
ONLY OUR COUNCIL CAN SAVE IT

Your Community News did not mention the top five projects nor that the Art Gallery was the 10th rated major project by all the participants - you state that your Art Gallery was ranked in the top five by 52% of residents who participated  
????? OBSFUCATION 100%

MAJOR PROJECTS TRUE SURVEY RESULTS

No.1 Hospital Upgrade - A State project now underway

No. 2 Indoor Aquatic - You are now conducting a Feasibility study to understand the Viability ?

No.3 Outdoor Water Park - construction underway

No. 4 Return Passenger trains - A State Government responsibility

No. 5 Entertainment Centre - ???????

Councillors, the true results of your five major projects. What justifications have you for the incredible expenditure of \$2.3 MILLION of our funds - with a grant of \$\$2.3Million - \$\$4,598,000 on the 10th rated“Art Gallery” which actually involves the extension of the Tourist Information Centre, a gift shop, Sculpture garden and artists in residence space, together with NO action on major Project No.5 The Entertainment Centre - The Regent Theatre. This travesty surely demands you resolve these major community issues and call a Local Government Poll to get the communities wishes as a proper basis for your major projects.

Would you please reserve me a place on Open Day on 19 June

Cheers

Bob



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**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] JI completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Monday, 27 May 2019 2:11:56 PM

---

JI just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Roads

**Please provide a detailed description of your submission.**

Could. Pedestrian crossing please be installed on Douro St, south of the railway crossing? This will increase pedestrian safety and may encourage more children to walk to school. I have written many submissions to MWRC about this, and was told for the 2017-18 financial year it would be planned, depending on grant funding. I would be willing to help apply for grants towards this if you need a community helper.

**Upload an accompanying document to your submission.**

No Answer

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[REDACTED]

Description: Telephone call from [REDACTED] who is unable to lodge a written submission for the 19/20 draft budget. Diana advises that she is fully supportive of Healthy Communities classes continuing and that she would be absolutely devastated if the program were not to continue. Due to her advanced age and near infirmity, she would not be able to attend these classes if they no longer continued in Gulgong (ie, attendance in Mudgee would not be an option for her). I confirmed that I would lodge this verbal budget submission on her behalf.

**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] Alicia completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Friday, 31 May 2019 1:41:19 AM

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Alicia just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Roads

**Please provide a detailed description of your submission.**

The Botobolar Rd is currently under construction to be repaired... and NOT SEALED  
KEY POINTS This road provides scenic resources to the town community... Along this road you have established business and winery's and a homestay that is run by a lady who works at Telstra. You also have local farmers who supply meat to the local sale yard... trucks need to safely access properties Most importantly you have children (on a school bus) our up and coming generation... these children need to be on SAFE GOVERNMENT FUNDED ROADS .. This road provides local motorists a scenic ride into UPPER BOTOBOLAR where you have a beautiful winery... You also have an established business HONEYSUCKLE PETS & LIVESTOCK (you can view on Facebook) which is home and property to THE AUSSIE WHIP CRACKING KIDS (also on FB) this family provides to the community in many ways... you may of seen the children on TELEVISION! IMPROVEMENTS There is a property along this road owned by WISBEYS that needs fences fixed... their cattle and stock are constantly out on the road.. at night... numerous times ... They are overstocked and have poor fencing and this is a huge RISK to the SAFETY of drivers ESPECIALLY with the dirt road the way it is.

CONCLUSION Botobolar road IS A SCENIC ROAD THAT CAN BE OF GREAT BENEFIT TO THE LOCAL MUDGEЕ COMMUNITY... bringing in economical growth to the popularity this thriving country prestige town continues to uphold We as the Botobolar community feel by nurturing the country ASPECT from city to country will only contribute to the INFRASTRUCTURE and GROWTH and further development of Mudgee! After all "country" and beautiful vineyards is what Mudgee is all about RIGHT? Thankyou in advance tithе local council for upholding such HIGH VALUES and principles in the development of a BEAUTIFUL COUNTRY TOWN IN WHICH WE ALL LOVE TO CALL HOME!

**Upload an accompanying document to your submission.**

No Answer

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**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] alexwisser completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Sunday, 2 June 2019 12:33:17 PM

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alexwisser just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Other

**Please give a title for the section you'd like to provide feedback on.**

banner posts installed at Ilford Road and Bylong Valley Way

**Please provide a detailed description of your submission.**

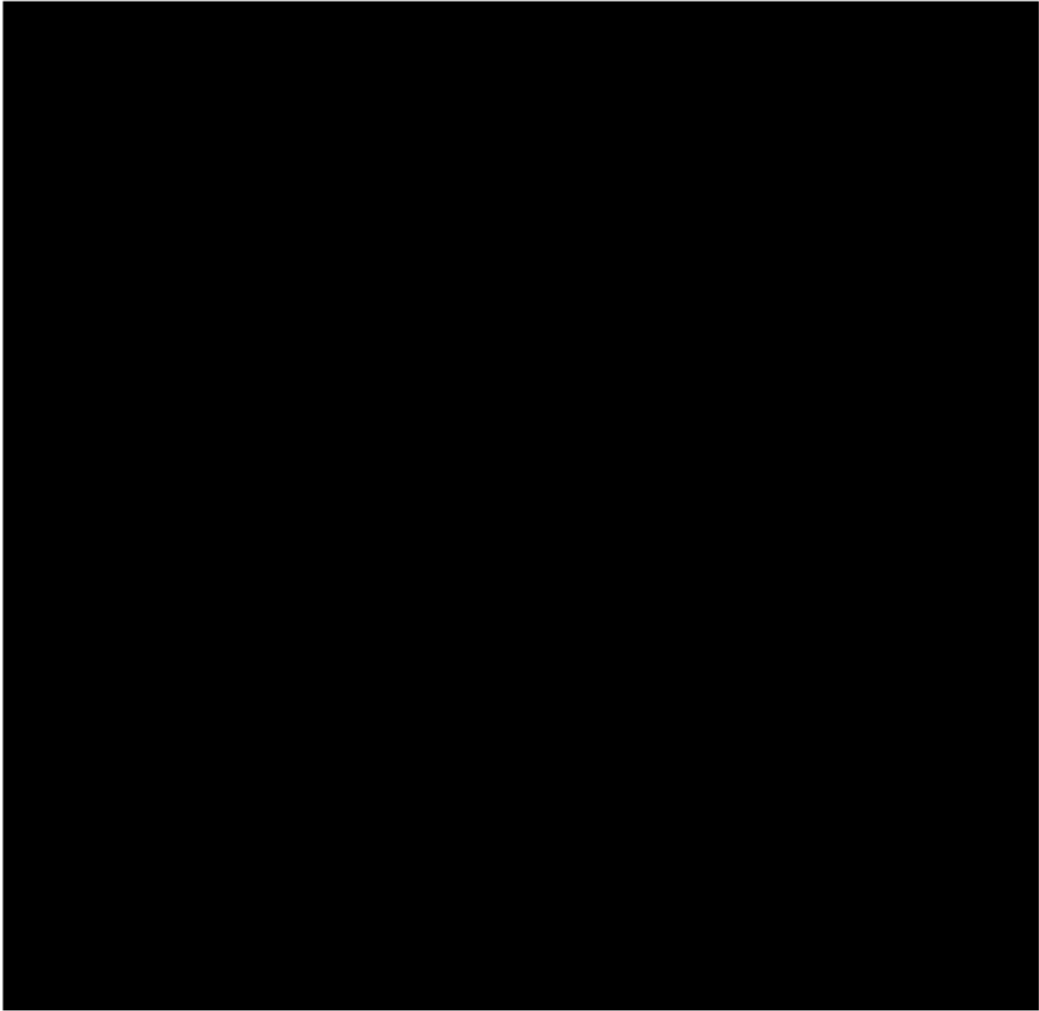
Kandos and Rylstone now have a robust calendar of events, markets and fairs including Street Feast, Street Machine, sunday markets, the garden fair, and Cementa Festival amongst others. These events are often announced to visitors travelling Bylong Valley Way through signage and banners hung between the posts that hold up the road signage on Ilford Road, facing Bylong Valley Way. This ad hoc solution is not ideal and can look messy or leave event organisers competing for space. These issues can be easily resolved through the installation of two purpose built poles to the right of the road signs on which event banners and signage can be installed.

**Upload an accompanying document to your submission.**

[REDACTED]

[REDACTED]  
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a 86 Market Street | PO Box 156 Mudgee NSW 2850

[REDACTED]

[REDACTED]

Location\_of\_request : Tee intersection of Ulan Road and Bobadeen road

Request\_type : Roads

Description\_of\_request : To MWRC, Ulan Coal Mines are currently regrading Bobadeen Road, once complete the road surface will be in good condition again. We would like MWRC to consider paving the intersection of Ulan Road and Bobadeen road, this is a high trafficked intersection and can be quite dangerous turning in and out of due to the rough surface, it is also the entrance to Hands on Rock tourist site. Sealing the intersection would also stop mud from been deposited onto Ulan Road after rain events. Ulan will prepare the road surface to a standard for a new pavement, this work is anticipated to be complete by the 5 July.

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**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] alexwisser completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Sunday, 2 June 2019 7:40:42 AM

---

alexwisser just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Other

**Please give a title for the section you'd like to provide feedback on.**

repaint kandos sign on silver tank at Ilford Road and Angus Avenue

**Please provide a detailed description of your submission.**

The large silver tank that fronts Kandos where Ilford Road meets Angus Avenue has been a proud entry point to the town for years. The red lettering on the tank has faded and is now an eyesore that introduces the town to visitors. I would like to propose to council that resources be allocated to have the lettering repainted to renew the town frontage and restore the impression made on visitor to the town.



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7<sup>th</sup> June 2019

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

**Re: Delivery Program 2017/21 and Draft Operational Plan 2019/20**

Dear Brad,

I would like to comment on aspects of the abovementioned document as part of the public exhibition process.

My comments relate to two of the Planning Strategies, namely 1.2.1 and 1.2.4, and suggest actions that will allow these strategies to be better implemented than has been the case to date.

With respect to the wording of these two strategies, I would suggest changing the last word of 1.2.1 to the plural 'towns' and adding 'and villages'.

In May of 2017, after making a presentation to Council, I lodged a written submission which in part stated: *"In terms of investing in, and properly nurturing our history & heritage, there is in my view a far more important document than Council's Operational Plan & Delivery Program. This document is Council's **"Draft Heritage Strategy 2017 – 2019"**, which is to be considered by Council later this evening, and is currently not referred to in the Community Plan, or Operational Plan.*

*It is more important because within it is a detailed 2 year strategy for investing in and looking after our heritage.*

*It contains 7 'measures' with associated detailed 'actions' for the period 2017 – 2019, and these 'actions' are largely separate and more specific to those mentioned in the Operational Plan".*

In response to my submission I received from you a letter dated 25 July 2017 (refer attached) which in part stated: *"Please be advised that at the Council meeting of 21 June 2017, Council resolved to advise you that a new action item has been included in the Delivery Program 2019-21 to 'Maintain the 2017-2019 Heritage Strategy and implement the actions identified in the strategy', under Strategy 1.2.1."*

I note that this action item is **not** present under Planning Strategy 1.2.1 in the 2019/20 Draft Operational Plan, and for the reasons mentioned above I urge that it be reinstated, and that Council's Heritage Strategy be reviewed and updated to encompass 2020-2022.

On a more philosophical note, a basic principle of business management when wanting to implement a strategy, policy, or regulation, is acceptance of the following three basic steps:-

- .formulate
- .educate
- .regulate

When looking at the list of 'actions' under each of the aforementioned Planning Strategies there are no actions relating to education, which is the vital second step that ideally occurs prior to the actual implementation of a strategy.

Our towns & villages have rich heritage and charm, and this attracts tourists. The extent to which the historic character of our Region, and heritage value of our towns and villages is respected and enhanced can make the difference between tourists visiting and stopping, or choosing to drive on.

Regrettably it would seem that the valuable community asset, our built heritage, is not being respected and enhanced to the extent that it should be, making a walk or drive around our towns and villages less appealing.

There appears to be an increasing amount of development occurring within our HCA's without prior lodgement of a DA, and in many cases this development does not comply with the heritage requirements of Council's LEP or DCP – refer Fig. 1. Unfortunately there also seems to be a growing trend that *'it is easier to seek forgiveness after the event than seek prior approval'*.



**Fig. 1 Signage Installed without Development Approval**

To have non-complying development rectified has proved largely unsuccessful, as should the party concerned choose to ignore or contest the initial notification, Council seems unwilling to pursue the matter further presumably due to the likely costs involved – refer Fig. 2.



**Fig. 2 Fence Extended beyond Building Line without Development Approval, and Notice of Non Compliance Ignored**



**Fig. 3 Non Complying Signage**

Whilst there are many reasons for this non-complying development, including ignorance, apathy, and putting personal gain ahead of Community, I would argue that the biggest single cause is a lack of awareness, which is why education is so vital.

This fact is acknowledged within Council's Heritage Strategy under measures 4 & 6 which state:-

*."Review and produce additional fact sheets for heritage conservation. These fact sheets would assist owners of historic buildings and potential property developers in recognising key aspects of the different heritage conservation areas and individual items."*

*."The former Mudgee and Rylstone Shire councils have long been aware of the importance of promotional heritage programs."*

*."The former Mudgee Shire Council has in the past conducted a range of short courses, forums, and discussion workshops for Councillors, Council staff, and local professionals (builders, solicitors, estate agents, building designers etc)."*

It is acknowledged that a single fact Sheet on Heritage Conservation has recently been produced by Council, however its distribution has been limited. If Council is to counter the lack of awareness, then the education program needs to be far more proactive and reach every owner/occupier of properties within the HCA's, as well as the 'local professionals' mentioned above.

Whilst this might seem an expensive exercise, I would suggest that it is far cheaper to educate than prosecute.

The other option of course is to do little or nothing, however I fail to see how this addresses Strategy 1.2.1 - "Respect and enhance the historic character of our Region and heritage value of our towns & villages."

Continuing to attract tourist dollars to our smaller outlying towns & villages is vital, so I would ask that you make funding available during 2019-2020 to commence an education program such that a most valuable community asset, our built heritage, can be adequately conserved and enhanced, and pay dividends well into the future.

Yours in 'Preserving our Past for the Future',

[Redacted signature]

**Peter Monaghan**





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

*Office of the General Manager*

25 July 2017



Dear Mr Monaghan,

**Draft Operational Plan 2017/18 and Delivery Program 2017-2021**

Council would like to thank you for your submission dated 19 May 2017 with regards to the Draft Operational Plan 2017/18 and Delivery Program 2017-2021.

Please be advised that at the Council meeting of 21 June 2017, Council resolved to advise you that a new action item has been included in the Delivery Program 2019-21 to "Maintain the 2017-2019 Heritage Strategy and implement the actions identified in the strategy", under Strategy 1.2.1.

Should you have any queries in relation to this matter please contact Council's Director of Development, Julie Robertson, on 02 6378 2850.

Yours sincerely,



BRAD CAM  
GENERAL MANAGER





**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] bennok79 completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Wednesday, 5 June 2019 9:22:17 PM

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bennok79 just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Other

**Please give a title for the section you'd like to provide feedback on.**

Request for Pedestrian Crossing

**Please provide a detailed description of your submission.**

Good evening, I would like to submit to Council a suggestion to consider the installation of a pedestrian crossing on Church Street, Mudgee between Mortimer & Gladstone Street. This section of road is one of the few remaining in central Mudgee without a safe, marked crossing for pedestrians. The lack of a crossing hampers pedestrian access from the parking facilities behind Target to the surrounding businesses, schools and facilities. The large volume of traffic travelling on Church Street, combined with a large number of cars exiting the 2 nearby petrol stations and the parking lot, make it very difficult to cross the road safely. Your consideration of this request would be appreciated. Cheers, [REDACTED]

**Upload an accompanying document to your submission.**

No Answer

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Dear Sir/Madam,

In response to Council's draft 2020 Operational Plan, we are requesting the tar sealing of approximately 150 metres of Bayly Street, Lue between Swanston Street and Dowling Street.

As we live on the corner and at the beginning of Bayly Street, we experience the constant dust created by every vehicle using this street. Predominately westerly winds fan this dust across our property and this street serves a growing number of households with multiple vehicles travelling the street frequently. Housing development over time in the back streets of Lue have exacerbated the problem over the years.

This increase in traffic flow is causing a massive dust problem. This is a possible health hazard with the risk of contamination of tank water and noticeable problems with air quality. Our tank water is our main water supply, including drinking and cooking.

The recent report provided to Council regarding the sealing of a section of Spring Flat Lane South suggests that the cost to seal this small section of road would be as little as \$12,000.

Your consideration of this request would be appreciated.

We are available to discuss this problem with your department if required.

Yours sincerely  
Peter and Carol Kurtz



**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] Gazza2019 completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Wednesday, 5 June 2019 5:47:35 PM

---

Gazza2019 just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Roads

**Please provide a detailed description of your submission.**

The first two causeways on the Wollar Rd need replacing with pipes. I consider them to be dangerous especially when they become flooded. They are too steep. Water lies in them for long periods and overall.. causeways are out of date especially considering the amount of traffic on that road these days. Thanks

**Upload an accompanying document to your submission.**

No Answer

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**Mudgee Rylstone Gulgong Branch National Trust of Australia (NSW)**

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

**Draft Operational Plan 2019/20 and Delivery Plan 2017/21**

Dear Mr Cam

The above Branch of the National Trust of Australia (NSW) seeks to comment on aspects of the abovementioned documents as part of the public exhibition process.

As you are aware, our Branch has a central interest in the protection and enhancement of our region's built and natural heritage.

Our Branch applauds the outcomes Council has already achieved, and the course it has set in some future heritage initiatives.

Council's *Heritage Strategy 2017-19* reflects some of those achievements and ongoing initiatives: establishment of a heritage committee, appointment of a heritage advisor, identification of regional heritage items, and a heritage grants program.

Within the Council's four heritage conservation areas and beyond, there are some fine examples of sensitive conservation and redevelopment, both private and business:



Appropriate private conservation and restoration



Appropriate commercial conservation and development

However, there also appears to be an increasing amount of development occurring within our HCAs without prior lodgement of a DA, and in some cases such development does not comply with the heritage requirements of Council's LEP or DCP. Whilst acknowledging the difficulty in securing compliance after the event, it can be argued that the biggest single cause is a lack of awareness of those that live and/or work within our Heritage Conservation Areas.

Whilst there are many reasons for this non-complying development, including ignorance, apathy, and putting personal gain ahead of community, to counter the argument of "I didn't know" or "nobody told me", then there is need for a proactive education program.

Developing a mechanism to reach every owner/occupier of properties within the HCAs seems a logical step.

Whilst this might seem an expensive exercise, it is far cheaper to educate than attempt restitution or proceed to prosecution – neither palatable options.

Which is why education is such a vital step in the process. We note that Council recognises and highlights education as an important thrust in managing its heritage strategy. Production of the *Heritage Facts Sheet* is one mechanism in this process, but its circulation has been quite limited.

The Gulgong Mudgee Rylstone Branch of the National Trust request that consideration be given to a budget allocation to provide a more strategic and focused education program within Council's heritage conservation areas.

Thank you for considering this request.

[REDACTED]

Margaret Charlesworth  
Hon. Secretary  
Gulgong Mudgee Rylstone Branch  
National Trust of Australia (NSW)  
7 June 2019

**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] karrabool2019 completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Tuesday, 4 June 2019 6:46:37 PM

---

karrabool2019 just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Roads

**Please provide a detailed description of your submission.**

At a recent meeting of the Botobolar Community Committee, the state of the causeways along Wollar Rd between the Budgee Budgee turn-off and Botobolar Rd was discussed. Concern was expressed about the design and state of disrepair of both causeways. Both are quite deep with steep approaches and exits resulting in vehicles being launched out of them if approached at the normal speed. While local vehicles slow down and drive through them diagonally to avoid the sudden lurch as they exit, drivers not familiar with the road hit them at 100kph and are thrown around as they exit. The recent upgrading of Wollar Rd between Wollar and Bylong has resulted in a marked increase of traffic, including heavy vehicles, using the road from the Hunter and Central coast. With Mudgee being a major tourist destination from the Central Coast and the proposed Bylong coal mine, traffic will only increase because of its scenic beauty for tourists and the time saved from travelling along the Golden Highway and through Ulan. The design and condition of these causeways pose a significant road safety risk for all users of this road. It is understood that last year Councillors decided against allocating resources to upgrade both causeways. However for the reasons outlined above Councillors are asked to seriously reconsider allocating resources in the 2019/2020 financial year to upgrade both causeways, possibly installing box culverts and slightly raising the approaches so vehicles are not subject to violent lurching as they enter and exit. Yours sincerely, David Sargeant Secretary Botobolar Community Committee 0410477688

**Upload an accompanying document to your submission.**

No Answer

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**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] heritagesupporter completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Friday, 7 June 2019 2:53:31 PM

---

heritagesupporter just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Other

**Please give a title for the section you'd like to provide feedback on.**

Public Halls- Budget

**Please provide a detailed description of your submission.**

Rylstone and District Historical Society would like to support the budget allocation of \$40,000 towards the repair and upgrade of what is titled 'Guides Hall Rylstone.' This building was constructed by the community circa 1910 and is socially and historically significant. It has a long history of use by the community (Red Cross, Library, Girl Guides, Children's Art, Supper Room, Dance Hall, Euchre Tournaments, etc. See information supplied to Council by the Rylstone and District Historical Society.). Until recently, it provided a space used by a range groups and has the potential to again serve those groups, as well as possibly to provide a nursing mothers/baby change centre. The Rylstone and District Historical Society looks forward to having what is locally called 'The Small Hall' back in action and an asset for Rylstone.

**Upload an accompanying document to your submission.**

No Answer

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11<sup>th</sup> March 2019

The General Manager & Councillors  
Mid-Western regional Council  
RE; 2019/2020 Management Plan

Dear Council

We wish to request Council consider a nil increase for farmland rates for the oncoming year. The farm sector is experiencing very difficult seasonal conditions putting undue excessive financial pressure on many.

Additionally, it has been obvious to many in our community for many years that the rate distribution across categories in MWRC is grossly inequitable.

The Rate Reference Group formed by MWRC in 2016 which had a thorough look at all the information and evidence available to date, came to that conclusion and put forward a recommendation to Council advocating a reduction of the farmland rate by 10% over five years, clearly evidences this very fact.

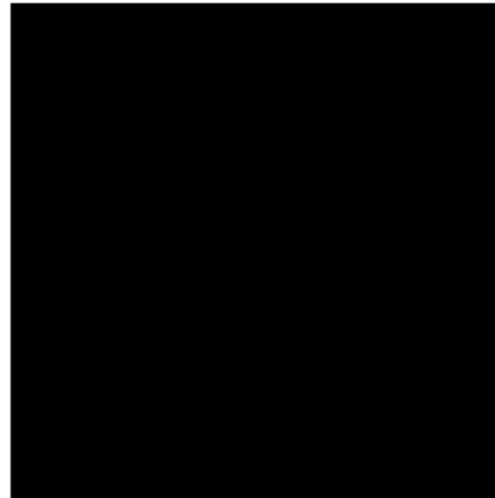
Farmers have for many years paid a disproportionately high percentage of the total rate burden evidenced by the fact farmers as 14% of ratepayers have paid 26% of the rates. This is also borne out by the fact that we have been paying a substantially higher percentage in rates than our counterparts in adjoining council areas and the Division of Local Governments Comparative Analysis additionally demonstrates this fact.

Additionally from a business perspective, the percentage of rates paid by farmland ratepayers is grossly disproportionate to that paid by coalmines when compared to our economic contribution to the regional economy.

We acknowledge that no one wants to pay more rates than they have to but Council must consider and make decisions based on what is fair, reasonable and equitable.

Yours sincerely  
Mitchell & Daryl Clapham





21st May 2019  
Mr Brad Cam  
General Manager  
Mid-Western Regional Council (MWRC)  
PO Box 156  
MUDGEES NSW 2850

**Draft Delivery program 2019/20**

Dear Brad,

Mudgee District Branch of NSW Farmers Association wishes to place on record our strong objection to the MWRC proposed rates schedule place on public exhibition for the ensuing financial year. This proposal if adopted would in effect abandon the long held view that Farm Land should have the lowest Ad-Valorem rate. The impost a 2.7% increase in rate revenue over the entire Local Government categories in time of drought and difficult business environment generally will cause further hardship.

We note that the Valuer General has revalued the entire council area with a substantial increase in the value of the mining sector and some increases in Agricultural Land and that Council has accepted the amended values.

With a more realistic value placed on the mining sector it follows suit that Council should use the accepted valuations to set a realistic and commensurate rate on the mining sector.

It is not so many years ago MWRC spent over one million dollars of ratepayers funds attempting to defend its decision to extract an increase in rates from the mining sector, so it is very puzzling that now given a legitimate reason to do so, council chooses not to.

The coal mining industry, with an extraction limit in excess of 50 million tonnes annually with income in the billions clearly has economic capacity many times greater than agriculture and the capacity to shoulder a more commensurate share of the rate burden.

The gross value of primary production from agriculture in MWRC area in 2016 was \$65 million annually according to the Bylong Mining Project Agriculture Impact Statement prepared by Scott Barret & Associates. (Our analysis using ABARE figures for MWRC suggested \$130-\$150 million to be closer to the mark). They also state that the combined gross income from agriculture on the affected land in Bylong would be \$2.6 million per year compared to projected benefits of \$596 million from the coal mining project.

In addition high prices paid for environment offsets and other energy related developments have placed upward pressure on some farmland valuations without increase capacity to pay. Seasonal conditions has collapsed the beef market, yielded negligible crop production, whilst sheep-meats and wool are holding in, however, extremely high cost of feed and other inputs means a very much reduced capacity absorb any increase in rates by the regions farmers. Many farms have reduced livestock numbers as they cannot continue to buy in feed for another dry winter. The mid-term effect will be reduced farm incomes for some years.

There is no logical reason why the mining sector should enjoy s lesser ad-valorem rate than farmland given their value (as accepted by MWRC) and their capacity to pay.

Section 8 of the Local Government Act clearly states as part of Council's charter "to raise funds for local purposes by **the fair imposition of rates**, charges and fees". We strongly contend that the current rate structure is grossly inequitable, manifestly unfair and biased against farmland ratepayers.

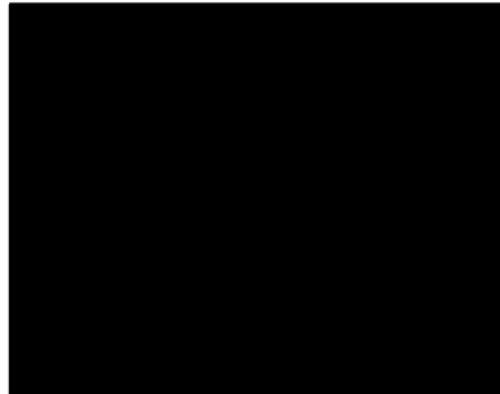
Given that council has accepted the Valuer Generals valuations and they then form the basis of councils rate model, we subsequently request council to demonstrate the rationale and fairness behind its current draft rating model or amend it.

Yours sincerely  
David Clarke,

Chair Mudgee Regional Branch NSW Farmers.







The General Manager  
Mid-Western Regional Council  
Mudgee

Re; 2019/20 Draft Operational Plan  
Draft Rates Revenue Policy

Dear Brad,

MWRC has recently accepted and adopted the Valuer Generals 2018 land valuations for the entire shire. These must form the basis of their Rates Revenue Policy in the draft Operational plan for 2019/20.

Council has put forward a draft revenue policy giving the mining sector the lowest ad valorem rate of any category at 0.369 cents in the dollar with a total contribution of \$2.284 million, while farmland is set at 0.478 cents in the dollar with a total contribution of \$4.745 million.

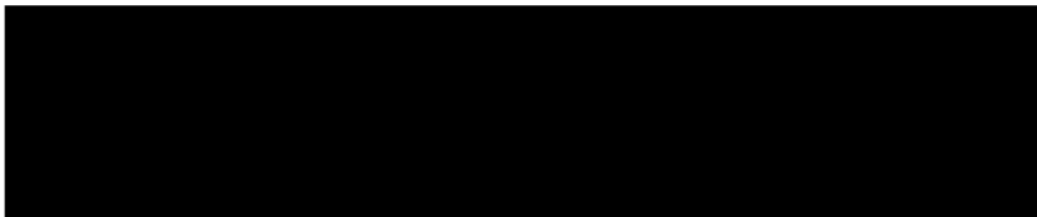
Given the mining sectors income generating capacity is 15 to 20 times that of agriculture with 1 million tonnes of coal mined on average every week, it defies logic or comprehension as to why the mining industry is looked upon so favourably by MWRC at the expense of farmers.

Council must explain to the community the rationale and logic behind its decision and justify the fairness and equity which is demanded by the Local Government Act. Should MWRC not explain the rationale and logic to justify the fairness and equity in their decision to choose the current draft rate model before formally adopting it, then we will reserve our right to challenge the validity of their decision.

Running the same flawed argument of "spreading the increase evenly across all categories is fair", does not cut the mustard. It simply continues to distort an already demonstrably unfair rating model.



Mitchell Clapham  
"Hazelbrook"  
Ilford



Hi,

This is a submission to the draft operational plan (via my email).  
Only the original email is really needed for the submission.

Thanks

Simon

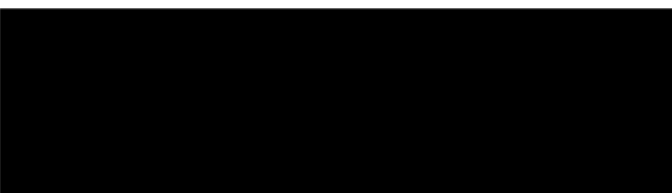


Thanks Simon. Happy for this to be part of the public submission. I emailed you because I didn't know of a better option. Totally understand the cost savings limitations.

Thanks again.



>  
> Hi Scott,  
>  
> There is nothing in the budget at this stage - are you happy for this to be a submission to the budget when it goes out on public exhibition?  
> In order to keep costs down we need to place any bubblers as close as possible to existing water lines so this might dictate a little bit where they end up going.  
> Experience has also shown us that we need to build in as much frost resistance as possible (thus increasing the cost) as we do tend to spend a lot fixing up bubblers when the pipes burst in winter.  
>  
> Thanks  
>  
> Simon  
>  
>



> Simon  
>  
> Is there any chance we could get a few bubblers put in the budget for Lawson Park next FY?  
> - at least one more in Lawson Park west  
> - One near the playground in LP  
> - others along the walking park but definitely one at each end of the  
> park (Lawson Park East)  
>

- > I only discovered this weekend that there is only one (that we could find) and it's at the west end of Lawson Park West.
- >
- > Thanks
- >
- > Scott
- >

**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] Rachel Clare completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Tuesday, 14 May 2019 9:49:51 AM

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Rachel Clare just submitted the survey 'Submission to the 2019/20 Draft Operational Plan' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Parks and Gardens

**Please provide a detailed description of your submission.**

Dear Councillors, I am writing to you with a request to please add security cameras to the new Adventure Playground in Gulgong and other public areas in around town. It has been brought to my attention that security cameras for this location are not on the Operational Plan & on current Budget on Exhibition and that they need to be added to the budget for this to take place. Please consider this request. Sadly vandalism is an issue in our community and I believe that placement of security cameras will, in the long run save the council and tax payers money and time in repairs. I have attached a 10 page petition signed by 213 local residents that back me up with this idea and would like to see Security Cameras located at the new Adventure Playground and other public areas around town. Thank you very much for building this amazing Adventure Playground in our beautiful town. Lets hope we can keep it wonderful for everyone to enjoy for years to come. Yours sincerely, Rachel Clare Gulgong Resident Camera Petition 1.jpeg Camera Petition 2.jpeg Camera Petition 3.jpeg Camera Petition 4.jpeg Camera Petition 5.jpeg Camera Petition 6.jpeg Camera Petition 7.jpeg Camera Petition 8.jpeg Camera Petition 9 .jpeg Camera Petition 10.jpeg

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**From:** [Your Say Mid-Western Regional Council](#)  
**To:** [Council](#)  
**Subject:** [EXTERNAL] alexwisser completed Submission to the 2019/20 Draft Operational Plan  
**Date:** Thursday, 30 May 2019 8:55:05 AM

---

alexwisser just submitted the survey 'Submission to the 2019/20 Draft Operational Plan ' with the responses below.

**What section of the 2019/20 Draft Operational Plan would you like to provide feedback on?**

Other

**Please give a title for the section you'd like to provide feedback on.**

small grant to help fix up new art space in Kandos

**Please provide a detailed description of your submission.**

I propose that Council assist in the preparation of the new art space in Kandos through a grant to purchase paint and effect repairs at 71 Angus Ave. The property is the original town hall of Kandos and we are excited at the prospect of keeping it as a public venue that will serve the burgeoning arts community of our area, serve as a destination for tourists to the area to encounter and engage with the art that Kandos is becoming known for. The project is operated by Cementa Inc. as a part of our plan to expand operation from that of a festival every two years to a year round concern with events, exhibitions, workshop and community engagement across the year (all of which will contribute to the economy, culture and community of Kandos). We have a large base of volunteers but need materials and some trade services to make the space fit for use. We would like to: paint the interior of the main hall repair the stage repair and finish electrics replace door at the back of the building We estimate that these repairs would cost us up to \$6000 and ask that council contribute half of that amount \$3000

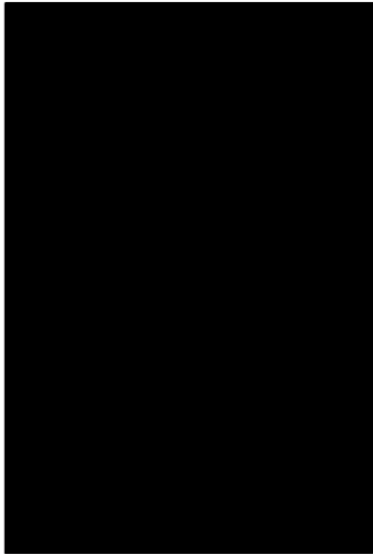
**Upload an accompanying document to your submission.**

No Answer

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PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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ation

Dear Tracey,

Both Michelle and I were delighted to receive your email about the quote from Classic Sporting Facilities about the re-surfacing of the top five (5) tennis courts at the Gulgong District Tennis facilities.

We are excited that such a program is in progress and our club wholeheartedly supports this program being included in Council’s Operational Plan that is currently on public exhibition.

Of major importance to the club is the resurfacing with Field Turf 19ml Club 40 Synthetic Grass will enhance the playing surface, especially for the Tuesday morning women’s competition. These women are generally older in age and with a “softer” surface we hope to see a further increase in the growing number of participants on Tuesdays.

Please include this program as a budget item in Council’s Operation Plan.

Thanking you for your work and support.



Michelle Gaudry

Gordon McDonnell

On behalf of Gulgong District Tennis Association.







**MUDGEE**  
REGION

22 May 2019

Mid-Western Regional Council  
Brad Cam, General Manager  
86 Market Street  
MUDGEE NSW 2850

**FUNDING REQUEST TO DEVELOP NEW MUDGEE REGION DMP**

Dear Brad

On behalf of the Mudgee Region Tourism board, I write to request \$50K in funding support from Mid-Western Regional Council to develop a new 5-year Destination Management Plan (DMP) for the region.

The reasons are detailed below:

- Our current DMP, developed in-house 5-years ago, is outdated and most objectives have been achieved;
- Our success in growing the visitor economy (by 10%+ year-on-year over 5 years) can be attributed to a clear strategy and plan, leading us to become a mature market 'best practice' destination;
- We have evolved the destination and it is timely to identify next steps to continue its maturation;
- There are now a variety of stakeholder strategies in place we need to align with (i.e. DNSW DMP, DNCO DMP, MWRC Economic Development Strategy, DNSW Food + Wine Strategy, etc);
- The development of a professional DMP is necessary to support State and Federal funding opportunities, for ourselves and our partners;
- Our ambition is to develop a whole region strategy, as well as individual town strategies, this will help evolve smaller villages in the region such as Gulgong, Rylstone and Kandos;
- By outsourcing this project, a neutral party will conduct stakeholder meetings and workshops as well as provide local and global tourism insights. They will help us elevate our region to the next level, maintaining our position as best in market.

We strongly believe it necessary to identify new long-term tourism projects and objectives to continue Mudgee Region's success.

If I can answer any questions or provide additional information, please do not hesitate to contact me.

Yours sincerely

  
**Cara George**  
CEO  
Mudgee Region Tourism





## Proposed Variations 2019/20

Community Plan Theme	Variation	Funding Source	Amount	Code
<b>GENERAL FUND</b>				
<b>Positive Variations</b>				
Good Government	Voluntary Planning Agreement income budget reduced due to the delay in approval of the Kepco Bylong Coal Mine	Voluntary Planning Agreements	3,635,802	F
<b>Total Positive Variations</b>			<b>3,635,802</b>	
<b>Negative Variations</b>				
Building a Strong Local Economy	Commercial Property Purchase (minute 167/18) - Defer property purchase to 2019/20	Land Development Reserve	(2,800,000)	U
Connecting our Region	Bylong Valley Way Upgrade Upper Bylong - Project is reliant on Kepco funding, defer expenditure to 2019/20	Voluntary Planning Agreements	(784,950)	U
Good Government	Plant Purchases - Defer purchase of street sweeper and side load truck to 19/20 due to delayed delivery of orders (\$709k)	Plant Replacement Reserve	(709,000)	U
Looking after our Community	Art Gallery Facility - Defer \$500k of expenditure to 2019/20. Deferred funding of developer contributions \$350k and unspent grants \$150k	Developer Contribution/Unspent Grants	(500,000)	U
Connecting our Region	Bylong Valley Way & Wollar Road Intersection - Project is reliant on Kepco funding, defer expenditure to 2019/20	Voluntary Planning Agreements	(418,988)	U
Looking after our Community	Victoria Park lighting project will not be completed until 2019/20. Defer \$569,042 expenditure to 2019/20. Deferred funding of \$305,842 unspent grants, \$100k reserves and \$163,200 of grant income (contra)	Unspent Grants/Capital Program Reserve	(405,842)	U
Looking after our Community	Mudgee Showground Grandstand - Unsuccessful in grant funding, defer project to 2019/20. Funded (\$250k Grant & \$250k Asset Replacement Reserve)	Asset Replacement Reserve	(250,000)	U
Connecting our Region	Rylstone Pedestrian Footbridge - Defer \$515,192 expenditure to 2019/20. Deferred funding of \$125,300 unspent grant, \$100,392 unrestricted cash and \$289,500 grant income (contra)	Unspent Grants/Unrestricted Cash	(225,692)	U
Good Government	IT corporate software - Defer part of project to 2019/20	Capital Program Reserve	(188,000)	U
Good Government	Solar Farm Initiative - Defer part of project budget to 2019/20	Unrestricted Cash	(180,000)	U
Connecting our Region	Wollar Rd Seal Extension Stage 5 - Defer realignment project expenditure of \$462,441 to 2019/20. Deferred funding of \$177,751 VPA and \$284,690 grant income (contra). This is due to the delay in approval of the Kepco Bylong Coal Mine. Part of this project requires this VPA funding	Voluntary Planning Agreements	(177,751)	U
Connecting our Region	Mudgee Shared Cycle Loop - Defer \$308,000 expenditure to 2019/20. Deferred funding of \$68,622 unspent grant, \$100,055 unrestricted cash and \$139,323 grant income (contra)	Unrestricted Cash/Unspent Grants	(168,677)	U
Connecting our Region	Putta Bucca Eco Trail - Defer \$374,200 expenditure to 2019/20. Deferred funding of \$81,832 unspent grant, \$73,841 reserves and \$218,527 grant income (contra)	Unspent Grants/Capital Program Reserve	(155,673)	U
Looking after our Community	Mudgee Showground Grandstand Demolition - Defer to 2019/20	Asset Replacement Reserve	(115,000)	U
Good Government	Master Key System - Defer \$100k expenditure to 2019/20.	Asset Replacement Reserve	(100,000)	U
Good Government	Website development - defer project to 2019/20	Asset Replacement Reserve	(100,000)	U
Protecting our Natural Environment	Earth channel enlargement works - defer budget to 2019/20	Asset Replacement Reserve	(98,000)	U
Protecting our Natural Environment	Mudgee Flood Study - Deferred \$155,068 expenditure to 2019/20. Deferred funding of \$87,109 reserves, \$67,959 grant income (contra)	Asset Replacement Reserve/Unspent Grants	(87,109)	U
Looking after our Community	Gulgong Hall Roof - defer to 2019/20	Asset Replacement Reserve	(70,000)	U
Protecting our Natural Environment	Stormwater asset survey - defer to 2019/20	Asset Replacement Reserve	(68,000)	U
Good Government	Rylstone Library Capital - Defer \$90k to 2019/20, funded \$22.5k reserves and \$67.5k unspent grant	Unspent Grants	(67,500)	U
Good Government	Mudgee Washbay project - defer to 2019/20 due to the late DPI approval	Asset Replacement Reserve	(60,000)	U
Good Government	IT Network Upgrades - Defer to 2019/20 \$60k, funded \$30k Reserves, \$15k contribution from Water Fund and \$15k Sewer Fund. An Additional \$30k is also required to complete upgrades in 2019/20	Capital Program Reserve/Asset Replacement Reserve	(60,000)	U
Good Government	Depot Shed project - defer to 2019/20	Unrestricted Cash	(50,000)	U
Good Government	Corporate Strategic Initiative - defer part of budget to 2019/20	Unrestricted Cash	(45,000)	U

Community Plan Theme	Variation	Funding Source	Amount	Code
Looking after our Community	Double cricket nets at Glen Willow - Defer \$30k expenditure to 2019/20. Deferred funding of \$15,000 unspent grant and \$15,000 reserves. Additional \$14k is required to complete full project scope	Unspent Grants/Capital Program Reserve	(44,000)	U
Connecting our Region	Rylstone Pathway extension - Defer project \$60,000 to 2019/20, funding adjustments are \$30,000 grant income, \$30,000 unspent grant	Unspent Grants	(30,000)	U
Looking after our Community	Community Transport Vehicle Replacement - Sale and replacement of two Camry's required in 2019/20	Community Transport Vehicle Replacement	(30,000)	U
Looking after our Community	Gulgong Hall Painting - defer to 2019/20	Asset Replacement Reserve	(30,000)	U
Good Government	Carmel Croan tank and veranda - defer to 2019/20	Asset Replacement Reserve	(30,000)	U
Good Government	Server room capital upgrade - defer project to 2019/20	Asset Replacement Reserve	(30,000)	U
Connecting our Region	Putta Bucca Walkway - extension of walkway deferred to 2019/20	Capital Program Reserve	(30,000)	U
Looking after our Community	Library Strategic Plan - \$15k deferred from 2018/19, additional \$15k required	Unrestricted Cash	(30,000)	U
Building a Strong Local Economy	Entrance Signage Project - Defer \$110k expenditure to 2019/20. Deferred funding of \$29,600 unspent grants and \$80,400 grant income (contra).	Unspent Grants	(29,600)	U
Connecting our Region	Winter Street Footpath Extension - defer to 2019/20 to investigate funding source	Developer Contribution	(27,000)	U
Good Government	Rylstone Library Capital - Defer \$90k to 2019/20, funded \$22.5k reserves and \$67.5k unspent grant	Asset Replacement Reserve	(22,500)	U
Looking after our Community	Mudgee Pound cage repairs - Defer \$20k expenditure to 2019/20	Asset Replacement Reserve	(20,000)	U
Protecting our Natural Environment	Pit modifications at various locations - defer \$20k to 2019/20	Asset Replacement Reserve	(20,000)	U
Building a Strong Local Economy	Pitts Lane Property - defer \$15k to 2019/20	Unrestricted Cash	(15,000)	U
Looking after our Community	Kandos Preschool Extension - Defer part of project to 2019/20. Funding and expenditure deferred is grants \$100k, Contributions \$85k & VPA funds \$15k	Voluntary Planning Agreements	(15,000)	U
Connecting our Region	Street lighting upgrades at Mortimer, Market and Church Street crossing - defer part budget to 2019/20	Unrestricted Cash	(12,300)	U
Looking after our Community	Denison Street Units capital - external painting deferred to 2019/20	Community Tenancy Scheme Reserve	(11,400)	U
Looking after our Community	Billy Dunn Fence - Defer \$17,990 expenditure to 2019/20. Deferred funding of \$9,990 VPA and \$8,000 grant income (contra)	Voluntary Planning Agreements	(9,990)	U
Looking after our Community	Cemetery capital - defer project to 2019/20 because contractor is not able to complete the gate by the end of 2018/19	Asset Replacement Reserve	(8,500)	U
Good Government	Old Police Station - Defer flooring repairs project to 2019/20	Asset Replacement Reserve	(7,000)	U
Good Government	WHS - Defer half of the \$10k Health & Wellbeing day budget to 2019/20	Unrestricted Cash	(5,000)	U
<b>Total Negative Variations</b>			<b>(8,342,472)</b>	
<b>Contra Variations</b>				
Looking after our Community	Glen Willow Upgrades Stage 2 - Defer \$2.6m grant income to 2019/20	Grants & Contributions	2,600,000	C
Looking after our Community	Glen Willow Upgrades Stage 2 - Defer \$2.6m expenditure to 2019/20	Grants & Contributions	(2,600,000)	C
Connecting our Region	Ulan Wollar Road Stage 1 - defer part of project income budget to 2019/20	Grants & Contributions	2,480,000	C
Connecting our Region	Ulan Wollar Road Stage 1 - defer part of project expenditure budget to 2019/20	Grants & Contributions	(2,480,000)	C
Building a Strong Local Economy	Saleyards Lane subdivision Stage 1 - Defer part of project budget to 2019/20, deferring expenditure	Loan Borrowings	(170,000)	C
Building a Strong Local Economy	Saleyards Lane subdivision Stage 1 - Defer part of project budget to 2019/20, deferring proposed loan borrowing funds	Loan Borrowings	170,000	C
Connecting our Region	Munghorn Gap Realignment - defer part of project budget income to 2019/20	Grants & Contributions	84,000	C
Connecting our Region	Munghorn Gap Realignment - defer part of project budget expenditure to 2019/20	Grants & Contributions	(84,000)	C
Good Government	Risk Officer position recruitment - Recruitment was unsuccessful. Transfer costs from employee to contractor to undertake ERM framework and risk register review	Unrestricted cash	(69,200)	C
Good Government	Risk Officer position recruitment - Recruitment was unsuccessful. Transfer costs from employee to contractor to undertake ERM framework and risk register review	Unrestricted cash	69,200	C
Looking after our Community	Mudgee Showground Amenities - Defer part of grant income budget to 2019/20	Grants & Contributions	62,500	C
Looking after our Community	Mudgee Showground Amenities - Defer part of expenditure to 2019/20	Grants & Contributions	(62,500)	C

Community Plan Theme	Variation	Funding Source	Amount	Code
Looking after our Community	Waratah Park Fencing - Additional grant income in 2018/19 as the funding body will allow Council to do more works with the remaining budget	Grants & Contributions	15,000	C
Looking after our Community	Waratah Park Fencing - Additional expenditure in 2018/19 as the funding body will allow Council to do more works with the remaining budget	Grants & Contributions	(15,000)	C
<b>Total Contra Variations</b>			<b>0</b>	
<b>TOTAL GENERAL FUND</b>			<b>(4,706,670)</b>	
	<i>Non-cash variations</i>		<b>0</b>	
	<i>Cash variations</i>		<b>(4,706,670)</b>	

Community Plan Theme	Variation	Funding Source	Amount	Code
<b>WATER FUND</b>				
<b>Negative Variations</b>				
Protecting our Natural Environment	IT Network Upgrades - Defer to 2019/20 \$60k, funded \$30k Reserves, \$15k contribution from Water Fund and \$15k Sewer Fund	Water Unrestricted Cash	(15,000)	U
<b>Total Negative Variations</b>			<b>(15,000)</b>	
<b>TOTAL WATER FUND</b>			<b>(15,000)</b>	
			<i>Non-cash variations</i>	<b>0</b>
			<i>Cash variations</i>	<b>(15,000)</b>
<b>SEWER FUND</b>				
<b>Negative Variations</b>				
Protecting our Natural Environment	IT Network Upgrades - Defer to 2019/20 \$60k, funded \$30k Reserves, \$15k contribution from Water Fund and \$15k Sewer Fund	Sewer Unrestricted Cash	(15,000)	U
<b>Total Negative Variations</b>			<b>(15,000)</b>	
<b>TOTAL SEWER FUND</b>			<b>(15,000)</b>	
			<i>Non-cash variations</i>	<b>0</b>
			<i>Cash variations</i>	<b>(15,000)</b>

Community Plan Theme	Variation	Funding Source	Amount	Code
<b>WASTE FUND</b>				
<b>Negative Variations</b>				
Protecting our Natural Environment	Gulgong Waste Transfer Station office replacement delays - transfer part of budget to 19/20	Waste Reserves	(75,000)	U
Protecting our Natural Environment	Mudgee Waste Leachate Pond project deferred until 19/20 due to continuing design work	Waste Reserves	(250,000)	U
<b>Total Negative Variations</b>			<b>(325,000)</b>	
<b>TOTAL WASTE FUND</b>			<b>(325,000)</b>	
				<i>Non-cash variations</i>
				<b>0</b>
				<i>Cash variations</i>
			<b>(325,000)</b>	



## SERVICE PROVIDER MANAGEMENT POLICY



ADOPTED	VERSION NO	1.1
COUNCIL MEETING MIN NO	REVIEW DATE	AUGUST 2022
DATE:	FILE NUMBER	COR400089

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### Objective

This policy aims to ensure Mid-Western Regional Council's ('Council') expectations and management of service providers is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are:

- Clear & Defined Expectations & Responsibilities
- Performance Management Criteria & Matrix
- Ethical Behaviour & Fair dealing
- Maintaining a High Standard of Health & Safety Management
- Protection of Service Provider Pricing, Rates and intellectual property

This procedure applies to all Council workplaces including though not limited to depots, buildings and worksites. The procedure covers the selection, management and monitoring of Service Providers associated with the supply of goods and/or services to Council and all Service Providers engaged by Council for the purpose of maintenance, repairs and capital works, including those selected via a tender or a formal contract process. This procedure also encompasses other services engaged by Council such as training providers or consultants.

For workplace health and safety (WHS) risk management of service providers refer to HRWHS 059 – Safety Management Framework for Contractor & Construction Project Works.

### Legislative requirements

- WHS Act 2011

### Related policies and plans

- Procurement Policy
- Gifts & Benefits Policy
- Local Preference Policy
- Statement of Business Ethics
- Code of Conduct
- WHS Management Policy
- Risk Management Policy
- Complaints Policy
- Chain of Responsibility Procedure



SERVICE PROVIDER MANAGEMENT POLICY:

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## Policy

In entering into contracts for the carrying out of work, or the supply of goods & services, Council Officers will have regard to Council's service provider management objectives as set out above.

The general objectives of this policy apply to all service providers regardless of engagement timeframes.

Council's Service Providers shall be considered to be agents of Council and therefore required to comply with Council's relevant policies and procedures. A breach of these policies and procedures may result in disciplinary action as specified in this policy.

## Training of Staff

Staff involved in the engagement (and/or management) of Service Providers will be appropriately trained by Procurement in the relevant procedures.

Training will be provided based on position requirements:

- To new recruits;
- In line with revision schedules for this policy (see Review date);
- With any major changes to this policy;
- Intermittently, as directed by Executive or the Manager Procurement, to address known risks.

SERVICE PROVIDER MANAGEMENT POLICY



Responsibilities

<p>Council's General Manager &amp; Directors are responsible for:</p>	<ul style="list-style-type: none"> <li>■ The compliance management of the Service Provider Management Policy and other associated policies</li> </ul>
<p>Council's Managers, Supervisors, Works Officers &amp; Team Leaders are responsible for:</p>	<ul style="list-style-type: none"> <li>■ Advising the Manager, Procurement of any proposed tenders</li> <li>■ Utilising <u>only</u> Council approved Service Providers and/or obtaining the minimum compliance requirements from Service Providers prior to engagement. This includes Council specific Contractor inductions, insurances, licences and motor vehicle/plant registrations where required</li> <li>■ Confirming relevant Service Provider workers compensation and public liability insurance is current prior to them entering a work site;</li> <li>■ Confirm validity of the Service Providers Council specific Contractor Induction and their employees that will be entering or working on any Council site;</li> <li>■ Sighting Safe Work Method Statement (SWMS) where applicable;</li> <li>■ Undertaking site specific inductions and risk assessments;</li> <li>■ Ensure compliance with Council's Chain of Responsibility (CoR) Policies &amp; Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</li> <li>■ Investigating and/or eliminating any hazards identified by all Council &amp; Service Provider's employees;</li> <li>■ Ensuring relevant work permits are completed where applicable prior to commencing work;</li> <li>■ Ensure compliance with all applicable obligations under the Fair Work Act 2009 and the Fair Work Regulations 2009;</li> <li>■ Manage non-conformance issues to Service Providers via HRWHS 026 Notification of Non-Conformance Report to Council's Manager, Procurement and WHS Coordinator for investigation and/or action;</li> <li>■ Maintaining probity; and</li> <li>■ Ensuring the term and conditions of the relevant Service Provider contract are relevant, monitored and enforced.</li> </ul>



SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

<p>Council's Employees are responsible for:</p>	<ul style="list-style-type: none"> <li>■ Utilising <u>only</u> Council approved Service Providers and/or obtaining the minimum compliance requirements from Service Providers prior to engagement. This includes Council specific Contractor inductions, insurances, licences and motor vehicle/plant registrations where required;</li> <li>■ Maintain compliance with Council's Chain of Responsibility (CoR) Policies &amp; Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</li> <li>■ Confirming the goods/services received meet Council requirements;</li> <li>■ Reporting any hazards and non-conformance identified as a result of work being performed by Service Providers or any other non-conformance to their Supervisor;</li> <li>■ Providing appropriate honest feedback on Service Providers as requested by Project Manager and/or Works Officer/Coordinator/Team Leaders; and</li> <li>■ Maintaining probity</li> </ul>
<p>Council's Tendering &amp; Contracts officers are responsible for:</p>	<ul style="list-style-type: none"> <li>■ Liaising with Manager, Procurement regarding all tenders and Advising the Manager, Procurement of any proposed tenders</li> <li>■ Preparation of Contract documents including purchase order requests and relevant information</li> <li>■ Maintaining and forwarding updated preferred service provider lists of new providers as advised by Council's Manager Procurement to relevant staff;</li> <li>■ Monitoring the requirements of CPI rate increase to or requests for updated rates for relevant preferred service provider lists at the start of each contract renewal or extension period and provide notification to service providers as necessary;</li> <li>■ Monitoring and maintaining compliance of service providers in VendorPanel for department specific lists; and</li> </ul>



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	<ul style="list-style-type: none"> <li>■ Maintaining probity.</li> </ul>
Council's WHS / Human Resources are responsible for:	<ul style="list-style-type: none"> <li>■ Coordination of the induction of Service Providers &amp; relevant suppliers as required;</li> <li>■ Managing Induction renewal registers and advise Council staff and Service Providers of any updated inductions that are required;</li> <li>■ Advising relevant Council staff of Service Providers employees that fail to meet induction requirements</li> <li>■ Liaising with the Manager Procurement and relevant department managers in the planning of induction training dates; and</li> <li>■ Provide assistance and assessment (where required) to assist in the acceptance of additional service providers and recommended tenderers with regards to risk management.</li> </ul>
Council's Manager, Procurement is responsible for:	<ul style="list-style-type: none"> <li>■ Recommend and manage Policy guidelines and amendments</li> <li>■ Providing</li> <li>■ Monitoring &amp; reporting on compliance of Councils' Service Provider Management Policy and Council's Procurement Policies &amp; Procedures regarding the engagement of Service Providers for both goods &amp; services;</li> <li>■ Providing guidance for, or assist in the management of non-conforming Service Providers in accordance with this and other relevant procedures;</li> <li>■ Assisting with the coordination of all Council tenders in conjunction with relevant department managers. The Manager, Procurement <u>must</u> be advised of any proposed tenders;</li> <li>■ Assessment and undertaking of approval with regards to additional Service Providers;</li> <li>■ Provide support to Tendering &amp; Contracts officers to ensure</li> <li>■ Liaising with Council's WHS Coordinator regarding new and existing Service Providers and non-conformance and any other relevant matter;</li> <li>■ Maintaining security around tendered rates and pricing ; and</li> </ul>



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	<ul style="list-style-type: none"> <li>■ Monitoring and maintaining VendorPanel for the organisation as a whole</li> </ul> <p>Monitoring and maintaining Probity</p>
<p>Service Providers are responsible for:</p>	<ul style="list-style-type: none"> <li>■ Ensuring services/goods are executed as directed by Council in compliance with Council policies, procedures, specifications, requirements and expectations and/or any relevant Goods and/or Service Contract associated to their engagement;</li> <li>■ Ensuring &amp; maintaining appropriate qualifications, training, experience and certifications of competency required by Council for any Service Provider persons conducting work under the Contract terms;</li> <li>■ Commit to re-inducting their employees/representative to the Council specific induction when requested by Council;</li> <li>■ Ensure their employees/representatives carry the Council specific induction ID on their person at all times and present to Council representatives on site as request (if issued);</li> <li>■ Ensuring SWMS have been completed for tasks identified as high risk, are present on site and have been signed by all workers engaged in the task. This includes though is not limited to construction works exceeding \$250,000, and demolitions and/or asbestos removal work that requires a licence;</li> <li>■ Ensuring all Risk Assessments are undertaken and copies presented to Council;</li> <li>■ Maintaining the workplace in a safe and healthy manner for themselves, subcontractors and other staff and visitors of Council;</li> <li>■ Raise any issues that may become a WHS concern with Council’s nominated officer;</li> <li>■ Ensure compliance with the National Heavy Vehicle Regulator’s (NHVR) Chain of Responsibility laws and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</li> <li>■ Ensure that all employees and, as far as practicable all subcontractors employees are paid the correct wages, loadings, allowances, penalties and that any underpayments identified are rectified immediately;</li> <li>■ Maintain adequate insurance coverage and provide copies to Council of updated insurance information including current Certificates of Insurance, policy exemptions and a public liability Certificate of Insurance noting Council as an interested party;</li> <li>■ Ensuring they are complying with all applicable obligations under the Fair Work Act 2009 and Fair Work Regulations 2009;</li> </ul>





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	<ul style="list-style-type: none"><li>■ Ensure accuracy of invoicing and paperwork prior to forwarding to Council;</li><li>■ Specifying their allocated Local Service Provider number on all quotes &amp; tenders (as per Council's Local Preference Policy); and</li><li>■ Maintaining probity.</li></ul>
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REVIEW



## SERVICE PROVIDER MANAGEMENT POLICY

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### Engaging a Service Provider

- For all goods & services engagements with a cumulative value (over the term of the contract) a financial value greater than \$50,000, Council's Goods & Services General Conditions of Contract will apply except in the engagement of organisations for the purpose of construction. Appropriate Australian Standard Contracts would be utilised in this instance, however this policy is still relevant with regards to Service Provider Management. All contract arrangements over the abovementioned amount must be placed in Council's Contracts Register.
- When a requirement is identified that cannot be provided or undertaken by a Council employee, the person requiring this good/service must estimate potential costs associated with the requirement for that particular service. Council have preferred prequalification lists for several services, including but not limited to: Trade Services, Wet & Dry Plant hire and also many contracts for the provision of goods. Council must engage suppliers or purchase goods based on a spend basis as noted in Council's Procurement Policy and make inclusive to their decision, consideration for Council's Local Preference Policy
- When engaging a Service Provider that is not on a prequalification list, necessary requirements are to be discussed with the Manager, Procurement, prior to engagement or commitment of any service or goods. If acceptable, the Service Provider may be required to undertake several steps prior to engagement e.g. Register on Council's Marketplace or complete Additional Service Provider application forms.
- In some instances a non-tendered pre-qualification list may be established in VendorPanel for commonly used service providers enabling Council to capture and maintain compliance information. Council must also obtain relevant compliance information prior to the engagement of any supplier
- All Service Providers that enter a Council site must participate in induction processes, as specified by Council. See Service Provider Induction for further information.

WHS requirements are to be communicated to the Service Provider prior to engagement (provision of necessary documentation, including sign off and proof of receipt, as required).

### Service Provider Selection - Evidence

- It is essential that the process of selection regarding Service Providers is well documented. Tenders for trade services and wet & dry plant hire are generated as both preferred and prequalification lists. The preferred order is utilised up to the threshold nominated in the Tender documentation and for any work over the nominated threshold staff will approach appropriate service providers via Council's electronic quoting system 'VendorPanel' inviting a 'request for quote'.
- Consideration needs to be made when sourcing goods and services from a holistic view with the intent of gaining value for money. Extra costs associated eg floating costs, travel costs or even providers location may move a particular plant/supplier from say No. 3 to No. 1 as the overall cost would be lower for that particular item or service. Demonstrating value for



money and documenting evidence to justify why the No.3 was selected is an acceptable means of procuring from our preferred supplier lists.

- The inclusion of Local Preference discount must be nominated by the service provider on the quotations/response documents by providing their Local Service Provider number and the application of the discount must be documented by Council staff
- Council's backing sheets must be used as the evidence based document for all preferred supplier engagement.

## Addition of Service Providers to an Existing Procurement Service Arrangement

Procurement arrangements include:

- Pre-qualification panels; and
- Preferred supplier lists (overflow only).

Addition of service providers to existing procurement service arrangements can only occur in accordance with the original tender document specifications and associated contract documents. Copies of application documents can be found on Council's website.

## Management of Rates/Pricing

### ACCESS TO RATES

- All rates/pricing provided to Council are confidential. There are circumstances where rates are exposed, for example those approved for a specific project i.e.: Design & Construct tenders, however only the successful price can be exposed after acceptance from Council. The Council staff recommendation shall only state '\$XX' for the sum with no actual figure. All rates must be presented in the confidential section of the Business Paper. Once Council/General Manager accepts the report, the minute would then demonstrate the approved pricing/sum for the project.
- In the instance of prequalification or preferred supplier lists, tenders and additional service provider's rates, these shall be placed in the confidential section of the business paper to ensure 'commercial in confidence' is maintained. On acceptance of the pre-qualification list tenders the preferred order and rates will remain in the custody of Council's Manager, Procurement or the tender contact officer, unless authorised for release to appropriate staff by the General Manager. If rates are authorised for release, staff will be appropriately trained in confidentiality and protection of commercial rates. In the instance that confidentiality is compromised, an investigation will be completed and disciplinary action will be enforced, as appropriate.

### AMENDING TENDERED RATES



- Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).
- Any approved increase must be responded to in writing from Council's delegate and forwarded to the Manager Procurement.
- When Service Providers are responding to a Request for Quote via VendorPanel, they have the opportunity to review rates depending on the requirements. VendorPanel creates an opportunity to allow for competitive environment whilst maintaining value for money for our rate payers.

## Service Provider Induction

- Service Provider Council specific inductions will remain valid indefinitely – unless this induction is withdrawn by Council or major amendments are made to the WHS Act, in which, a new induction process must be undertaken. Council will notify service providers of any re-induction requirements.
- The induction process is coordinated by Council's WHS department. Service Providers, their employees or any other representative of the service provider will be required to either attend an induction in person or complete an on-line induction. Early renewal or updated inductions may be called at any time deemed necessary by Council, for example where there are changes to WHS legislation, or major changes to Council policies and procedures.
- Site specific inductions will occur as necessary.
- Council employees must confirm validity of service provider inductions prior to engagement and all service providers must have the induction card on their person at all times when working on a Council site. Council reserve the right to randomly request inductions cards at any time from any person on their site. Should evidence of the induction not be supplied, Council reserves the right to stand that person/service provider down immediately.
- The Council specific induction may not be required in some instances. This is at the discretion of the WHS Coordinator.

## Service Provider Performance Management

- Non-conformance relates to all activities concerning a Service Provider where processes, actions, equipment or goods fail to meet Council's expected standards. These activities include (but are not limited to) the work whilst being undertaken, completion of works, behaviour of service providers and their employees on Council worksites, condition of plant and equipment and any associated paperwork requirements, for example invoices and risk assessments or goods provided to Council.



- Any non-conformance issues identified with a Service Provider must be forwarded to Council's Manager, Procurement for assessment. The relevant Council representative must notify the Manager, Procurement in writing via Council's non-conformance report describing in detail.
- The report must include detail of any discussions undertaken with the Service Provider regarding the non-conformance. In the event of a WHS non-conformance, Council's WHS Coordinator must also be notified immediately.
- If appropriate, a non-conformance notification will be forwarded to the Service Provider detailing Council's concerns, identified non-conformance and any corrective actions required. Each non-conformance notification must be coded with Council's non-conformance codes. Any correspondence relating to this matter must be placed in Council's record management system.
- Service providers must be issued with a non-conformance notification. For high risk non-conformance the General Manager must be notified, medium risk the Director/Department Manager must be notified and low risk non-conformance the relevant project Manager, Supervisor, Works Officer or Team Leaders must be notified.
- All non-conformance requires the completion of a non-conformance report (HRWHS 026) by an authorised Council representative and forwarded to appropriate Manager for authorisation. Once authorised, all non-conformance reports must be forwarded to Council's Manager, Procurement for action.
- Service Providers that have tendered for a pre-qualified or preferred supplier list may be re-prioritised as a consequence from the receipt of a non-conformance. The structure relating to the consequence would be as advised in the tender documentation. All other service providers are based on the non-conformance matrix.
- In the instance of a severe non-conformance (as determined by the Council representative) the Service Provider may be immediately stood down from the site and removed from Council's prequalification list following subsequent investigation.
- Service Providers have right to respond to any non-conformance received. The response must be made in writing and within 14 days of receipt of the non-conformance notification letter.
- Council reserves the right to randomly audit worksites and capture feedback on Service Providers. All feedback must be captured on Council's internal feedback forms.

## Supporting Documentation & Forms

- Council's Non-Conformance Matrix
- Council's (Non-Conformance) Consequence Outcomes
- Council's Feedback Form
- Council's Backing Sheet





SERVICE PROVIDER MANAGEMENT POLICY:

*A prosperous  
and progressive  
community*

- HRWHS 059 - Framework for the Safety Management of Contractor & Construction Project Works

Note: The above forms are an internal document and are subject to change

## DEFINITIONS

Council means – Mid Western Regional Council (MWRC)

Council's General Manager, Directors, Managers, Supervisors, Works Officers & Team Leaders / WHS / Human Resources/Manager, Procurement & Procurement staff means – any person employed by Council that holds and position of any of the above titles and the associated delegated authority to undertake the engagement of a service provider or the purchase of goods

Council's Employee means – any person that is engaged by Council and has the delegated authority to undertake the engagement of a service provider or the purchase of goods other than those noted above

Service Provider means - Any person or organisation that provides goods and/or services to Council

Probity: Probity is also known as procedural integrity. It is a concept that brings together moral excellence, integrity, uprightness, conscientiousness, honesty, and sincerity in Service Provider Management and Procurement processes.



## 1. NON-CONFORMANCE MATRIX

		SEVERITY			
		>THREE Non-Conformances issued	THREE Non-Conformances issued	TWO Non-Conformances issued	ONE Non-Conformances issued
NON-CONFORMANCE	CATEGORY				
	<b>NC001</b> Compliance	HIGH	MEDIUM	LOW	LOW
	<b>NC002</b> Workmanship Performance Quality	HIGH	MEDIUM	MEDIUM	LOW
	<b>NC003</b> Breach of Council's Policies and/or Procedures	HIGH	HIGH	MEDIUM	MEDIUM
	<b>NC004</b> WHS and/or Environmental	HIGH	HIGH	HIGH	MEDIUM

## 2. CONSEQUENCES

To re-prioritise a preferred supplier list, the consequence is listed below.

<b>HIGH</b>	<b>To be considered on a case by case basis:</b> 1. Investigation and issue of Non-Conformance warning; 2. If Non-Conformance results in serious injury, instant suspension from list for remainder of contract term; OR Suspension pending investigation (if then proven negligent) removal from list for remainder of contract term; 3. Suspension from list for one month – all high risk non-conformances require the General Manager to be notified, and must be formalised by Non-Conformance letter being issued.
<b>MEDIUM</b>	<b>To be considered on a case by case basis:</b> 1. Works to be rectified at service provider's expense with management or improvement plan produced by service provider, or; 2. Suspension for one month; 3. Meeting to discuss issues and performance-improvement agreement made – Direct Manager must be notified and Non-Conformance letter must be issued.
<b>LOW</b>	<b>To be considered on a case by case basis:</b> Non-Conformance letter must be issued.

## SERVICE PROVIDER MANAGEMENT POLICY

<b>ADOPTED</b>	VERSION NO	1.1
COUNCIL MEETING MIN NO 183/17	REVIEW DATE	AUGUST 2022
DATE: 1 JULY 2018	FILE NUMBER	COR400089

### Objective

This policy aims to ensure Mid-Western Regional Council's ('Council') expectations and management of service providers (**contractors**) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are:

- Clear & Defined Expectations & Responsibilities
- Performance Management Criteria & Matrix
- ~~Protection of Supplier Rates~~
- Ethical Behaviour & Fair dealing
- Maintaining a High Standard of Health & Safety Management
- ~~Protection of Supplier~~ **Service Provider Pricing, Rates and intellectual property**

This procedure applies to all Mid-Western Regional Council workplaces including ~~though not limited to~~ depots, ~~administration~~ buildings and worksites. The procedure covers the selection, management and monitoring of Service Providers associated with the supply of goods and/or services to Council and all Service Providers engaged by Council for the purpose of maintenance, repairs and capital works, including those selected via a tender or a formal contract process. This procedure also encompasses other services engaged by Council such as training providers or consultants.

For ~~WHS workplace health and safety (WHS)~~ risk management of service providers refer to HRWHS 059 – ~~Framework for the~~ Safety Management ~~Framework of for~~ Contractor & Construction Project Works.

### Legislative requirements

- ~~Occupational Safety and Health Act 1984~~
- ~~Occupational Safety and Health Regulations 1985~~
- WHS Act 2011

### Related policies and plans

- Procurement Policy
- Gifts & Benefits Policy
- Local Preference Policy
- ~~Statement of Business Ethics~~
- **Code of Conduct**

SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

- WHS Management Policy
- Risk Management Policy
- Complaints Policy
- Chain of Responsibility Procedure

## Policy

In entering into contracts for the carrying out of work, or the supply of goods & services, Council Officers will have regard to ~~Mid-Western Regional Council's~~ Council's service provider management objectives as set out above.

The general objectives of this policy apply to all service providers regardless of engagement timeframes.

~~Those persons/organisations providing services to Council~~ Council's Service Providers shall be considered to be agents of Council and shall ~~betherefore~~ be required to comply with Council's relevant policies and procedures. ~~Such Breach of the guidelines~~ A breach of these policies and procedures in which you are engaged may result in disciplinary action as specified in this policy.

## Training of Staff

Staff involved in the engagement (and/or management) of ~~service Service providers~~ Providers will be appropriately trained ~~by Procurement~~ in the relevant procedures ~~to be followed~~. This includes:

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Training will be provided based on position requirements:

- To new recruits;
- In line with revision schedules for this policy (see Review date);
- With any major changes to this policy;
- Intermittently, as directed by Executive or the ~~Procurement Manager~~ Procurement, to address known risks.

~~SERVICE PROVIDER MANAGEMENT POLICY~~

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Responsibilities

<p><u>Council's General Manager &amp; Directors are responsible for:</u></p>	<ul style="list-style-type: none"> <li>■ <u>The compliance management of the Service Provider Management Policy and other associated policies</u></li> </ul>
<p><u>Council's Project Manager and/or Works Officer/Coordinator/Team Leaders/Managers, Supervisors, Works Officers &amp; Team Leaders are responsible for:</u></p>	<ul style="list-style-type: none"> <li>■ <u>Advising the Manager, Procurement of any proposed tenders</u></li> <li>■ <u>Utilising only Council approved Service Providers and/or obtaining the minimum compliance requirements from Service Providers prior to engagement. This includes Council specific Contractor inductions, insurances, licences requirements and motor vehicle/plant registrations where required</u></li> <li>■ <u>Confirming relevant Service Provider workers compensation and public liability insurance is current prior to them entering a work site;</u></li> <li>■ <u>Confirm validity of the Service Providers <del>Centroc</del>Council specific Contractor Induction for specific Service Provider's and their employees that will be entering or working on the projectary Council site;</u></li> <li>■ <u>Sighting Safe Work Method Statement (SWMS) where applicable;</u></li> <li>■ <u>Undertaking site specific inductions and risk assessments;</u></li> <li>■ <u>Ensure compliance with Council's Chain of Responsibility (CoR) Policies &amp; Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</u></li> <li>■ <u>Investigating and/or eliminating any hazards identified by all Council &amp; Service Provider's employees;</u></li> <li>■ <u>Ensuring relevant work permits are completed where applicable prior to commencing work;</u></li> <li>■ <u>Ensure compliance with all applicable obligations under the Fair Work Act 2009 and the Fair Work Regulations 2009;</u></li> </ul> <p><del>Manage the non-conformance of issues to Service Providers All non-conformance of services providers must be documented via HRWHS 026 Council's Notification of Non-Conformance Report –HRWHS 026– to Council's Procurement Manager/Manager, Procurement and Council's WHS Coordinator for investigation and/or action; and</del></p> <ul style="list-style-type: none"> <li>■ <u>Maintaining probity; and</u></li> <li>■ <u>Ensuring the term and conditions of the relevant Goods/Services/Service Provider contract are relevant, monitored and enforced.</u></li> </ul>

SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

<p><u>Council's</u> Employees are <del>responsible</del> <u>responsible</u> for:</p>	<p><del>Utilising only Council approved Service Providers and/or obtaining the minimum compliance requirements from Service Providers prior to engagement. This includes Council specific Contractor inductions, insurances, licences and motor vehicle/plant registrations where required</del>  <del>Utilising only Council approved Service Providers and/or obtaining the minimum requirements from Service Providers prior to engagement. This includes Council specific Contractor inductions, insurance requirements and motor vehicle/plant registrations where required</del></p> <ul style="list-style-type: none"> <li>■ <del>UTILISING ONLY COUNCIL APPROVED SERVICE PROVIDERS</del></li> <li>■ <del>Utilise appropriate means of engagement of a service provider (as per Council's Procurement Policy)</del></li> <li>■ <del>Maintain compliance with Council's Chain of Responsibility (CoR) Policies &amp; Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</del></li> <li>■ <del>Confirming the goods/services received meet Council requirements;</del></li> <li>■ <del>Reporting any hazards and non-conformance identified as a result of work being performed by Service Providers or any other non-conformance to their supervisor/Supervisor;</del></li> <li>■ <del>Ensure compliance with all applicable obligations under the Fair Work Act 2009 and the Fair Work Regulations 2009</del></li> <li>■ <del>Providing appropriate honest feedback on service Service providers Providers as requested by Project Manager and/or Works Officer/Coordinator/Team Leaders; and</del></li> <li>■ <del>Maintaining</del> probity</li> </ul>
<p><u>Council's</u> <del>—(Operations)</del> <u>Tendering &amp; Contracts officers</u> <u>Assistants</u> are responsible for:</p>	<ul style="list-style-type: none"> <li>■ <del>Liaising with Manager, Procurement regarding all tenders and Advising the Manager, Procurement of any proposed tenders</del></li> <li>■ <del>Preparation of Contract documents including purchase order requests and relevant information</del></li> <li>■ <del>Maintaining and Forwarding updated preferred service provider lists of new providers as advised by Council's Procurement Manager/Manager, Procurement to relevant staff;</del></li> <li>■ <del>Monitoring the requirements for-of CPI rate increases to or requests for updated rates for Wet &amp; Dry Plant Hire and General Contractor preferred supplier lists relevant preferred service provider lists at the start of each financial contract renewal year or extension period and provide notification to service providers as necessary;</del></li> <li>■ <del>Monitoring and Mmaintaining compliance of service providers in VendorPanel for department specific lists; and</del></li> <li>■ <del>Maintaining</del> probity.</li> </ul>



<p><u>Council's</u> WHS / Human Resources are responsible for:</p>	<ul style="list-style-type: none"> <li>■ Coordination of the induction of all Service Providers &amp; relevant suppliers as required;</li> <li>■ Managing <del>Contractor</del> Induction renewal registers and advise <del>MWRC Council</del> staff and Service Providers of any updated inductions that are required;</li> <li>■ Advising relevant <del>MWRC Council</del> staff of Service Providers employees that fail to meet induction requirements</li> <li>■ Liaising with the <del>Procurement Manager</del> <u>Manager, Procurement</u> and relevant department managers in the planning of induction training dates; <u>and</u></li> <li>■ Provide assistance and assessment (where required) to assist in the acceptance of additional service providers and recommended tenderers with regards to risk management.</li> </ul>
<p><u>Council's</u> <del>Procurement Manager</del> <u>Manager, Procurement</u> <del>is</del> <u>Procurement Staff are</u> responsible for:</p>	<ul style="list-style-type: none"> <li>■ <u>Recommend and manage Policy guidelines and amendments</u></li> <li>■ <u>Providing</u></li> <li>■ <del>Ensuring compliance with</del> <u>Monitoring &amp; reporting on compliance of</u> Councils' <u>Service Provider Management Policy and Council's</u> Procurement Policies &amp; Procedures regarding the engagement of <del>suppliers</del> <u>Service Providers</u> for both goods &amp; services;</li> <li>■ Providing guidance for, or assist in the management of non-conforming <del>service</del> <u>Service providers</u> <del>Providers</del> in accordance with this and other relevant procedures;</li> <li>■ Assisting with the coordination of all Council tenders in conjunction with relevant department managers. The <del>Procurement Manager</del> <u>Manager, Procurement</u> must be advised of any proposed tenders;</li> <li>■ Assessment and undertaking of <u>Council reports approval</u> with regards to additional <del>service</del> <u>Service providers</u> <del>Providers</del>;</li> <li>■ Provide support to <del>Operations</del> <u>Administration Assistants</u> <u>Tendering &amp; Contracts officers to ensure</u> <del>with regards to amendments to preferred order of service</del> <u>Service providers</u> <del>Providers on preferred supplier lists,</del> <u>removal of service providers or additional service providers. This includes delegation of duties to another Council representative where required;</u></li> <li>■ Liaising with Council's WHS Coordinator regarding new and existing <del>service</del> <u>Service providers</u> <del>Providers</del> and non-conformance and any other relevant matter;</li> <li>■ Maintaining security around tendered rates and pricing ; <u>and</u></li> </ul>

SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

	<ul style="list-style-type: none"> <li>■ Monitoring and Maintaining maintaining VendorPanel for the organisation as a wholeincluding compliance of service providers</li> <li>■ Monitoring and Maintaining maintaining probityProbity</li> </ul>
<p><u>Service Providers are responsible for:</u></p>	<ul style="list-style-type: none"> <li>■ Ensuring services/goods are executed as directed by Council by ensuring in compliance towith Council policies, procedures, specifications, requirements and expectations and/or as per any relevant Goods and/or Service Contract associated to their engagement;</li> <li>■ Ensuring (&amp; maintaining) appropriate qualifications, training, experience and certifications of competency required by Council for themselves, (their organisation), employees or any representative (including Council specific Inductions for anyone that may enter a Council site of their behalf)any Service Provider persons conducting work under the Contract terms;</li> <li>■ Commit to re-inducting their employees/representative to the Council specific Induction when requested by Council;</li> <li>■ Ensure their employees/representatives carry the Council specific Induction ID on their person at all times and present to Council representatives on site as request (if issued);</li> <li>■ Ensuring a Safe Work Method Statement (SWMS) have been completed for tasks identified as high risk, and are present on site and have been signed by all workers engaged in the task. This includes though is not limited to construction works exceeding \$250,000, and demolitions and/or asbestos removal work that requires a licence;</li> <li>■ Ensuring Safe Work Method Statement (SWMS) are provided in the event of any construction works that may exceed \$250,000 and that involve demolition and/or asbestos works that require licencing</li> <li>■ Ensuring all Risk Assessments are undertaken and copies presented to Council;</li> <li>■ Maintaining the workplace in a safe and healthy manner for themselves, subcontractors and other staff and visitors of Council;</li> <li>■ Raise any issues that may become a WHS concern with Council's nominated officer;</li> <li>■ Ensure compliance with the National Heavy Vehicle Regulator's (NHVR) Chain of Responsibility laws and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</li> <li>■ Ensure that all employees and, as far as practicable all subcontractors employees are paid the correct wages, loadings, allowances, penalties and that any underpayments identified are rectified immediately;</li> <li>■ Maintain adequate insurance coverage and provide copies to Council of updated insurance information including current Certificates of Insurance, policy exemptions and a public liability Certificate of Insurance noting Council as an interested party;</li> </ul>

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	<p><del>Ensuring that their employees and as far as practicable that its subcontractors employees, are paid the correct wages, loadings, allowances and penalties and that any underpayments identified are rectified;</del></p> <ul style="list-style-type: none"><li>■ Ensuring they are complying with all applicable obligations under the Fair Work Act 2009 and Fair Work Regulations 2009;</li><li>■ Ensure accuracy of invoicing and paperwork prior to forwarding to Council;</li><li>■ Specifying their allocated Local Service Provider number on all quotes &amp; tenders (as per Council's Local Preference Policy); and</li><li>■ Maintaining probity.</li></ul>
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REVIEW

## SERVICE PROVIDER MANAGEMENT POLICY

### Engaging a Service Provider

- ~~For all goods & services engagements with a cumulative value (over the term of the contract) a financial value greater than \$50,000, Council's Goods & Services General Conditions of Contract will apply except in the engagement of organisations for the purpose of construction. Appropriate Australian Standard Contracts would be utilised in this instance, however this policy is still relevant with regards to Service Provider Management. All contract arrangements over the abovementioned amount must be placed in Council's Contracts Register.~~
- When a requirement is identified that cannot be provided or undertaken by a **MWRC Council** employee, the person requiring this good/service must estimate potential costs associated ~~to~~ with the requirement for that particular service. Council have **preferred** prequalification lists for several services, including but not limited to: Trade Services, Wet & Dry Plant hire and also many contracts for the provision of goods. Council must engage suppliers or purchase goods based on a spend basis as noted in Council's Procurement Policy and make inclusive to their decision, consideration for Council's Local Preference Policy
- When engaging a Service Provider that is not on a prequalification list, necessary requirements are to be discussed with the ~~Procurement Manager~~ **Manager, Procurement**, prior to engagement or commitment of any service or goods. If acceptable, the Service Provider may be required to undertake several steps prior to engagement ~~e.g. ie:~~ Register on Council's Marketplace or complete Additional Service Provider ~~information~~ **application forms**.
- In some instances a non-tendered pre-qualification list may be established in VendorPanel for commonly used service providers enabling Council to capture and maintain compliance information. Council must also obtain relevant compliance information prior to the engagement of any supplier
- All Service Providers that enter a Council site must participate in ~~Council's Centre~~ **Council (specific Local Government)** induction processes, ~~as specified by Council. See Service Provider Induction for further information.~~
- ~~For determination of the service provider,~~ **WHS requirements are to be demonstrated communicated to the Service Provider prior to engagement (provision of necessary documentation, including sign off and proof of receipt, as required).** ~~refer to HRWHS 026 Notification of Non-Conformance Report HRWHS 059 – Framework for the relevant requirements~~

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### Service Provider Selection - Evidence

- It is essential that the process of selection regarding Service Providers is well documented. Tenders for trade services and wet & dry plant hire are generated as both preferred and prequalification lists. The preferred order is utilised up to the threshold nominated in the Tender documentation and for any work over the nominated threshold staff will approach appropriate service providers via Council's electronic quoting system 'VendorPanel' inviting a 'request for quote'.
- Consideration needs to be made when sourcing goods and services from a holistic view with the intent of gaining value for money. Extra costs associated eg floating costs, travel costs or even providers location may move a particular plant/supplier from say No. 3 to No. 1 as

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the overall cost would be lower for that particular item or service. Demonstrating value for money and documenting evidence to justify why the No.3 was selected is an acceptable means of procuring from our preferred supplier lists.

- The inclusion of Local Preference discount must be nominated by the service provider on the quotations/response documents by providing their Local Service Provider number and the application of the discount must be documented by Council staff
- Council's backing sheets must be used as the evidence based document for all preferred supplier engagement.

### Addition of Service Providers to an Existing Procurement Service Arrangement and Suppliers

- ~~Service Providers wanting to be added to Council's existing contracts pre-qualification lists (where a tender has been undertaken e.g. permissible), Service Providers (Trade Services and Wet & Dry Plant Hire) must be provided with Council's Additional Service Provider kit/application for the specified pre-qualification list. Service Providers must complete and return the appropriate application form, EFT authorisation form and include copies of all mandatory documents requested. Applications must shall be forwarded to Council's Procurement Manager/Manager, Procurement and approval must shall be sought from the General Manager (or Council where applicable). On acceptance the Procurement Manager/Manager, Procurement will advise the WHS department to make arrangements for an induction, if deemed necessary, and Operations Assistants to update any relevant lists/the Service Provider directly.~~
  - ~~If the Service Provider has been accepted and the induction process (where required) has been completed, they will be placed on Council's "overflow" list for that particular service or good. In order for Council to utilise this Service Provider, officers must first exhaust all existing original Service Providers prior to engagement. Council's Procurement Manager/Manager, Procurement is responsible for corresponding acceptance by Council to Operations staff, WHS and the service provider~~
  - ~~Should an existing Service Provider wish to add an additional service to their existing services, they will also be placed on the overflow list for that particular service. An example of this would be if a plant hire provider purchased another piece of plant e.g.; they currently have an excavator and purchased a grader, that grader would be deemed additional plant and would go to the overflow list for graders. The only instance where the ranking would remain the same is for replacement plant – provider sold a grader and replaced with exactly the same size grader, noting that updated insurances and registration details would be required to update our system.~~
  - ~~Information and relevant application forms for Additional Service Providers can be obtained from Council's website <http://www.midwestern.nsw.gov.au/business/Doing-Business-With-us/>~~
- ~~Where a prequalification list has been created and a tender not undertaken, Council will forward the Service Provider an invitation via the VendorPanel portal. The Service Provider must complete the registration and attach all compliance information requested.~~

~~Or~~

~~Procurement arrangements include:~~

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SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

- [Pre-qualification panels; and](#)
- [Preferred supplier lists \(overflow only\).](#)

[Addition of service providers to existing pre-qualifications list procurement service arrangements can only occur in accordance with the original tender document specifications and associated contract documents. Copies of application documents can be found on Councils website.](#)

### Management of Rates/Pricing

#### ACCESS TO RATES

- All rates/pricing provided to Council are confidential. There are circumstances where rates are exposed, for example those approved for a specific project [i.e.:](#) Design & Construct tenders, however only the successful price can be exposed after acceptance from Council. The Council staff recommendation ~~should~~ ~~shall~~ only state '\$XX' for the sum with no actual figure. All rates must be presented in the confidential section of the Business Paper. Once Council/General Manager accepts the report, the minute would then demonstrate the approved pricing/sum for the project.
- In the instance of prequalification or preferred supplier lists, tenders and additional service provider's rates, these ~~are always~~ ~~shall be~~ placed in the confidential section of the business paper to ensure 'commercial in confidence' is maintained. On acceptance of the pre-qualification list tenders ~~the preferred order and rates will remain in the custody of Council's Procurement Manager/Manager, Procurement~~ or the tender contact officer, unless authorised for release to appropriate staff by the General Manager. If rates are authorised for release, staff will be appropriately trained in confidentiality and protection of commercial rates. [In the instance that confidentially is compromised, an investigation will be completed and disciplinary action may be taken against the offending staff member will be enforced, as appropriate.](#)

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#### AMENDING TENDERED RATES

- Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).
- Any approved increase must be responded to in writing from Council's delegate and forwarded to the ~~Procurement Manager/Manager, Procurement~~.
- When Service Providers are responding to a Request for Quote via VendorPanel, they have the opportunity to review rates ~~either increase or decrease~~ depending on ~~the~~ [requirements](#). VendorPanel creates an opportunity to allow for competitive environment whilst maintaining value for money for our rate payers.

### Service Provider Induction



SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

- Service Provider (~~Centre/Council specific /Local Government~~) inductions will remain ~~current valid~~ indefinitely – unless this induction is withdrawn by ~~Mid-Western Regional Council~~ or major amendments are made to the ~~WHS Act~~, in which, a new induction process must be undertaken. Council will notify service providers of any re-induction requirements.
- The induction process is coordinated by Council's WHS department. Service Providers, their employees or any other representative of the service provider will be required to either attend an induction in person or complete an on-line induction. Early renewal or updated inductions may be called at any time deemed necessary by Council, for example where there are changes to WHS legislation, or major changes to Council policies and procedures.
- Site specific inductions will occur as necessary.
- Council employees must confirm validity of service provider inductions prior to engagement and all service providers must have the induction card on their person at all times when working on a Council site. Council reserve the right to randomly request inductions cards at any time from any person on their site. Should evidence of the induction not be supplied, Council reserves the right to stand that person/service provider down immediately.
- ~~The Contractor-Council specific induction may not be undertaken/required in some instances. This is at the discretion of the WHS department/Coordinator.~~

## Service Provider Performance Management

- Non-conformance relates to all activities concerning a Service Provider where processes, actions, equipment or goods fail to meet Council's expected standards. These activities include (but are not limited to) the work whilst being undertaken, completion of works, behaviour of service providers and their employees on Council worksites, condition of plant and equipment and any associated paperwork requirements, for example invoices and risk assessments or goods provided to Council ~~being of poor quality~~.
- Any non-conformance issues identified with a Service Provider must be forwarded to Council's ~~Procurement Manager/Manager, Procurement~~ for assessment. The relevant Council representative must notify the ~~Procurement Manager/Manager, Procurement~~ in writing via Council's non-conformance report describing in detail.
- The report must include detail of any discussions undertaken with the Service Provider regarding the non-conformance. In the event of a WHS non-conformance, Council's WHS Coordinator must also be notified immediately.
- If appropriate, a non-conformance notification will be forwarded to the Service Provider detailing Council's concerns, identified non-conformance and any corrective actions required. Each non-conformance notification must be coded with Council's non-conformance codes. Any correspondence relating to this matter must be placed in Council's record management system.
- Service providers must be issued with a non-conformance notification. For high risk non-conformance the General Manager must be notified, medium risk the Director/Department Manager must be notified and low risk non-conformance the ~~relevant project Manager, Supervisor, Works Officer or Team Leaders project/Project manager/Manager or team leader~~ must be notified.
- All non-conformances ~~requires~~ the completion of a non-conformance report (HRWHS 026) by an authorised Council representative and forwarded to appropriate Manager for

SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

authorisation. Once authorised, all non-conformance reports must be forwarded to Council's ~~Procurement Manager~~ **Manager, Procurement** for action.

- Service Providers that have tendered for a pre-qualified or preferred supplier list may be re-prioritised as a consequence from the receipt of a non-conformance. The structure relating to the consequence would be as advised in the tender documentation. All other service providers are based on the non-conformance matrix.
- In the instance of a severe non-conformance (as determined by the Council representative) the Service Provider may be immediately stood down from the site and removed from Council's prequalification list following subsequent investigation.
- Service Providers have right to respond to any non-conformance received. The response must be made in writing and within 14 days of receipt of the non-conformance notification letter.
- Council reserves the right to randomly audit worksites and capture feedback on ~~service~~ **Service providers** ~~Providers~~. All feedback must be captured on Councils' internal feedback forms.

### Superior Performance Management

- ~~Superior performance of a service provider monitors and rewards those service providers that provide outstanding service whilst performing activities for Council. These activities include (but are not limited to) the work whilst being undertaken, completion of works, behaviour of service providers and their employees on Council worksites, condition of plant and equipment or operator suitability.~~
- ~~Superior performance management relates more specifically to service providers that are placed on a pre-qualified or preferred supplier list.~~
- ~~A service provider may ask to be re-evaluated with the intention of Council re-prioritising their preferred order on a list. Superior performance evaluations can only be requested once every 12 months during the contract term.~~
- ~~Suppliers are to provide Council with a written request to be evaluated for superior performance. The request must be addressed to the General Manager and provide full details why the review is justified. The request must include activities performed, and if relevant, specific details to assist with identifying plant, operators etc. On receipt of the request an approved Council representative will be appointed by the General Manager to complete the superior performance evaluation and score suppliers accordingly. The Council representative must also consult with other departments that utilised the same service provider (for the same activity) to ensure a holistic view of the service providers performance is taken into consideration.~~
- ~~The outcome of the evaluation will determine the re-prioritisation process~~

**SCORING SCALE**

SCORES = 40	RE-PRIORITISATION MUST BE REVIEWED
SCORES = OR > 30	RE-PRIORITISATION CAN BE CONSIDERED
SCORES < 30	WILL NOT BE CONSIDERED FOR RE-PRIORITISATION

SERVICE PROVIDER MANAGEMENT POLICY: | JULY 2017

- ~~Service providers will be notified in writing of the outcome of the superior performance evaluation.~~
- ~~In the instance of a 'one-off' project or non-tendered supplier, it would be encouraged that Council representatives complete a review of all service providers at the completion of a project. This information would be documented in Council's record management system for future reference, if required by Council, should the ad-hoc service providers be required in the future.~~
- 

### Supporting Documentation & Forms

- Council's Non-Conformance Matrix
- Council's (Non-Conformance) Consequence Outcomes
- Council's Feedback Form
- ~~Superior Performance Assessment~~
- Council's Backing Sheet
- HRWHS 059 - Framework for the Safety Management of Contractor & Construction Project Works

Note: The above forms are an internal document and are subject to change

### DEFINITIONS

Council means – Mid Western Regional Council (MWRC)

Council's General Manager, Directors, Managers, Supervisors, Works Officers & Team Leaders / WHS / Human Resources/Manager, Procurement & Procurement staff means – any person employed by Council that holds and position of any of the above titles and the associated delegated authority to undertake the engagement of a service provider or the purchase of goods

Council's Employee means – any person that is engaged by Council and has the delegated authority to undertake the engagement of a service provider or the purchase of goods other than those noted above

Service Provider means - Any person or organisation that provides goods and/or services to Council

Probity: Probity is also known as procedural integrity. It is a concept that brings together moral excellence, integrity, uprightness, conscientiousness, honesty, and sincerity in Service Provider Management and Procurement processes.

**1. NON-CONFORMANCE MATRIX**

		SEVERITY			
		>THREE Non-Conformances issued	THREE Non-Conformances issued	TWO Non-Conformances issued	ONE Non-Conformances issued
NON-CONFORMANCE	CATEGORY				
	<b>NC001</b> Compliance	HIGH	MEDIUM	LOW	LOW
	<b>NC002</b> Workmanship Performance Quality	HIGH	MEDIUM	MEDIUM	LOW
	<b>NC003</b> Breach of Council's Policies and/or Procedures	HIGH	HIGH	MEDIUM	MEDIUM
	<b>NC004</b> WHS and/or Environmental	HIGH	HIGH	HIGH	MEDIUM

Non-Conformance	Severity				
	Category	More than three non-conformances issued	Three non-conformances issued	Two non-conformances issued (one serious)	One non-conformance issued (non serious)
	NC001 COMPLIANCE				
	NC002 WORKMANSHIP PERFORMANCE QUALITY				
	NC003 BREACH OF COUNCIL'S POLICIES AND/OR PROCEDURES				
NC004 WHS AND/OR ENVIRONMENTAL					

## 2. CONSEQUENCES

To re-prioritise a preferred supplier list, the consequence is listed below.

### HIGH

**To be considered on a case by case basis:**

1. Investigation and issue of Non-Conformance warning; 2. If Non-Conformance results in serious injury, instant suspension from list for remainder of contract term; OR Suspension pending investigation (if then proven negligent) removal from list for remainder of contract term; 3. Suspension from list for one month – all high risk non-conformances require the General Manager to be notified, and must be formalised by Non-Conformance letter being issued.

### MEDIUM

**To be considered on a case by case basis:**

1. Works to be rectified at service provider's expense with management or improvement plan produced by service provider, or; 2. Suspension for one month; 3. Meeting to discuss issues and performance-improvement agreement made – Direct Manager must be notified and Non-Conformance letter must be issued.

### LOW

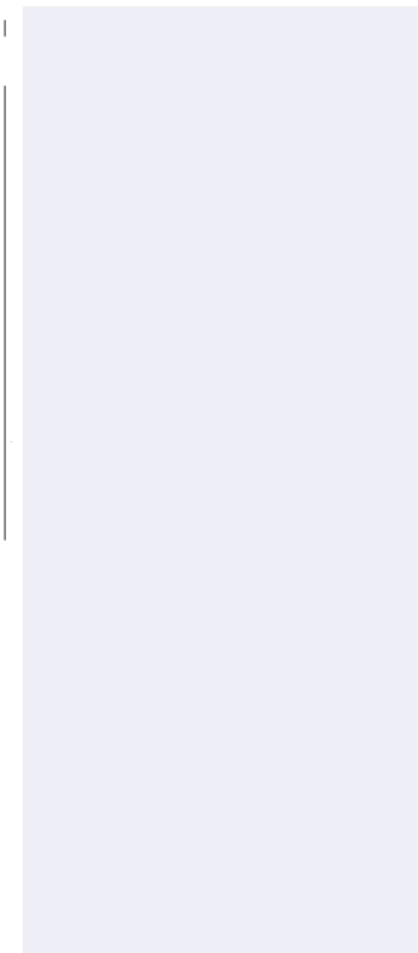
**To be considered on a case by case basis:**

Non-Conformance letter must be issued.



<b>HIGH</b>	To be considered on a case by case basis: 1. Investigation and issue NC warning, 2. if results in serious injury - Instantly suspended from list for remainder of contract term or 2. Suspended pending investigation (if then proven negligent) removed from list for remainder of contract term 3. Suspended from list for one month - all high risk non-conformances the General Manager must be notified and must be formalised by NC letter being issued
<b>MED</b>	To be considered on a case by case basis: 1. works to be rectified at service provider expense with Management or improvement plan produced by service provider or 2. Suspended for one month 3. Meeting to discuss issues and performance-improvement agreement made - Direct Manager must be notified and NC letter must be issued
<b>LOW</b>	To be considered on a case by case basis: NC letter must be issued

REVIEW



THIS IS A CONFIDENTIAL DOCUMENT AND IS ONLY TO BE DISCUSSED WITH YOUR DIRECTOR, MANAGER OR COUNCIL'S PROCUREMENT MANAGER



Mid-Western Regional Council  
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129 Herbert Street GULGONG  
77 Louise Street PIRISTONE  
Ph: 1300 785 002 or (02) 6378 2850 Fax: (02) 6378 2815  
email: council@midwestern.nsw.gov.au  
www.midwestern.nsw.gov.au

**Service Provider Feedback – Capex**

DATE STAFF NAME

SERVICE PROVIDER NAME

PROJECT

1. What type of work has this service provider performed for you?
2. Did you have any issues with the quality of their work?
3. Were there any safety and/or environmental concerns while they were performing their work?
4. Were there any complaints from the public about these service providers?
5. Was this the first time you used this service provider?
6. Did the service provider meet specified timelines?
7. Did the service provider meet reporting requirements?
8. Did the service provider request variations to the original contract? If so, please provide details.
9. Any further comments?

THIS IS A CONFIDENTIAL DOCUMENT AND IS ONLY TO BE DISCUSSED WITH YOUR DIRECTOR, MANAGER OR COUNCIL'S PROCUREMENT MANAGER.



**Service Provider Feedback – Capex (cont'd)**  
 EVALUATION FORM

SERVICE PROVIDER NAME \_\_\_\_\_ DATE \_\_\_\_\_  
 SERVICE PROVIDED \_\_\_\_\_ CONTRACT NAME (IE GENERAL CONTRACTOR) \_\_\_\_\_  
 NAME OF MWRC STAFF MEMBER \_\_\_\_\_ PROJECT \_\_\_\_\_

EVALUATION CRITERIA      RATING      COMMENT TO SUPPORT SCORING

Time Management

Standard of Work

Service Provider's Personnel and their ability to undertake works required

Work Health and Safety

Works within Council's Policies and Procedures

Communicates issues or concerns with site supervisor

Overall Performance


**Definition and Relative Weighting Gradings**      THIS TABLE IS A GUIDE. USE THE DEFINITION TO ASSIST YOU WHEN RATING SERVICE PROVIDERS

GRADING	DEFINITION	RATING
<b>Excellent</b>	Standard well above the acceptable standard of performance	5
<b>Good</b>	Standard exceeds the acceptable standard of performance	3 to 4
<b>Satisfactory</b>	Meets the acceptable standard of performance	1 to 2
<b>Unsatisfactory</b>	Well below the acceptable standard of performance	0

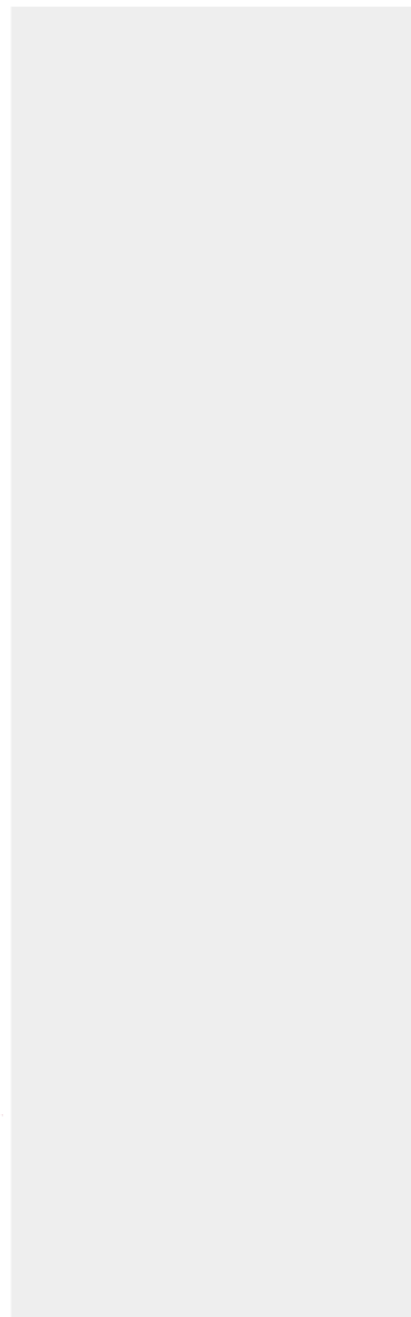
**Sign-off**

NAME (PLEASE PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_

Formatted: Left, Indent: Left: 0.05 cm

 <b>MWRC Superior Performance Evaluation</b>		
Version: _____ Date: _____ Name of Service Provider: _____ Date: _____ Service Provided: _____ (Project) list: _____ MWRC staff member: _____ (Contractor) Project: _____		
Evaluation Criteria	Rating	Comment to Support Scoring
Provide capable operator/tradesperson to perform work required		
Provide suitable plant and/or equipment		
Standard/quality of work performed		
Works within Council's scope and project timeframes		
Work Health & Safety commitment on site		
Works within Councils Policies & Procedures		
Previous non-conformance notifications received by supplier in the last 12 months		
Overall Performance		
<b>TOTAL:</b>		
Definition and Relative Weighting of Gradings		
Grading	Definition	Rating*
Excellent	Standard well above the acceptable standard of performance	5
Good	Standard exceeds the acceptable standard of performance.	4
Satisfactory	Meets the acceptable standard of performance.	1 to 3
Unsatisfactory	Well below the acceptable standard of performance	0
Scoring Scale		
SCORES = 40	Re-prioritisation must be reviewed	
SCORES = OR > 30	Re-prioritisation can be considered	
SCORES < 30	Will not be considered for re-prioritisation	

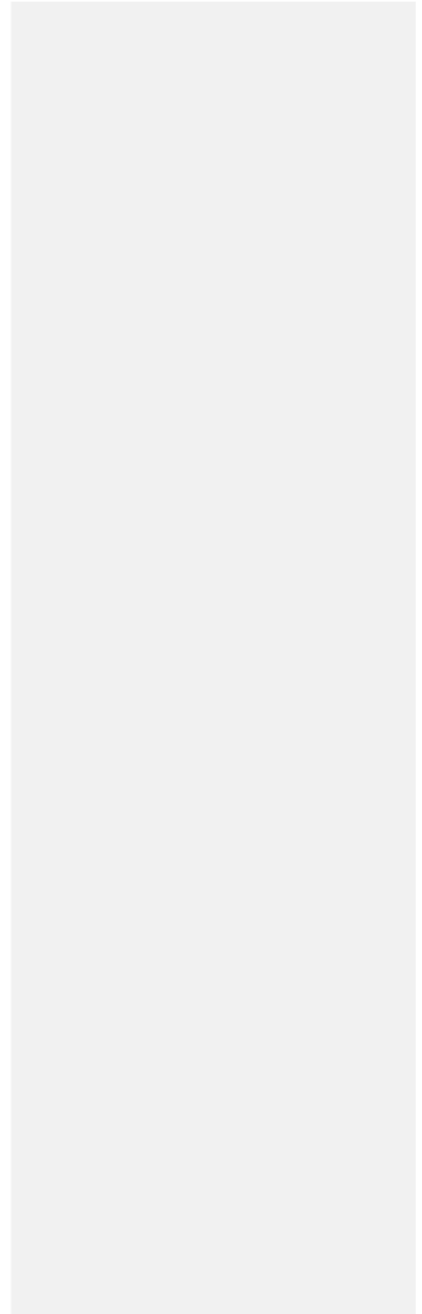
Details of Review	
Please provide any further information required with regards to this review. Please ensure that consultation occurs with other departments with regards to this suppliers performance prior to lodging this form. All relevant comments (and staff names) must be detailed here. Full justification as to why or why not this supplier should be reviewed must be included.	
Enter details here	
THIS IS A CONFIDENTIAL DOCUMENT AND IS ONLY TO BE DISCUSSED WITH YOUR DIRECTOR, MANAGER OR COUNCIL'S PROCUREMENT MANAGER	
Reviewed By: ..... <small>(signature)</small>	Approved By: ..... <small>(signature)</small>
Name: ..... <small>(please print)</small>	Name: ..... <small>(please print)</small>
Re-prioritisation approved YES / NO <small>(please circle)</small>	




Quote Backing Sheet - Plant Hire (Wet & Dry)			
This form is to be used when engaging any supplier from a preferred supplier list			
Requested by:		Position:	
Type/size of plant:			
Basic Scope Requirements:			
	No 1	No 2	No 3
Company Name:			
Contact Person:			
Plant Requested			
Required From/To:			
Available/Unavailable:	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Notes:			
Sheet1			
<i>Please attach this form to your purchase order</i>			
Version 2			Rev Date: Mar 17



REVIEW



**Quote Backing Sheet - Trade Services**  
This form is to be used when engaging any supplier from a preferred supplier list



<b>Requested by:</b>		<b>Position:</b>	
<b>Type/size of plant:</b>			
<b>Basic Scope Requirements:</b>			
	No 1	No 2	No 3
<b>Company Name:</b>			
<b>Contact Person:</b>			
<b>Plant Requested</b>			
<b>Required From/To:</b>			
<b>Available/Unavailable:</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Notes:</b>			
Sheet1			
<i>Please attach this form to your purchase order</i>			
Version 2			Rev Date: Mar 17



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Mid-Western  
Regional Council

# Code of Meeting Practice

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2018

Based on the Model Code  
of Meeting Practice for Local  
Councils in NSW 2018

Adopted: C/M TBC Min. No TBC

**MID-WESTERN REGIONAL COUNCIL CODE OF MEETING PRACTICE 2018****MID-WESTERN REGIONAL COUNCIL**

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Based on the Model Code of Meeting Practice 2018 produced by the NSW Office of Local Government, Department of Planning and Environment

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Part 1:  
**Introduction**

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## Introduction

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

Mid-Western Regional Council adopted this Code of Meeting Practice on [Date Month 2019 Min No.]



Part 2:  
**Meeting Principals**

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Meeting Principals

2.1 Council and committee meetings should be:

<b>Transparent</b>	Decisions are made in a way that is open and accountable.
<b>Informed</b>	Decisions are made based on relevant, quality information.
<b>Inclusive</b>	Decisions respect the diverse needs and interests of the local community.
<b>Inclusive</b>	Decisions respect the diverse needs and interests of the local community.
<b>Principled</b>	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
<b>Trusted</b>	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<b>Respectful</b>	Councillors, staff and meeting attendees treat each other with respect.
<b>Effective</b>	Meetings are well organised, effectively run and skilfully chaired.
<b>Orderly</b>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Part 3:  
**Before the Meeting**

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Before the Meeting

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### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:
- The third Wednesday of each month, excluding the month of January at the Mid-Western Regional Council Chambers, 86 Market St Mudgee NSW 2850.
- The public forum will commence at 5.30pm. The Council meeting opens at the conclusion of the public forum.

---

### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

---

### Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.
- 3.4 For the purposes of clause 3.3 notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

---

### Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

---

### Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

---

### Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted seven business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or

**Before the Meeting**

policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

---

**Questions with notice to**

- 3.13 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

---

**Agenda and business papers for ordinary meetings**

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of

**Before the Meeting**

the item of business, any such exclusion to the next meeting of the council.

- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

---

### **Availability of the agenda and business papers to the public**

- 3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- 3.23 Clause 3.23 does not apply to the business papers for items of business that the general

manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

- 3.24 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.
- 3.25 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

---

### **Agenda and business papers for extraordinary meetings**

- 3.26 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.28 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

**Before the Meeting**

- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

---

**Pre-meeting briefing sessions**

- 3.31 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.35 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



Part 4:  
**Public Forums**

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**Public Forums**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4 pm on the day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- i) Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.4 A person may apply to speak on no more than two items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.11 Each speaker will be allowed 5 minutes to address the council. The Mayor may provide an additional 1 minute. The times are to be strictly enforced by the chairperson.
- 4.12 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.13 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

Public Forums

- 4.14 Speakers are under no obligation to answer a question put under clause 4.13. Answers by the speaker, to each question are to be limited two minutes. The Mayor may provide an additional 1 minute.
- 4.15 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.16 The general manager or their nominee may with the concurrence of the chairperson, address the council for up to two minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised. The Mayor may provide an additional 1 minute if required.
- 4.17 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.18 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.19 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.18, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.20 Clause 4.19 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.21 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.22 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Part 5:  
**Coming Together**

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## Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

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## The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- 5.9 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- 5.10 A meeting of the council must be adjourned if a quorum is not present:
  - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.

**Coming Together**

- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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**Webcasting of meetings**

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website.
- 5.19 Webcasts of meetings are to be livestreamed with a recording of the meeting to also be available via the Council website within seven (7) days of the meeting unless technical issues prevent this from occurring.
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for a minimum of 2 years. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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**Entitlement of the public to attend council meetings**

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- 5.16 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

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**Attendance of the general manager and other staff at meetings**

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Coming Together

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.



Part 6:  
**The Chairperson**

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The Chairperson

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### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
  - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
  - 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

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### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
  - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Part 7:

# Order of Business for Ordinary Council Meetings

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**Order of Business for Ordinary Council Meetings**

- 7.1 At a meeting of the council, the general order of business is as fixed by the resolution of the council.
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 7.3 Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

Part 8:

## Consideration of Business at Council Meetings

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## Consideration of Business at Council Meetings

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### Business that can be dealt with at a council meeting

- 8.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

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### Mayoral minutes

- 8.6 Subject to clause 8.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 8.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 8.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 8.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must

**Consideration of Business at Council Meetings**

defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

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**Staff reports**

8.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

8.18 Councillors must put questions directly, succinctly, respectfully and without argument.

8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

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**Reports of committees of council**

8.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

8.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

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**Questions**

8.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.

8.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

8.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.

8.17 A councillor or council employee to whom a question is put is entitled to be given



Part 9:  
**Rules of Debate**

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**Rules of Debate**

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**Motions to be seconded**

- 9.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

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**Notices of motion**

- 9.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 9.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

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**Chairperson's duties with respect to motions**

- 9.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 9.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 9.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

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**Motions requiring the expenditure of funds**

- 9.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

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**Amendments to motions**

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 9.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 9.13 If an amendment has been lost, a further

Rules of Debate

amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

- 9.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 9.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 9.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

### Foreshadowed motions

- 9.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. **The foreshadowed motion must be verbalised when proposed.** The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 9.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

9.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

### Limitations on the number and duration of speeches

- 9.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 9.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

**Rules of Debate**

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 9.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 9.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 9.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 9.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Part 10:  
**Voting**

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## Voting

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### Voting entitlements of councillors

- 10.1 Each councillor is entitled to one (1) vote.
- 10.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- 10.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

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### Voting at council meetings

- 10.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 10.5 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 10.6 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 10.7 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 10.8 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

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### Voting on planning decisions

- 10.9 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 10.10 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 10.11 Clauses 10.9–10.10 apply also to meetings that are closed to the public.

Part 11:  
**Committee of the Whole**

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**Committee of the Whole**

- 11.1 The council may resolve itself into a committee to consider any matter before the council.
- 11.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
- 11.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 11.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Part 12:  
**Dealing with Items by  
Exception**

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**Dealing with Items by Exception**

- 12.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 7.1.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

Part 13:  
**Closure of Council  
Meetings to the Public**

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**Closure of Council Meetings to the Public**

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**Grounds on which meetings can be closed to the public**

- 13.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the council's code of conduct.

- 13.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

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**Matters to be considered when closing meetings to the public**

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.
- 13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.
- 13.6 For the purpose of determining

Closure of Council Meetings to the Public

whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

13.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

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### Notice of likelihood of closure not required in urgent cases

- 13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
  - (b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

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### Representations by members of the public

13.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.

13.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4 pm on the day before the meeting at which the matter is to be considered.

13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

13.13 No more than four (4) speakers are to be permitted to make representations under clause 13.9 unless additional speakers are otherwise voted on by the council.

13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the general manager or their delegate is to determine who will make representations to the council.

**Closure of Council Meetings to the Public**

- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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**Information to be disclosed in resolutions closing meetings to the public**

- 13.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**Expulsion of non-councillors from meetings closed to the public**

- 13.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 13.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the

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**Resolutions passed at closed meetings to be made public**

- 13.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 13.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.21 during a part of the meeting that is webcast.



Part 14:  
**Keeping Order at Meetings**

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**Keeping Order at Meetings**

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**Points of order**

- 14.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

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**Questions of order**

- 14.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 14.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

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**Motions of dissent**

- 14.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the

business before the meeting until a decision is made on the motion of dissent.

- 14.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 14.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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**Acts of disorder**

- 14.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

## Keeping Order at Meetings

14.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 14.11(d) and (e).

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### How disorder at a meeting may be dealt with

14.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

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### Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 14.15 Clause 14.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section

10(2)(a) of the Act.

- 14.16 A councillor may, as provided by section 10(2) (a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 14.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

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### Use of mobile phones and the unauthorised recording of meetings

- 14.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a

**Keeping Order at Meetings**

committee of the council without the prior authorisation of the council or the committee.

- 14.22 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Part 15:  
**Conflicts of Interest**

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**Conflicts of Interest**

- 15.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Part 16:  
**Decisions of the Council**

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**Decisions of the Council**

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**Council decisions**

- 16.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
- 16.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

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**Rescinding or altering council decisions**

- 16.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.
- 16.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.
- 16.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
- 16.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

16.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than one (1) day after the meeting at which the resolution was adopted.

16.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

16.12 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.

16.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

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## Recommitting resolutions to correct an error

- 16.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.
- 16.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the councillor is to propose alternative wording for the resolution.
- 16.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.18 A motion moved under clause 16.15 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.
- 16.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.
- 16.20 A motion moved under clause 16.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Part 17:  
**Time Limits on Council  
Meetings**

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**Time Limits on Council Meetings**

- 17.1 Meetings of the council and committees of the council are to conclude no later than 10 pm.
- 17.2 If the business of the meeting is unfinished at 10 pm the council or the committee may, by resolution, extend the time of the meeting.
- 17.3 If the business of the meeting is unfinished at 10 pm, and the council does not resolve to extend the meeting, the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the general manager must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Part 18:  
**After the Meeting**

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After the Meeting

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## Minutes of meetings

- 18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- 18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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## Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 18.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
- 18.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

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## Implementation of decisions of the council

- 18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Part 19:  
**Council Committees**

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Council Committees

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### Application of this Part

- 19.1 This Part only applies to committees of the council whose members are all councillors.

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### Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

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### Functions of committees

- 19.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

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### Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.

- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

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### Attendance at committee meetings

- 19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

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### Non-members entitled to attend committee meetings

- 19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

**Council Committees**

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**Chairperson and deputy chairperson of council committees**

- 19.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

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**Procedure in committee meetings**

- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council

or the committee determines otherwise in accordance with this clause.

- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.
- 19.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

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**Closure of committee meetings to the public**

- 19.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

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## Disorder in committee meetings

19.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

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## Minutes of council committee meetings

19.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

19.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

19.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee. 19.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

19.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

Part 20:  
**Irregularities**

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Government*

Irregularities

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

Part 21:  
**Definitions**

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Definitions

<b>the Act</b>	means the <i>Local Government Act 1993</i>
<b>act of disorder</b>	means an act of disorder as defined in clause 15.11 of this code
<b>amendment</b>	in relation to an original motion, means a motion moving an amendment to that motion
<b>audio recorder</b>	any device capable of recording speech
<b>business day</b>	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
<b>chairperson</b>	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
<b>this code</b>	means the council's adopted code of meeting practice
<b>committee of the council</b>	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
<b>council official</b>	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
<b>day</b>	means calendar day
<b>division</b>	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
<b>foreshadowed amendment</b>	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
<b>foreshadowed motion</b>	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
<b>open voting</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
<b>planning decision</b>	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
<b>performance improvement order</b>	means an order issued under section 438A of the Act
<b>quorum</b>	means the minimum number of councillors or committee members necessary to conduct a meeting
<b>the Regulation</b>	means the <i>Local Government (General) Regulation 2005</i>
<b>webcast</b>	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
<b>year</b>	means the period beginning 1 July and ending the following 30 June



*Good  
Government*





## POLICY Family Day Care

*A prosperous  
and progress  
community*

Style Definition: TOC 1: All caps

ADOPTED		VERSION NO	[VERSION 1.1, 1.2 ETC]
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	[DATE TO REVIEW]
DATE:	[INSERT DATE]	FILE NUMBER	[INSERT FILE NO]

### Objective

Family Day Care is a quality child care service which offers professional care and education for children aged 6 weeks to 12 years, in the private homes of registered Family Day Care Educators. The Mid-Western Regional Family Day Care Scheme ([the Scheme](#)) covers Mudgee, Gulgong, Kandos, Rylstone, Wellington and surrounding areas.

### Legislative requirements

Legislative requirements are extensive and are listed in relation to each Family Day Care Policy topic.

### Related policies and plans

Because of the intrinsic relationship between this policy and the high standards of detail and certainty required when dealing with matters relating to children and child safety, procedure has also been incorporated into this policy.

Please refer to the individual topics comprising the Family Day Care Policy. Where discrepancies arise between Mid-Western Regional Council policies and this policy, the Family Day Care Policy is to be prioritised to the extent it concerns children and personal safety or reflects state and national legislative requirements. Where any other conflict is identified, the conflicting policies will be considered and amendments made where necessary.

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## Acceptance Refusal Authorisations

### BACKGROUND

The [Mid-Western Regional Family Day Care Scheme](#) respects the rights of parents/guardians to make decisions regarding their children. However it is also important for them to [realise-understand](#) that the Coordination Unit and Educators can only act in accordance with correct authorisation as described in the Education and Care Services National Regulations [2014](#).

### POLICY

Educators registered with the [Mid-Western Regional Family Day Care Scheme](#) requires written authorisation for actions such as

- the administration of medication or self-administration for school aged children;
- medical treatments;
- the delivery of or collection from family day care by a person other than the [Parent/parent/Guardian/guardian](#);
- the child to go on a routine or non-routine excursion.

This policy outlines what constitutes a correct authorisation and what does not, and may therefore result in a refusal.

### PROCEDURE

#### Coordination Unit Staff will -

- advise Educators and families of their responsibilities under the current legislation;
- ensure documentation relating to authorisations contains:
  - the name of the child enrolled in the [service/Scheme](#);
  - date of [affect/effect](#);
  - signature of the parent/guardian or authorised nominee who is on the enrolment form;
  - is completed on the appropriate form provided by the [service/Scheme/Scheme](#) .;
- ensure that authorisations are stored in accordance with the current legislation;
- exercise the right of refusal if written or verbal authorisations do not comply with this policy;
- apply these authorisations to the collection of children, excursions, administering medication and medical treatments;
- Other activities that children will require an authorisation for will be:
  - If Educators wish to use social media, photographs or videos, advertising or publicity
  - If Educators have pets or animals that they wish children to have [some-supervised](#) interaction with;

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➤ If school age children need to walk, ride a bike or catch a bus to or from the ~~service~~ ~~Service~~.

A parent’s authorisation will only be accepted if it adheres to the Education and Care Services National Law and Regulations, current approved ~~Mid-Western Regional Family Day Care~~ ~~Scheme~~ policies and procedures, and is deemed to be in the best interests of the child based on current professional advice.

For example: if a parent wishes to authorise an Educator to administer medication to their child all aspects of Regulations 92, 93, 94, 95 and 96 of the Education and Care Services National regulations and ~~Mid-Western Regional Family Day Care~~ ~~Scheme~~ Medication Policy and procedures must be adhered to or the Educator must refuse to accept the parents authorisation. The Coordination Unit should be consulted by Educators and/or ~~Parents~~ ~~parents~~ to discuss options and alternatives to the unacceptable request.

**Educators will -**

- Apply these authorisations to the collection of children, administration of medication, excursion, ~~animals, social media, advertising, photography~~ and access to records.
- Exercise the right of refusal if written or verbal authorisations do not comply with this policy.
- Waive compliance with this policy where a child requires emergency medical treatment for conditions such as anaphylaxis or asthma or other emergency conditions. The Educator may administer medication without authorisation in these cases, provided it is noted on medical plans and that parents/guardians be contacted as soon as possible after the medication / treatment has been administered ~~as per the Medical Conditions and Medication Administration Policy~~.

**Families are required to -**

- Keep child enrolment details current stating who the authorised nominees are, and any changes to medical information regarding their children.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law Act-2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Regulation 2011](#)

KEY RESOURCES:

- National Quality Standard ([ACECQA](#)) [Quality Area-2](#)
- [Childcare Service Handbook \(DEEWR\)](#) [Child Care Provider Handbook \(Department of Education and Training\)](#)
- Australian Children’s Education and Care Quality Authority (ACECQA)

**LAST REVIEW DATE:** August 2018

RELEVANT POLICIES

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POLICY: FAMILY DAY CARE | 24 NOVEMBER 2018 | 31 MAY 2019

Access and Custody  
Assist Educators  
Children in Care  
Child Protection  
Collaborative Partnerships with Families and Communities  
Complaints and Feedback  
Delivery and Collection of Children  
Educator Household Members  
Educator Record Keeping  
Emergency and Evacuation  
Ethical Conduct  
Excursions  
Children's Health and Hygiene  
Incidents, Injuries, Trauma and Illness  
Infectious Diseases  
Interactions with Children  
Medical Conditions and Medical Administration  
Monitoring, Support and Supervision of Educators  
Non-Compliance  
Photographs and Videos  
Privacy and Confidentiality  
Providing a child with a Safe Environment  
Professionalism  
Protection from Harm and Hazards  
Relief Educators  
Safe Sleep and Rest  
Social media  
Sun Protection  
Supervision  
Sustainability



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~~Tobacco, drug and alcohol~~

~~Toy, Equipment and Resource Library~~

~~Visitors to a Family Day Care Service~~

~~Vehicle Safety~~

~~Water Safety Work Place Health and Safety~~

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POLICY: FAMILY DAY CARE | 24 NOVEMBER 2018 31 MAY 2019

## ACCESS AND CUSTODY OF CHILDREN

### BACKGROUND

It is important for all children to be safe within the child care environment.

Collaborative relationships with families are fundamental to achieving quality outcomes for families. The [service Service Scheme](#) will ensure relevant procedures and legislative requirements relating to access of children are implemented.

When there is joint custody of a child or a situation which has created issues over access to a child, it is important for Educators and families to be able to work together to ensure the children can continue in care in a stress-free and safe environment.

### POLICY

- To allow the parent of a child access to their child at any time during the hours the child is in care.
- The aim of this policy is to ensure that every child is safely handed over to a clearly identified person [of-with](#) authority when leaving the child care premises.
- To allow access to children of separated parents according to court orders and ensure there is no disruption to the [serviceService](#).

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### PROCEDURE

#### FAMILY DAY CARE PREMISES

Access doors to a [family-day-careresidence or](#) venue must be locked at all times while the [service Service](#) is in operation. This enables an Educator to allow authorised people into the [service Service](#) and keep unauthorised people out.

#### ACCESS

Parents should be allowed access to their child at any time while the child is in care. If the [Family Day-Care](#) Educator intends to be away from their [home-Service premises](#), they need to [inform seek relevant permission from](#) the parents through their initial routine excursion form, through a non-routine excursion form and general written and/ or verbal communication on the day [prior to that excursion](#).

Educators are required to carry a mobile phone with them (of which parents have the number) when they are out of their [homeresidence or venue](#), in case a parent needs to contact them or access their child. Educators must take families' emergency phone numbers with them if they are to be away from their [homeresidence or venue](#).

#### AUTHORISED PERSONS COLLECTING A CHILD

Parents / guardians enrolling a child with the Scheme will complete all necessary forms and provide the name and contact details of persons over 16 years who can collect the child and those who are to be called in an emergency.

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If the authorised persons who are able to collect the child change, the parent / guardian must inform the Educator and the Scheme in writing.

Parents who wish for additional persons (other than those named on the [enrolment-Registration and Enrolment](#) form) to collect their child in an exceptional circumstance, will need to inform their Educator in writing if possible, otherwise verbally.

**IF AN UNAUTHORISED PERSON COMES TO COLLECT A CHILD**

A person not known to the Educator will be asked to produce their [Drivers-drivers Licence-licence](#) to confirm their identity.

If an unauthorised person arrives to collect a child from the service without prior written or verbal permission from the parent / guardian, the Educator should contact a parent / guardian to confirm that they authorise this arrangement.

If neither parent / guardian can be reached, the Educator should call the [Emergency-emergency Contact-contact](#) from the list of people able to collect the child, for clarification and advice.

Enrolment information should be updated regularly. Educators are encouraged to ask parents each quarter if any details have changed and the Coordination Unit reminds parents through emails and newsletters etc.

**COURT ORDERS**

**Coordination Unit staff will -**

- Maintain confidentiality for all matters relating to custody, access and court orders.
- On enrolment of a child with the Scheme the parent / guardian needs to provide a copy of the Family Court Order or Injunctive Orders related to the Custody of that child if required. A copy of the custody papers will be given to the Educators.
- Ensure that parent / guardian is aware that an Educator can refuse a parent access to a child once the above documentation has been received. However, in the case of custody disputes, where there are no Court Orders, Educators cannot refuse a parent access to a child.
- Store copies of all relevant documents provided by families and/or Educators in a safe and secure manner respecting the individual's privacy.
- Provide advice, support and information to Educators and families on issues relating to access and custody.

**Educators will -**

- Respect the wishes of the family that has placed that child in care with them, within legal boundaries.
- Seek advice and support from [the](#) Coordination Unit staff to ensure all people involved in the access/custody are treated fairly and within the regulatory requirements of the [serviceScheme](#).
- Maintain confidentiality for all matters relating to custody, access and court orders.

**Families will -**

- Provide copies of any relevant court orders to the Educator and Coordination Unit

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- Discuss all relevant [issues-matters](#) with the Educator regarding who has legal access to the children.
- An Educator's home is not to be used as a point of contact for access visits without approval from the Educator and Nominated Supervisor for this arrangement to proceed.

#### NO COURT ORDER

In relation to a parent/guardian where there is no court order forbidding that parent/guardian contact with a child, the [Education and Care Services National Regulations 2011](#) [Education and Care Services National Regulations 2018 \(NSW\)](#) states that an [Family Day Care](#) Educator must not prevent a parent of a child being educated and cared for as part of a [Family Day Care service](#) from entering the [residence or](#) venue at any time that the child is being educated and cared for by the Educator.

#### PROHIBITED BY A COURT ORDER

In relation to a person who has been **prohibited by a court order from having contact with the child**, the Educator will:

- Not give that person any information concerning the child.
- Not allow that person access to the child.
- Inform the custodial family of the situation [ASAP-as soon as possible](#).
- Contact the police if necessary.
- Contact the Nominated Supervisor or representative for help and support.
- Take all reasonable precautions to ensure the safety of all the children in care and the Educator.

If the educator knows the person should **not** be collecting the child they are to:

- Contact the parent and or guardian immediately informing them of the situation
- Advise the Scheme informing them of the situation as soon as possible
- Discourage the person from removing the child
- Under no circumstances should the Educator put themselves or the children in care at risk of being injured, whilst negotiations are taking place.
- If negotiations fail and the Educator and or other children are in danger then the child must be released. **This step [will-should](#) only occur if the situation has turned dangerous.**

#### IF A CHILD IS TAKEN AWAY BY AN UNAUTHORISED PERSON

The Educator should immediately contact -

- The police on 000 advising them of the situation
- The child's parents/guardian or the emergency contact if the parents/guardian cannot be contacted
- The [Nominated Supervisor or](#) Coordination Unit

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An incident report will then need to be completed within the next 24 hours and handed in to the Coordination Unit.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Regulation 2011](#)
- [Education and Care Services National Law Act 2010](#)

KEY RESOURCES

- National Quality Standards 2011 (ACECQA)
- [Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)
- LAST REVIEW DATE:** August 2018

RELATED POLICIES

- Acceptance and Refusal of authorisations
- Assessment of Family Day Care Venues
- Assist Educators
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Critical Incident
- Delivery and Collection of Children
- Educator Household Members
- Educator Record Keeping
- Emergency and Evacuation
- Enrolment and Orientation
- Ethical Conduct
- Excursions
- Incidents, Injuries, Trauma and Illness
- Interactions with Children

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ MAY 2019

Medical Conditions and Medical Administration  
Monitoring, Support and Supervision of Educators  
National Quality Standards  
Non-Compliance  
Photographs and Videos  
Privacy and Confidentiality  
Providing a child with a Safe Environment  
Professionalism  
Relief Educators  
Retention and Confidentiality of Records  
Service Policies  
Supervision  
Visitors to a Family Day Care Service  
Work Place Health and Safety

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

## ADVERTISING

### BACKGROUND

Educators are self-employed childcare providers, operating their businesses under the [approved Approved provider](#) Provider, the Mid-Western Regional Council.

All advertising and promotional material used to endorse any aspect of the [Mid-Western-Regional Family Day-Care](#) Scheme must be professional and endorsed by the Nominated Supervisor (or representative) of the Scheme.

### POLICY

- To ensure the policies of the Scheme meet the relevant legislative requirements in regard to promotion and advertising of the Scheme or individual service.
- To ensure the Scheme or individual service is promoted professionally in an ethical and positive manner, and reflects the philosophy of the Scheme.
- The policy will also guide the Scheme to take an active role in the marketing and the recruitment of eEducators with a diverse range of characteristics to reflect the culture, values and principles of the immediate and wider community.

### PROCEDURE

#### Coordination Unit Staff will -

- Develop advertising material for the Scheme.
- Advertise the Scheme regularly using a variety of media.
- Participate in promotional activities.
- Conduct surveys of new families and new Educators to determine the effectiveness of different advertising and promotional activities of the Scheme and use this data to assist in the annual budget plan in regard to advertising and promotion.
- Support Educators to develop advertising and promotional material, if requested.
- Respond to requests for media coverage for special occasions and events, in line with [Mid-Western-Regional-Council's](#) communications protocol.

#### Educators will -

- If using a child's photograph for the purpose of promotion permission must be sought before the material is used.
- Educators must be aware of any child within their service whose parents have not authorised photographs to be taken, as well as children placed by Barnardos, DoCS, Samaritans etc.
- Promote the Scheme to the wider community in a positive manner at all times.

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ 31 MAY 2019

- Ensure all advertising and promotional material used to promote any aspect of [Mid-Western Regional Family Day Care the Scheme](#) is endorsed by the Nominated Supervisor (or representative) of the Scheme.
- ~~Educators must be aware of any child within their service whose parents have not authorised photographs to be taken, as well as children placed by Barnardos, DoCS, Samaritans etc.~~
- ~~If using a child's photograph for the purpose of promotion permission must be sought before the material is used.~~
- Ensure any advertisement includes [Mid-Western Regional Family Day Care the Scheme's](#) contact details ie phone numbers and website (Department of Education ~~and Communities~~ requirement). The Educator can include their own contact details if they choose.
- Ensure the Family Day Care logo appears on all individual advertising materials developed and is not altered in any format, according to Sect 104 of the Education and Care Schemes National Law 2010 which states:

**104 Offence to advertise Education and Care Service without Scheme approval**

*(1) A person must not knowingly publish or cause to be published an advertisement or information for an Education and Care Scheme/ service unless it is approved. This includes ALL FORMS OF MEDIA*

Families are encouraged to:

- Promote [Family-family Day-day Care-care](#) in their community in a positive manner.
- Support any [Family-family Day-day Care-care](#) promotional activities if available to do so.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Schemes National Regulation 2014](#)

[Education and Care Schemes National Law Act 2010](#)

Children and Young Persons (Care and Protection) Act ~~157 of~~ 1998 ([NSW](#))

KEY RESOURCES:

National Quality Standard ([ACECQA](#))

Family Day Care Australia [www.familydaycareaustralia.com.au](http://www.familydaycareaustralia.com.au)

RELEVANT FORMS

[Child Registration and Authorisation Form](#)

[Complaint/ Feedback Form](#)

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[Monitor, Support and Supervision Visit Form](#)

[Visitors Sign-in Sheet](#)

LAST REVIEW DATE: August 2018

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## ASSESSMENT OF FAMILY DAY CARE RESIDENCES OR APPROVED VENUES

### BACKGROUND

The physical environment plays a critical role in keeping children safe; reducing the risk of unintentional injuries; contributing to their wellbeing, happiness, creativity and developing independence, and determining the quality of the children's learning.

### POLICY

- The [Mid-Western Regional Family Day Care Scheme](#) acknowledges the importance of assessing and reassessing the suitability of Educators' environments. The [service Scheme](#) will develop practices to initially assess and reassess Educators' venues [during their registration with the Scheme](#).
- Educators are to ensure safety practices are used both inside and outside the Educator's [Family Day Care Service](#) in order to minimise the risk of injury to children in care, and safeguard their health at all times.
- To meet the safety standards as outlined in Scheme [Policies-policies](#) and the [2014 Education and Care Services Law and Regulations](#).

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### PROCEDURE

#### Coordination Unit Staff will -

Develop a [Workplace Health and Safety Audit](#) Home Safety Assessment, including a [Risk Assessment](#), based on the requirements of the National Law and Regulations to use in the assessment and re-assessment of Family Day Care residences and approved venues.

These [safety-audit risk assessments](#) will incorporate all [of the following the](#) elements [of the following Educational and Care Services Regulation Clauses](#):

- [103](#) Premises, furniture and equipment to be safe, clean and in good repair;
- [104](#) Fencing;
- [105](#) Furniture, materials and equipment;
- [106](#) Laundry and hygiene facilities;
- [107](#) Space requirements—indoor space;
- [108](#) Space requirements—outdoor space;
- [109](#) Toilet and hygiene facilities;
- [110](#) Ventilation and natural light;
- [112](#) Nappy change facilities;
- [113](#) Outdoor space—natural environment;

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- 444 Outdoor space—shade;
- 445 Premises designed to facilitate supervision;
- 446 Assessments of family day care residences and approved family day care venues, [including any water hazards or animals at the residence or venue](#);
- 447 Glass; [and](#)
- Division 3—Additional provisions for [Family Day Care Services](#)

VENUE CARE

An approved family day care venue means a place other than a residence where ~~an approved family day care a service~~ [Service](#) is provided.

A ~~family day care service~~ [Service](#) may operate at a venue only in exceptional circumstances and if approved by the regulatory authority.

A ~~family day care service~~ [Service](#) may not operate at a new venue until the regulatory authority amends the service approval through a condition.

The Venue Safety Checklist and consideration form is completed at the venue. The Coordination Unit then checks with Council to ensure the approval of a child care service being operated from the nominated venue is within Council Guidelines.

Coordination Unit [Staff staff](#) will also:

Develop procedures for the completion of safety audits by Educators on an ongoing basis.

The following assessments are conducted with/ by Educators throughout the year –

- Before an Educator starts with the Scheme the indoor and outdoor environments they intend to use for their Family Day Care Service must meet the requirements of the assessment.
- ~~Educators must complete an indoor and outdoor daily safety check before starting their service each day. (listed below)~~
- Conduct safety checks [on during](#) their [monthly](#) home visits.
- A Quarterly Safety Checklist ~~is are~~ completed by Educators and signed off by the Coordination Unit.
- Re-assessment are completed during Annual Reviews each year.

Educators will:

- ~~Educators complete~~ [Complete](#) an indoor and outdoor daily safety check before starting their ~~service~~ [Service](#) each day.
- Consistently conduct safety checks and monitor [and document](#) the maintenance of buildings and equipment.
- Follow safety advice from recognised authorities and manufacturers.
- Develop [and document](#) a schedule for cleaning toys and all equipment.

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- Ensure all equipment used complies with Australian Standards.
- Inform the Coordination Unit of any changes to the residence or venue which will affect the education and care provided to the children at the ~~service~~Service. Approvals are to be received from the Coordination Unit prior to the Educator recommencing the Service.
- Ensure premises, furniture and equipment are safe, clean and well maintained.
- Comply with the WHS-workplace health and safety requirements at all times the Education and Care Service is operating.
- Ensure all access doors of the venue are free of clutter in case of an emergency evacuation.

#### NOTICE OF CHANGES / RENOVATIONS TO EDUCATORS HOMES / SERVICES

Educators are to inform the Coordination Unit in writing (a minimum of two weeks' notice) of any proposed structural alteration to, or demolition of, any building or other structure at his or her home / any other changes to the residence or venue that will affect the education and care provided to children at the service.

A risk assessment must be submitted to the ~~coordination~~-Coordination unit-Unit outlining the scope of the changes and a full account of how the ~~educator~~-Educator will comply with safety requirements if the ~~educator~~-Educator is intending to provide child care during this time.

In the event of written notification being received of proposed alterations to a Educator's home, the Coordination Unit are to inspect the Educator's' home and evaluate the implications of the proposed structural alterations in accordance with Education and Child Services Regulations.

If the requirements of registration cannot be complied with during the proposed renovation the ~~educator~~-Educator will not be able to provide a service until completion of work and a subsequent Home and Safety InspectionHome Safety Assessment, including Risk Assessment, has been completed and approved by the Coordination Unit. If renovations do proceed any visitors / tradesmen must sign the Visitors' Sheet if they are working when the service is operating.

#### RELEVANT LEGISLATION:

Children (Education and Care Services) National Law 2010 (NSW)

Education and Care Services National Regulations 2018 (NSW)

Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)

Education and Care Services National Law 2010 Part 3

Education and Care Services National Regulations 2011 Clauses 116-117

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Regulation 2014-2017 (NSW)

Work Health and Safety Act 2011 (NSW)

#### KEY RESOURCES:

National Quality Standards 2014 (ACECQA)

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[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

[Childcare Service Handbook \(DEEWR\)](#) [Child Care Provider Handbook \(Department of Education and Training\)](#)

LAST REVIEW DATE: August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Assist Educators](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Delivery and Collection of Children](#)

[Educator Household Members](#)

[Educator Selection and Registration](#)

[Emergency and Evacuation](#)

[Ethical Conduct](#)

[Information and Communication Technology](#)

[National Quality Standards](#)

[Non-Compliance](#)

[Nursery, Toy and Equipment Safety](#)

[Pets and Animals](#)

[Privacy and Confidentiality](#)

[Providing a child with a Safe Environment](#)

[Professionalism](#)

[Protection from Harm and Hazards](#)

[Relief Educators](#)

[Safe Sleep and Rest](#)

[Service Policies](#)

[Sun Protection](#)

[Supervision](#)

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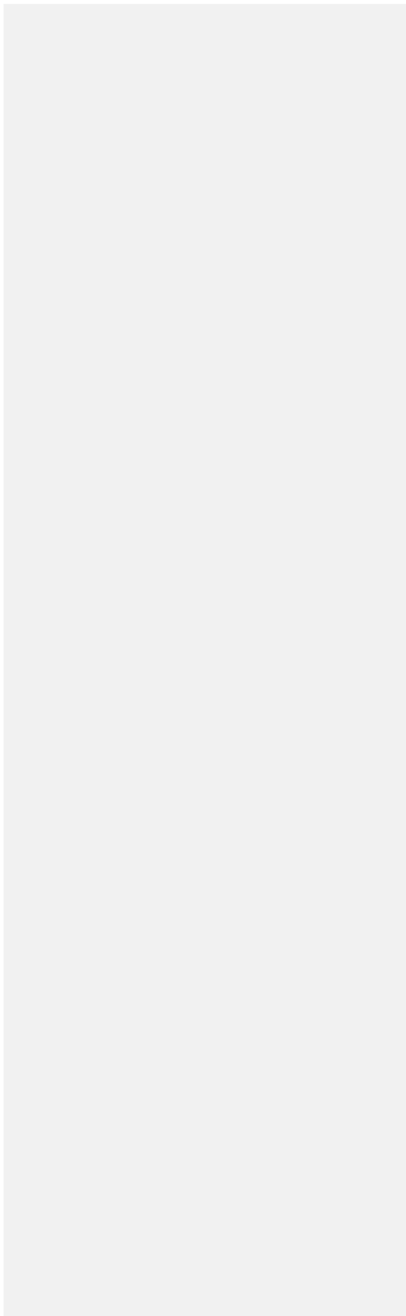
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[Sustainability](#)

[Visitors to a Family Day Care Service](#)

[Water Safety](#)

[Work Place Health and Safety](#)





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## ASSIST EDUCATORS

### BACKGROUND

High quality childcare, and trusting relationships between families, [Educators](#) and the [serviceScheme](#), is achieved when there is consistency and continuity of care. The [Education and Care Services National Regulations 2014](#) [Education and Care Services National Regulations](#) provides scope for the role of the Assist Educator to provide continuity of care for families and children.

### POLICY

- [Assist Educators](#) are to assist Primary Educators in the task of caring for the children in care and to minimise disruption to children, as per the guidelines outlined in the [2014 Education and Care Services Regulations](#).

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### PROCEDURE

#### Coordination Unit

- Assist Educators must be over 21 years of age, [complete-obtain](#) a Working with Children Check [clearance](#), a National Criminal Police Check, hold a current First Aid Certificate (including current CPR, [Asthma-asthma](#) and [Anaphylactic-anaphylactic](#) management training) and be aware of and follow the Scheme's [and Council's Policies-policies](#) and [Procedures-procedures](#).
- Any potential Family Day Care Assist Educator is provided with information about the service and its philosophy and the requirements that they are expected to meet in order to be approved as a registered Family Day Care Assist Educator.
- Assist Educators must obtain a Medical Certificate that confirms they are [physically and mentally-suitable-fit and proper](#) to care for young children.
- Assist Educators are provided with training and induction so as to ensure they have a clear understanding of the specific requirements and expectations of their role as an Assist Educator [with the Scheme](#).
- Assist Educators understand the stringent requirements when working with children, specifically the requirement that all Educators, Assist Educators and other adults residing at approved premises are deemed fit and proper as determined by the [NSW](#) Commission for Children and Young People.
- Assist Educators must be noted on the Primary Educator's Public Liability Insurance and Annual Registration Certificate.
- All children's numbers licensing guidelines, as set out in the [2014 Education and Care Services National Regulations](#) must be adhered to at all times.

An approved Family Day Care Assist Educator may assist the Family Day Care Educator-

- (a) in the absence of the Family Day Care Educator, transporting a child between the family day care residence or approved Family Day Care venue and—
  - (i) a school; or

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- (ii) another education and care service or children's service; or
- (iii) the child's home; and
- (b) providing education and care to a child, in the absence of the Primary Family Day Care Educator, in emergency situations, including when the Educator requires urgent medical care or treatment; and
- (c) providing education and care to a child, in the absence of the Family Day Care Educator to attend an appointment (other than a regular appointment), if—
  - (i) the absence is for less than 4 hours; and
  - (ii) the approved provider of the Family Day Care service has approved that absence; and
  - (iii) notice of that absence has been given to the parents of the child; and
- (d) providing assistance to the [educator-Educator](#) while the [educator-Educator](#) is educating and caring for children as part of a [Family Day Care](#) Service.

#### [Primary Educator](#)

The Family Day Care Primary Educator must seek written consent of every parent of each child being educated and cared for by the [Assist](#) Educator, to say they approve of the use of the [Assist](#) Educator in the circumstances set out above. This must be done when the children first start care and at the beginning of each year.

The Coordination Unit must be notified in writing prior to when the Assist Educator is needed to care for children, and the attendance records for that day signed accordingly. Whenever possible parents should be notified prior to the Assist Educator caring for the children; if not as soon as practicable afterwards.

The Assist Educator will not perform other work or duties whilst caring for the [Family family Day day Care-care](#) children. They must be fully able to supervise, communicate and interact with the children. Assist Educators can only care at their Primary Educator's approved [Family Day Care](#) residence [or venue](#).

The Assist Educator must be aware of all children's specific needs and requirements, the emergency evacuation plan and drill, the location of the first aid kit, emergency and parent contact details/ phone numbers, and be aware of their duty of care responsibilities and mandatory reporting requirements [and maintain confidentiality at all times](#).

The Coordinator may refuse to register an Assist Educator at their discretion, if it is believed that the proposed Assist Educator is unsuitable.

The Coordinator may deregister an Assist Educator at any time if they feel the [assist-Assist educator-Educator](#) has not kept their qualifications up to date, for medical reasons or at the Coordinator's discretion, [in circumstances where policy and procedure has been breached](#).

#### RELEVANT LEGISLATION:

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

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[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[2011 Education and Care Services National Regulations](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Act](#)

[Family Day Care Australia Public Liability Insurance](#)

KEY RESOURCES

National Quality Standards 2011 (ACECQA)

[Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)

[Family Day Care Australia Public Liability Insurance](#)

LAST REVIEW DATE: August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Behaviour Guidance](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Educator Selection and Registration](#)

[Emergency and Evacuation](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

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Excursions  
First Aid  
Food Handling  
Childrens Health and Hygiene  
Information and Communication Technology  
Incidents, Injuries, Trauma and Illness  
Inclusion and Equity  
Infectious Diseases  
Interactions with Children  
Medical Conditions and Medical Administration  
Monitoring, Support and Supervision of Educators  
Non-Compliance  
Nursery, Toy and Equipment Safety  
Nutrition and Activity  
Pets and Animals  
Privacy and Confidentiality  
Providing a child with a Safe Environment  
Professionalism  
Protection from Harm and Hazards  
Safe Sleep and Rest  
Social Media  
Sun Protection  
Supervision  
Sustainability  
Tobacco, Drug and Alcohol  
Visitors to a Family Day Care Service  
Water Safety  
Work Place Health and Safety

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## BEHAVIOUR GUIDANCE

### BACKGROUND

Children may face challenges throughout their lives including learning acceptable behaviours and being able to regulate their own behaviours in different social and emotional environments, or when interacting with peers or adults.

### POLICY

- To ensure that all children are given positive guidance and support towards responsible behaviour; ~~in aiming to provide a warm, safe, happy and secure environment.~~
- To allow Educators and Coordination Unit staff to foster appropriate behaviour in children based on self-regulation, understanding and an appreciation of other people's needs, rights and feelings.
- To foster an environment that is sensitive to each child's family and cultural values, age and physical and intellectual development.
- To develop and model clear and consistent guidelines for all Coordination Unit staff, Educators and children to follow.

### PROCEDURE

#### Educators and the Coordination Unit are to -

- ~~reflect~~ Reflect the values attitudes and current recommended strategies that promote positive play behaviours and patterns;
- ~~respect~~ Respect the importance of interactions and relationships between families, children and staff;
- ~~promote~~ Promote realistic behaviour limits that guide children's safety and security rather than curb their play experience, curiosity and creativity;
- ~~encourage~~ Encourage and support acceptable forms of behaviour by using strategies that build confidence and self esteem;
- ~~provide~~ Provide children with support, guidance and opportunities to manage their own behaviour in a warm, safe, happy and secure environment;
- ~~promote~~ Promote collaborative approaches to behaviour guidance between the service stakeholders and/ or external agencies;
- ~~participate~~ Participate in Professional professional Development development on guiding and understanding children's behaviour;
- Recognise and understand that a child's behaviour may be affected by a child's:
  - Age and development, special or additional needs;
  - General health and wellbeing;

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- Relationships with their family or home life;
- Play and learning environments, which includes the physical indoor / outdoor settings, the weather or the time of the day;
- Educators' strategies and practices which includes how those strategies are implemented;
- Relationships with other children in care, peer group experiences;
- Changes within their family and / or home life / care environment.

Educators must document any changes in children's behaviours, and possible events or triggers that may have occurred – time of day, where, who was involved before or after the event.

Coordination Unit staff and Educators display respect and empathy towards children when they label behaviour and not the individual child. This means that behaviours' are managed, not the child.

While Educators are aware of and respect individual children's and families' backgrounds and beliefs, it may be necessary to balance the individuals' needs with knowledge of developmentally appropriate practices and current best practice recommendations from recognised authorities.

The use of physical punishment, isolation, humiliation, intimidation or negative labelling is not acceptable under any circumstances.

Respecting a child as an individual, discussions about a child's behaviour and possible strategies need to occur away from a child.

Professionalism, privacy and confidentiality must be adhered to at all times.

In the event of ongoing or extreme behaviour, Educators and Coordination Unit staff need to:

- Refer to formal observations to assess probable causes;
- Arrange a meeting with parents to discuss any possible contributing factors.
- Families may be encouraged to seek outside assistance if necessary. For example a paediatrician, child psychologists or councillor.
- In accordance with [Duty-duty of Care-care](#) to all stakeholders, the Scheme reserves the right to limit or terminate the attendance of a child who repeatedly displays extreme negative or dangerous behaviours towards the Educator, Coordination Unit staff, other children or themselves in care.

Families are encouraged to:

- Respond to their child/ren in a positive and consistent manner.
- Discuss approaches and work with the Educator in guiding children's behaviour.
- Interact with all children in the Educator's home in an appropriate manner.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

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[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

KEY RESOURCES

[Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011 \(ACECQA\)](#)

[National Quality Standards 2011 \(ACECQA\)](#)

[Guide to the National Quality Standard 2011 Framework \(ACECQA\)](#)

[ECA Early Childhood Australia Code of Ethics 2016](#) [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

**LAST REVIEW DATE:** August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Assist Educators](#)

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[Childrens Health and Hygiene](#)

[Information and Communication Technology](#)

[Incidents, Injuries, Trauma and Illness](#)

[Inclusion and Equity](#)

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POLICY: FAMILY DAY CARE | [24 NOVEMBER 2018](#) | [31 MAY 2019](#)

Interactions with Children  
Monitoring, Support and Supervision of Educators  
National Quality Standards  
Non-Compliance  
Nursery, Toy and Equipment Safety  
Pets and Animals  
Play sessions  
Privacy and Confidentiality  
Providing a Child with a Safe Environment  
Professional Development  
Professionalism  
Protection from Harm and Hazards  
Relief Educators  
Safe Sleep and Rest  
Social Media  
Supervision  
Toy, Equipment and Resource Library  
Visitors to a Family Day Care Service  
Vehicle Safety  
Water Safety  
Work Place Health and Safety

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## CHILD PROTECTION

### BACKGROUND

Every child has a right to be cared for in a secure environment at all times. It is important that every child ~~coming into care~~ is kept safe, is nurtured and is respected and valued as an individual.

~~Mid-Western Regional Family Day Care~~ ~~The Scheme~~ will implement and review procedures in accordance ~~with the NSW Government's Action Plan "Keep Them Safe: A shared approach to child wellbeing with the current Child-child Protection-protection Law-law, including any obligations that they may have under that including any obligations that they may have under that law.~~

~~relaw, to~~ ensure all stakeholders within the childcare service are informed of their responsibilities in ~~Child-child Protection-protection matters."~~

### POLICY

- To ensure all stakeholders are aware of their Child Protection responsibilities in keeping children safe ~~within our Family Day Care~~ ~~the Scheme.~~
- To recognise and fulfil our responsibility with regard to Mandatory Reporting Requirements.
- To fulfil requirements of NSW Interagency Guidelines for Child Protection Intervention.
- To provide support to Educators in their role when faced with challenging circumstances and / or during the ~~assessment-development~~ of reports.
- Maintain privacy, confidentiality and a professional approach at all times.

### PROCEDURE

All Educators and Educators' Household Members over 18 years are to have a current ~~and relevant~~ Working with Children Check (WWCC) ~~clearances~~ before they can commence their Family Day Care Service. They must give the Coordination Unit their WWCC number to be ~~processed-verified~~ through the Human Resources Department at Council. WWCC last for 5 years.

~~The Educator must notify the Scheme, if an Educator or any person who is normally a resident at the home of the Educator has been charged with or convicted of such an offence.~~

People who reside for longer than three weeks on a property (not just in the home) of an ~~an~~ Family Day Care Educator will also need to obtain a Working with Children Check ~~clearance~~.

If an Educator or Household member is charged or is under investigation for any criminal offence, the Coordination Unit will use their discretion as to whether the ~~Family Day Care~~ Service will remain open until the issue is resolved.

~~The Educator must notify the Scheme, if an Educator or any person who is normally a resident at the home of the Educator has been charged with or convicted of such an offence.~~

All ~~Coordination Unit Staff,~~ Educators (and Household members at the discretion of the ~~Manger~~ ~~Coordinator~~) are to have a current National Police Record Check (NPC) ~~arranged by Council.~~

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ ~~31 MAY 2019~~

Educators will undertake Child Protection [Refresher](#) Training on responding to and recognising the signs of child abuse [at during their initial](#) Registration [process](#), and [must](#) undergo [a the full day](#) child protection course within 12 months of starting their Family Day Care Service, [should their qualification require updating](#).

Coordination Unit staff and Educators will keep informed of current Child Protection matters by participating in [Professional-professional Development-development](#) [at least](#) every two years.

Educators and staff are mandated to report suspected cases of abuse to children less than 16 years of age. Parents are informed that Educators and Coordination Unit [Staff-staff](#) are mandatory reporters at enrolment (Parent Handbook).

An [Family Day Care](#) Educator or [Coordination Unit Staff-staff Member-member](#) may report directly to the NSW Departments of Education and [Family and](#) Community Services via the helpline or via fax after completing the online [mandatory](#) reporters guide on [Keep Them Safe-The ChildStory Reporter Community](#) website. Educators should maintain a diary of concerns. For example: child-bruising, disclosures or comments from children, parents/guardians etc.

If an Educator has concerns they would like to clarify, they may speak with a member of the Coordination Unit. The Coordination Unit staff should keep written notes on interviews, discussions, phone calls in relation to the Educator / family/ matter involved.

#### INFORMATION EXCHANGE

The Children's Legislation Amendment (Wood Inquiry Recommendations) Act 2009 expands the information sharing provisions of the Children and Young Persons (Care and Protection) Act 1998 to allow a freer exchange of information between prescribed bodies (Government agencies and non-government organisations) relating to a child or young person's safety, welfare or wellbeing.

Certain agencies can share information regarding the safety, welfare and wellbeing of children and young people and their families without the families' consent; however, where possible, client consent should be sought. [A form must be signed to ensure confidentiality and privacy](#).

#### CONTACTS

Child Protection Helpline	132 111 (Mandatory reporters line only)
Keep Them Safe Support Line	<a href="http://www.keepthemsafe.nsw.gov.au/contact_us">www.keepthemsafe.nsw.gov.au/contact_us</a>
Ombudsman's Office:	Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 ~~No 13~~ [\(NSW\)](#)

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Children and Young Persons (Care and Protection) Act 1998 ~~No 57~~ [\(NSW\)](#)

Ombudsman's Act 1974 ~~Act 1974 No 68~~ [\(NSW\)](#)

Ombudsman Amendment (Child Protection and Community Services) Act 1998 [\(NSW\)](#)

~~Commission for Children and Young People Act 1998~~

Child Protection (~~Prohibited Employment~~ [Working with Children](#)) Act 1998-2012 [\(NSW\)](#)

The NSW Government introduced reforms to strengthen the protection of children, particularly in situations where they are not in the care of their parents or families. These changes have been made under the Child Protection Legislation Amendment Act 2015 to the following Acts:

- Adoption Act 2000 [\(NSW\)](#)
- Children and Young Persons (Care and Protection) Act 1998 [\(NSW\)](#)
- ~~Child Protection (Working with Children) Act 2012~~
- ~~Ombudsman Act 1974~~
- Community Services (Complaints, Reviews and Monitoring) Act 1993 ~~(NSW)~~

KEY RESOURCES

National Quality Standards 2011 [\(ACECQA\)](#)

~~Childcare Service Handbook (DEEWR)~~ [Child Care Provider Handbook \(Department of Education and Training\)](#)

"Keep Them Safe: A shared approach to child wellbeing", NSW Government  
[www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

~~LAST REVIEW DATE:~~ August 2018

RELATED POLICIES

~~Acceptance and Refusal of authorisations~~

~~Access and Custody~~

~~Assessment of Family Day Care Venues~~

~~Assist Educators~~

~~Behaviour Guidance~~

~~Children in Care~~

~~Collaborative Partnerships with Families and Communities~~

~~Complaints and Feedback~~

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Delivery and Collection of Children  
Educator Household Members  
Educator Record Keeping  
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Excursions  
Childrens Health and Hygiene  
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Interactions with Children  
Medical Conditions and Medical Administration  
Non-Compliance  
NSW Ombudsman  
Photographs and Videos  
Privacy and Confidentiality  
Providing a Child with a Safe Environment  
Professionalism  
Protection from Harm and Hazards  
Relief Educators  
Safe Sleep and Rest  
Social Media  
Sun Protection  
Supervision  
Work Place Health and Safety

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

## CHILDREN IN CARE

### BACKGROUND

Every child has a [the](#) right to be cared for in a secure environment at all times. It is important that every child coming into care is kept safe, is supported and nurtured and is respected and valued as an individual ([United Nations Convention on the Rights of the Child](#)).

### POLICY

- To provide both Educators and children in care with an environment conducive to maximising individualised attention in meeting the needs of all of the children in care.

### PROCEDURE

Regulations state that Educators are to have no more than 7 children under the age of 13 years in care at one time, 4 of which children can be under school age (including their own children less than 13 years). All children in care need to be fully registered with the [Mid-Western Regional FDC Scheme](#).

#### CARING FOR CHILDREN OVER 13 YEARS

Although there is no limit stated in the Regulations as to how many children can be in care if they are over 13 years (in addition to the 7 children under 13 years), all things need to be considered in relation to the Educator's ability to provide effective [Duty-duty](#) of [Care-care](#) to all children.

The suitability of the physical environments, available facilities, supervision, ages of all children in care, whether any of the children have additional needs etc. all need to be taken into consideration before more than 7 children are allowed in care.

For an exceptional circumstance, if an Educator is to provide care for more than 7 children (of all ages, including their own children under 13 years), the Coordination Unit must be consulted (in writing) beforehand, a risk assessment completed and Scheme approval must be given in writing, prior to the care being offered.

The Educator's own children over 13 years of age are not included in the number of children in care.

#### EXTENDED FAMILY MEMBERS / VISITING FRIENDS

If there are other children (who are not registered with the Scheme and are not included in the numbers) present at an Educators home when an Educator is providing their [Family-Day-Care](#) Service, an accompanying adult (person over 18 years who does not normally reside in [your-the](#) home) must be physically present with the child at all times. This includes grandchildren, nieces/nephews, visiting step-children and friends. Educators' children who are over 13 years who have friends visit must respect the [Policies-policies](#) and [Procedures-procedures](#) of the Educator's [Family Day-Care](#) Service at all times.

Household members or visitors to the service must be able to care for themselves and not be reliant in any way on the Educator.

#### PROVISION OF CARE BY A FAMILY DAY CARE EDUCATOR TO RELATIVES

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It is a condition for continued service approval that the [provider-Scheme](#) ensure that less than 50% of the children to whom any [Family Day Care](#) Educator is providing care within any fortnight at the service are related to the [Family Day Care](#) Educator as:

- A grandchild (great grandchild)
- A niece / nephew
- A cousin

The ratio of "less than 50%" is applied across the fortnight and not to one particular session of care.

#### CHILDREN FROM OTHER AGENCIES

Educators cannot be "performing other duties" while providing a [Family Day Care](#) Service. An Educator is not to provide care to any other child/ adult of any age (paid or voluntary) while they are providing their [Family Day Care](#) Service.

#### FOSTER CHILDREN

If an Educator wishes to provide [Foster-foster Care-care](#) to children, the Scheme needs to be consulted before-hand and written approval given. The Coordination Unit will need to contact the agency the Educator is registered with, as each agency has its own policies that may be in conflict with [our-the](#) Mid-Western Regional Family Day Care Scheme Policies. Foster children are to be counted in the number of children in [your-the Educator's](#) care as [your-his/her](#) own children would be.

#### PLACEMENT OF CHILDREN UNDER 2 YEARS

Although it is [our-the](#) Scheme's belief that best practice is served by encouraging Educators and families to have no more than two children under two years of age in care with any one Educator at one time; it is also acknowledged that individual family situations [vary](#). For example: in the care of twins / siblings, as well as the Educator's own abilities in this area, their house layout and facilities should be considered when placing children under two years.

Consequently the decision as to whether to place more than two children under two years with a particular Educator will be made after consultation with the [Parentparent](#), Educator and Coordination Unit.

#### OVERNIGHT CARE

When children are in care overnight Educators must be aware of the Sleep and Rest Policy, Nutrition Policy and Bathing Procedure. There must be a bathing routine signed off by parent / guardian and the Coordination Unit must approve sleeping arrangements for children as per Regulations.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)



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~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

~~Children and Young Persons (Care and Protection) Act 1998 No 57(NSW)~~

~~Ombudsman's Act 1974 Act 1974 No 68(NSW)~~

~~Ombudsman Amendment (Child Protection and Community Services) Act 1998~~

~~Commission for Children and Young People Act 1998~~

~~Child Protection (Prohibited Employment Working with Children) Act 1998-2012 (NSW)~~

#### KEY RESOURCES

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

~~National Quality Standards 2011 (ACECQA)~~

~~Early Childhood Australia ECA Code of Ethics 2016 www.earlychildhoodaustralia.org.au~~

~~LAST REVIEW DATE: August 2018~~

#### RELATED POLICIES

~~Acceptance and Refusal of authorisations~~

~~Access and Custody~~

~~Assessment of Family Day Care Venues~~

~~Assist Educators~~

~~Behaviour Guidance~~

~~Child Protection~~

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~~Excursions~~

~~Children's Health and Hygiene~~

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Information and Communication Technology  
Incidents, Injuries, Trauma and Illness  
Inclusion and Equity  
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Monitoring, Support and Supervision of Educators  
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Nutrition and Activity  
Pets and Animals  
Photographs and Videos  
Priority of Access  
Privacy and Confidentiality  
Providing a Child with a Safe Environment  
Professional Development  
Professionalism  
Protection from Harm and Hazards  
Relief Educators  
Retention and Confidentiality of Records  
Safe Sleep and Rest  
Service Policies  
Social Media  
Sun Protection  
Supervision  
Visitors to a Family Day Care Service  
Work Place Health and Safety

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## CHILDRENS' CHILDREN'S HEALTH AND HYGIENE

### BACKGROUND

Mid-Western Regional Family Day Care The Scheme acknowledges the importance of good health and hygiene practices to ensure the safety and wellbeing of children and their families, and Educators and their families.

It is important to promote children's health by encouraging and assisting Educators to adopt effective health and safety practices, maintain, promote and manage health concerns and health emergencies.

### POLICY

- To minimise the spread and risk of infection Educators and Coordination Unit staff must implement adequate health and hygiene practices consistently and continually whilst children are in care.
- To educate young children on the importance of appropriate hygiene practices.
- To ensure the health and hygiene practices Educators use have regard to current community standards and are in accordance with relevant government guidelines.

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### PROCEDURE

The service will develop and maintain procedures and policies to ensure that Educators and families are informed and aware of good health and hygiene practices.

These are based on current and up to date information which is regularly sourced from authorities.

#### Coordination Unit staff will -

Support Educators and families to ensure compliance with the policy.

Provide current information on health and hygiene practices which reflects current research, best practice and advice from relevant health authorities.

Implement and role model appropriate hygienic and healthy practices.

#### Educators will -

Keep up to date with current practices and implement service Scheme procedures.

Promote and role model good health and hygiene practices.

Actively support children to learn hygiene practices relating to hand washing, coughing, dental hygiene and ear care. Involve children in developing and implementing guidelines.

Seek advice from the Coordination Unit if unsure of appropriate action when dealing with a situation with a sick/infectious child or family member.

Respect the management practices of a family for a child with specific conditions/ illnesses.

Treat a child's health status professionally and confidentially.

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Follow the recommendations listed on a child's individual health management plan.

Inform the Coordination Unit if the Educator's or Assist or Relief Educator's good health status changes e.g. illness or hospitalisation

Close their education-and-care-businessService when the Educator or other family member is ill or infectious. This may require a Doctor's certificate before reopening their Family-Day-Care serviceService.

Document any child's illnesses and store these in the relevant family's file.

**Parent/Guardians will -**

Support the Educator to comply with health and hygiene practices and guidelines.

Keep sick or infectious children out of the care environment.

Provide a Doctor's doctor's Certificate-certificate if requested by the Educator.

Support the Educator to comply with health and hygiene practices and pick up their children promptly if requested to do so by the Educator, when their child becomes unwell in care.

Keep the Educator informed on health management plans for their child if required e.g. asthma, diabetes, epilepsy and anaphylaxis.

**HAND WASHING**

Educators and Coordination Unit staff and children are to follow the hand washing procedure.

They are to wash their hands before preparing food / eating

- after nappy change and toileting of self or children
- after dealing with body fluids (nose secretions, blood, vomit)
- before (if possible) and after giving first aid
- after cleaning/\_handling garbage
- after handling animals

In situations where soap and water are not available, a non-water cleanser or antiseptic such as alcohol based hand rub/foam/gel are adequate.

Children are to be taught to wash their hands with soap and water:

- before meals / snacks or handling food (cooking)
- after they use the toilet or potty
- after handling garbage
- after handling animals
- after blowing their nose

**NAPPY CHANGING / TOILETING**

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Educators are to follow the Nappy Change and Toileting procedures to minimise the risk of the spreading of infectious diseases, and to ensure that children are clean and comfortable and have their dignity preserved.

**Parent / Guardians will -**

Discuss toileting [issues matters](#) relating to their child with the Educator.

Work in partnership with the Educator to ensure toilet training with their child is addressed with consistent routines and minimal stress.

Provide adequate nappies, wipes and spare clothing for the Educator while their child is in care.

**FOOD**

Educators Parents / Guardians are to follow the Safe Food Handling Policy / Procedures, and the Nutrition and Active Play Policy.

**CLEANING**

Educators are to have a recorded schedule of regularly cleaning floors, play areas, nursery equipment and toys. It is recommended that 'mouthed' toys should be washed daily using detergent and water.

Clean books/ puzzles by wiping with moist cloth and drying, preferably in the sun.

Sandpits should be cleaned regularly and replacing the sand at least annually.

**BODILY FLUIDS**

Educators are to wear disposable gloves when dealing with urine, faeces and blood. It is recommended that urine, faeces and blood should be cleaned up with neutral detergent and water. Any significant cuts to the Educator or child's skin should be covered.

**SLEEPING / REST**

Children are to have their own clean bedding / linen. (Refer to Sleeping and Rest Policy).

If a child is to stay for extended hours of care or overnight care, sleeping arrangements for the child must be discussed with [and approved by](#) the Coordination Unit beforehand.

**BATHING**

Bathing shall only occur during standard hours of a service where necessary for the comfort or personal hygiene of a child. Parent / Guardians must be informed if this does occur.

A child may also be bathed if a child is to stay for extended hours of care or overnight care and it is a part of the child's usual routine. The Bathing Procedure should be followed.

**SMOKING / ALCOHOL**

There is to be no alcohol or unlawful substances consumed on any part of the premises while care is being provided. The Educator must provide a smoke free environment (Refer to Tobacco, [drug](#) and [alcohol](#) [Alcohol-free](#) [Free environment](#) [Environment](#) Policy).

**RELEVANT LEGISLATION**

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ 31 MAY 2018

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2018~~

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

~~Work Health and Safety Regulation 2011 (NSW)~~

~~Work Health and Safety Act 2011 (NSW)~~

~~Public Health Act 2010 No 127 (NSW)~~

#### KEY RESOURCES

~~National Quality Standards 2011 (ACECQA)~~

~~Child Care Service Provider Handbook 2018 (DEEWR Department of Education and Training)~~

Healthy Kids: Munch and Move NSW – [www.healthykids.nsw.gov.au/campaigns](http://www.healthykids.nsw.gov.au/campaigns)

~~Staying Healthy in Child Care – Preventing infectious diseases in child care 6th Edition – 2014 (National Health and Medical Research Council: [www.nhmrc.gov.au](http://www.nhmrc.gov.au))~~

~~LAST REVIEW DATE: August 2018~~

#### APPENDIX I HAND WASHING PROCEDURE

The following procedure is recommended to encourage effective hand washing.

- Wet hands.
- Apply liquid soap and spread over hands
- Rub your hands vigorously as you wash them all over paying particular attention to:
  - The palm and backs of hands
  - In between fingers
  - Under fingernails
  - Around wrists
- Count slowly 1 - 10 as you wash
- Rinse hands thoroughly with running water to remove all soap suds and germs counting slowly from 1 -10.
- Use individual sheets of paper towel to pat your hands dry, and then dispose of appropriately.

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*In situations where water is not available (eg: excursions, during outside play), non-water cleanser or antiseptic such as alcohol based hand rub/foam/gel are adequate. Use the same method as point 3.*

*We encourage you to count to at least 10 when applying soap and then again when washing it off.*

*Individual cloth towels are acceptable to dry hands if they are only used by one child. Paper towel is preferred*

It is recommended that Educators and children wash their hands often, in particular –

Educators are to wash their hands

- before eating or handling food including babies bottles
- after nappy change and toileting of self or children
- after dealing with body fluids (nose secretions, blood, vomit)
- before (if possible) and after giving first aid
- after cleaning / handling garbage
- after handling animals
- after coming in from outside play

Children are to be taught to wash their hands

- before and after meals / snacks or handling food (cooking)
- after they use the toilet or potty
- after outdoor and other messy play activities
- after handling garbage
- after handling animals
- after blowing their nose

**Source:** Quality Standards: Areas 2 & 5

**Last review date:** August 2018

#### APPENDIX II NAPPY CHANGE PROCEDURE

- Ensure all nappies and necessary supplies are easily accessible to the area where you will change nappy.
- Wash hands

*It is recommended that Educators place a paper towel on the change mat / table before placing the child on the mat / table, but it is not essential.*

- Put on disposable gloves.
- Remove the child's soiled nappy, clean child's bottom and dispose of the wipes and nappy.

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- Remove gloves. We suggest peeling the gloves back from your wrists turning them inside out as you go. Put the gloves in the bin.
- If a child requires specific cream, put on clean gloves. Place a suitable amount of cream on the glove and spread onto the child's bottom. Remove the glove and put in nappy bin.
- Put a clean nappy on and dress the child.
- Wash and dry the child's hands.
- Return the child to an appropriate play area
- Clean the change table with detergent and water. This must be done after every child.
- Wash your hands.

**Source:** Quality Standards: Areas 2 & 5

**Last review date:** August 2018

#### APPENDIX III TOILETING PROCEDURE

##### **Educators will -**

- Provide safe toilet and hand washing facilities that are appropriate to the age of children in care.
- Use a toilet in preference to a 'potty'. (Potty's can increase the risk of spreading disease.)
- Assist and teach children to flush the toilet after each use.
- Assist and teach children to wash their hands after toileting using the hand-washing procedure.
- Respect children's dignity and need for privacy during toileting.
- Exchange information and consult with families about children's toileting and toileting routines while in care.
- Families are to consult with their Educator prior to commencing toilet training, to facilitate consistent toileting routines and practices being implemented in both environments.
- Manage toileting accidents in positive and supportive ways.
- Treat all soiled materials as infectious – discard disposable items (gloves, wipes, nappies) safely and hygienically as soon as possible – place any other soiled materials (clothing) either to be washed or in a sealed plastic bag to be collected by parents. Store so as to be inaccessible to children.
- Treat all soiled areas as infectious. Refer to the Hygiene Policy as a guide when cleaning a soiled area.
- No child will ever be forced to sit on a toilet or left in soiled or wet clothing. If a child is showing distress about using the toilet, Educator's will respect the child's needs and emotions and implement alternative method of toileting in consultation with the family, whilst observing best practice in hygiene for everyone.

Source: Quality Standards: Areas 2 & 5

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Last review date: August 2018

APPENDIX IV BATHING PROCEDURE

Educators will:

- Provide bathing facilities that are safe and appropriate to the ages of the children at the service.
- Ensure children do not have unsupervised access to any hot water supply.
- Only bathe children when the continued supervision of all children in care can be met.
- Directly supervise bathing of children under school age.
- Supervise school-aged children while bathing appropriate to their age, ability, and consultation with the child’s parents.

• Respect each child’s need for dignity and privacy during bathing.

• Bathe children individually, unless otherwise warranted as appropriate to the age of the children:

- by a sibling relationship between children, and/or
- by express parental request
- Ensure that at no time does a child in care bathe with an adult.
- Empty all baths immediately after use.
- Aim to make bathing a positive and relaxed experience.
- Notify parents in a timely manner when/if unplanned bathing occurs.
- Not use equipment designed to support infants/babies while they are being bathed.
- Only use spa baths under direct supervision – jets are not to be activated.

Parents will -

- Determine a written bathing plan appropriate to their child/ren in consultation with their Educator, where bathing will occur as a regular aspect of the child/ren’s routine in care.
- Inform any cultural or religious practices regarding bathing that their Educator might need to be aware of.
- Negotiate with their Educator regarding provision of any items required for bathing of their child.

So there is clear agreement between the Educator and parent as to expectations regarding bathing, it is highly recommended that relevant items as discussed should be put in writing, signed by both the Educator and the Parent, and clearly dated.

DEVELOPING A BATHING PLAN – A GUIDE FOR EDUCATORS

It is recommended that in formulating a plan with parents for managing the bathing of their children while in care, the following items be discussed and negotiated:

- Obligations of the Educator (eg, access to hot water, supervision etc).

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- Age and abilities of the child as they relate to the level of supervision required.
- Cultural or religious practices to be observed.
- Under what context the child/ren will be bathed (eg, whether bathing is a part of the child's regular home routine for the same period of time that the child/ren is/are in care).
- Preferred method of bathing (bath, shower, other).
- Usual routine for bathing when at home (including whether it is usual, for example, for siblings to bathe together etc).
- Aspects of bathing that can be performed independently by the child, or that the parent would prefer the child perform independently.
- Items to be provided by Educator /Parent.

Source: [National Quality Standards: Areas 2 & 5](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assessment of Family Day Care Venues](#)

[Behaviour Guidance](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Dental and Oral Health](#)

[Educator Record Keeping](#)

[Emergency and Evacuation](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

[Excursions](#)

[Food Handling](#)

[Incidents, Injuries, Trauma and Illness](#)

[Inclusion and Equity](#)

[Infectious Diseases](#)

[Interactions with Children](#)

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- Medical Conditions and Medical Administration
- Monitoring, Support and Supervision of Educators
- Nursery, Toy and Equipment Safety
- Nutrition and Activity
- Pets and Animals
- Play sessions
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professional Development
- Professionalism
- Protection from Harm and Hazards
- Retention and Confidentiality of Records
- Safe Sleep and Rest
- Sun Protection
- Supervision
- Visitors to a Family Day Care Service
- Work Place Health and Safety

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## COLLABORATIVE PARTNERSHIPS WITH FAMILIES AND COMMUNITIES

### BACKGROUND

The [Mid-Western Regional Family Day Care Scheme](#) acknowledges that collaborative relationships with families are fundamental to achieving quality outcomes for their children in care.

Partnerships with families contribute to building a strong and inclusive community within the service. Shared decision making with families demonstrates respect for the parent and supports consistency between children's experiences at home and at the service.

Collaborative partnerships can be assisted and supported through the active participation of families in the service. Through casual conversation, formal surveys and other opportunities for feedback from families, the service will be able to ensure it meets the needs of families. Families need to be familiar with current practices to provide constructive feedback on improvements. This responsibility falls with both the Coordination Unit staff and the Educator.

### POLICY

- To provide opportunities for Educators and Coordination Unit [Staff](#), families and community members to actively participate and be involved in the [service Scheme](#) and contribute to [service and Scheme](#) decisions.
- The role of parents and families is recognised, respected and supported. They are encouraged to share in decision making about their child's learning and wellbeing.
- The [service and Scheme](#) builds relationships and engages within their local community.
- Links with relevant community and support agencies are established and maintained.
- To ensure that Educators, families and community members are kept informed about the Scheme, as well as Legislative, Regulatory and other relevant child care matters.

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### PROCEDURE

#### COORDINATION UNIT

##### The Coordination Unit will -

- Speak with families about [Policies](#) and [Procedures](#) when they commence with the Scheme.
- Maintain enrolment records and procedures that provide information about the family and children's health needs
- Communicate [service Scheme](#) news to families through regular newsletters.
- Provide opportunities to families to offer feedback and/or comments on the [service Scheme](#).
- Invite families to be part of consultation groups and to attend [Professional Development](#) opportunities that may be relevant.

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- Be inclusive of all stakeholders in policy development and consultation within the [serviceScheme](#).
- Allow for parent participation in the Scheme via parent representation on the Parent/ Educator Committee, surveys, newsletters, emails and Facebook.
- ~~Current-Ensure current~~ information about the Scheme, community services and resources to support parenting and family wellbeing is available to families through Educators and the Coordination Unit.

EDUCATORS

**Educators will:**

- Communicate with families about children’s activities and special interests as they emerge. Families will be encouraged to be involved with these by assisting with projects, providing information or materials and ideas to extend the children’s interests from the home environments.
- Keep families informed about the activities of the children in care through a written program.
- Ask families for feedback on the quality of care the children are receiving and ideas for future programming / activities and procedures.
- Invite families to attend [Family-family Day-day Care-care](#) excursions with their children.
- Respect a family’s right if they do not want their children to attend an excursion, have their photo taken or participate in certain activities.
- Respect the opinions of families in regard to the way they would like their child cared for, and if this is not practical, for the Educator to be sensitive in the way they address these differences in care requirements / provision.
- Document and share with parents, assessments or evaluations of their child’s developmental needs, interests, experiences and participation in the program and assessments of the child’s progress against the learning outcomes

FAMILIES

**Parents/guardians are responsible for:**

- Reading and complying with the Scheme’s Policies and Procedures
- ~~Provide-Providing~~ information to their child’s Educator that will assist in the smooth transition to childcare for the child and family.
- ~~Ensure-Ensuring~~ the Educator is aware of any changes to details – contacts, medical conditions etc.
- ~~Sending in copies of any relevant court orders, immunisation updates, etc.~~
- ~~Take-Taking~~ time to talk to their Educator about their child’s activities and progress in ~~Family-family Day-day Care-care~~, and to be interested in the Educator’s weekly program for the children.

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- Be involved in the activities of their child and [Family family Day-day Care-care](#) when invited to participate.
- Informing Educators of any events or incidents that may impact on their child's behaviour at the service (eg. moving house, a new sibling, death of a pet, changes in family relationships etc.)
- Informing Educators/staff of any concerns regarding their child's behaviour or the impact of other children's behaviours.
- ~~Provide~~ [Providing](#) constructive feedback to Educators and the Scheme about matters that can be improved in [Family family Day-day Carecare](#), either at Educator or Coordination Unit level.
- Read family newsletters and information forwarded from the Coordination Unit or from the Educator.
- Notify the Coordination Unit if they feel their current placement of their child is not working.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY RESOURCES

[Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011 \(ACECQA\)](#)

[National Quality Standards 2011 \(ACECQA\)](#)

[National Quality Framework \(ACECQA\)](#)

[Guide to the National Quality Framework 2011 \(ACECQA\)](#)

[Guide to the National Quality Standard 2011 \(ACECQA\)](#)

[Childcare Service Handbook \(DEEWR\)](#) [Child Care Provider Handbook \(Department of Education and Training\)](#)

~~LAST REVIEW DATE:~~ August 2018

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Behaviour Guidance](#)

[Children in Care](#)



POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

- Child Protection
- Complaints and Feedback
- Curriculum Development
- Delivery and Collection of Children
- Educator Household Members
- Educator Record Keeping
- Enrolment and Orientation
- Ethical Conduct
- Excursions
- Childrens Health and Hygiene
- Incidents, Injuries, Trauma and Illness
- Inclusion and Equity
- Interactions with Children
- Medical Conditions and Medical Administration
- Monitoring, Support and Supervision of Educators
- Non-Compliance
- Non-Payment of Fees
- Nursery, Toy and Equipment Safety
- Nutrition and Activity
- Pets and Animals
- Photographs and Videos
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professional Development
- Professionalism
- Safe Sleep and Rest
- Social Media
- Sun Protection
- Supervision
- Visitors to a Family Day Care Service
- Work Place Health and Safety

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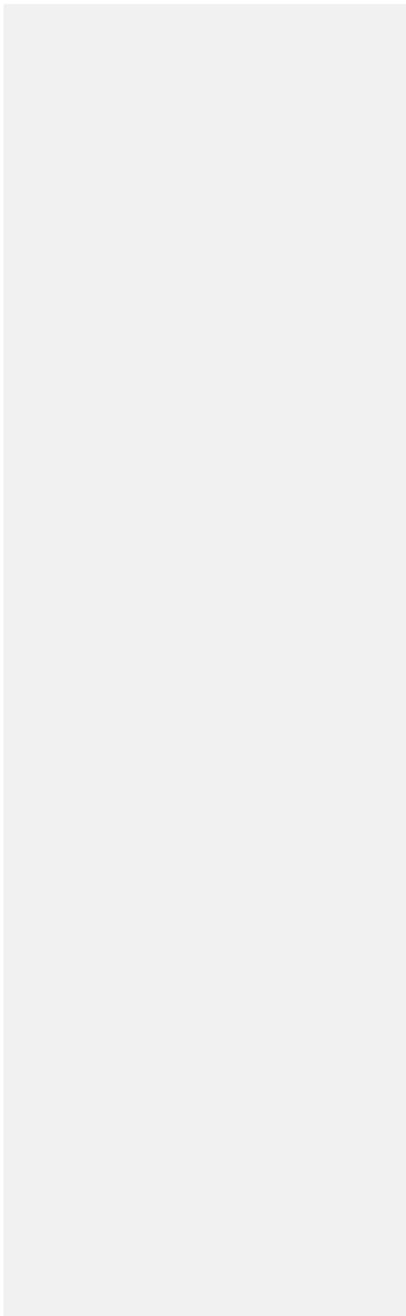
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## COMPLAINTS AND FEEDBACK

### BACKGROUND

An effective complaints and feedback management system is integral to providing a quality service. [Mid-Western Regional Family Day Care Council and the Scheme](#) views complaints and feedback as opportunities for improvement. It helps to measure satisfaction within the [services](#) [Services](#) provided and is an important source of information and feedback for continuously improving [our](#) practice. [We The Service Scheme](#) recognises that often it may be the recipients of [our](#) service who are the first to identify when things are not working properly.

### POLICY

To provide a mechanism within the Scheme structure to deal with complaints and feedback in an efficient, prompt and professional manner.

To ensure all stakeholders of the [Family Day Care](#) Scheme (the Coordination Unit, families and Educators and community members) are aware they have the right to raise a grievance or provide feedback **without fear of retribution or jeopardy to their position within the Scheme.**

To ensure all parties involved are dealt with courtesy and respect; and that privacy and confidentiality are maintained at all times.

Educator will refer to Educators, Assist Educators or Relief Educators.

[Mid-Western Regional Family Day Care Scheme \(MWRFDCS\)](#) will refer to the overall Scheme.

Family will refer to a family registered with the [MWRFDCS Scheme](#)

Coordination Unit [Staff-staff Member-member](#) will refer to a staff member working for the [MWRFDCS Scheme](#).

Community [Member-member](#) will refer to a member of the community.

### PROCEDURE

- Grievances may be lodged face to face, via a telephone conversation or through written notification.
- It is expected that the grievance should initially be discussed with the person concerned. Every effort should be made to resolve the grievance at this level before moving on to the following steps.
- Clearly identify the issues of the grievance providing all the information you have or are aware of in support of the grievance.
- Details of the grievance will be documented on the Complaint / Feedback Form
- The desired and practical outcome will be discussed
- All parties will be treated with courtesy and respect
- The course of action will be explained and followed up in a timely manner

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- If appropriate a written acknowledgement of the grievance will be sent out to the person/s involved.
- If the matter relates to a breach of Scheme Policies the circumstances will be investigated for further clarification.
- The grievance will be raised with the Educator / Coordination Unit ~~staff Member~~ member to allow the opportunity to provide their recollection of the event / issue.
- If the grievance is found to be a non-compliance issue then that process will be followed (Non-Compliance Policy).
- Reasons for decisions are given to all parties involved via written communication.
- If the Educator, family or staff member is not happy how the ~~MWRFDCS Scheme~~ has handled the grievance, the Manager of Community Services will be asked to mediate the situation in accordance with Council's Complaints Policy.
- If still unresolved, the grievance may be referred to the Early Childhood Education and Care (ECEC) Directorate for further mediation or the NSW Ombudsman.
- When the grievance has been resolved the Complaint / Feedback Form will be filed in the specific Educator, family or ~~coordination-Coordination unit-Unit~~ staff member's personnel folder

#### EDUCATOR / FAMILY

If the grievance cannot be resolved to the satisfaction of both parties involved, then the Educator can forward the Complaint / Feedback Form to the Coordination Unit who will then mediate the situation.

#### FAMILY / EDUCATOR

If the family does not feel comfortable speaking with the Educator they can contact the Coordination Unit to discuss their grievance or to clarify information.

#### EDUCATOR / COORDINATION UNIT STAFF MEMBER

If unresolved, the Coordinator will attempt to find a resolution or an acceptable compromise by both parties. If the Coordinator is part of the grievance then the Manager of Community Services will be asked to mediate the situation.

#### RIGHT OF APPEAL

If any parties are dissatisfied with the decision they are able to involve the NSW Ombudsman.

#### NOTIFYING THE REGULATORY AUTHORITY OF A COMPLAINT

Providers will only be required to notify the regulatory authority of a complaint that alleges a serious incident has occurred or is occurring; or that where the National Law or National Regulations have been contravened.

#### PREVENTATIVE MEASURES

Clear consistent information about the complaint procedure and opportunity to provide feedback is required for all stakeholders.

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The ~~MWRFDCS Scheme~~ will ~~therefore~~ endeavour to develop and distribute written information to Educators, families and community members including the roles and responsibilities of the Coordination Unit, parents and Educators and the problem solving mechanism adopted by the Scheme.

This is to be carried out via Enrolment and Orientation procedures, letters, newsletters, policy statements, educator and parent handbooks and training.

Analysis of complaints received, actions taken and respective outcomes are to be compiled and critically reflect~~ed~~ ed upon, in an effort to improve practices and procedure.

**RELATED POLICIES**

~~All Scheme Policies and procedures~~

**RELEVANT LEGISLATION**

~~Children (Education and Care Services) National Law 2010 (NSW)~~

~~Education and Care Services National Regulations 2018 (NSW)~~

~~Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)~~

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

~~NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)~~

**KEY RESOURCES**

~~NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)~~

~~National Quality Standards 2011 (ACECQA)~~

~~Early Childhood Australia ECA Code of Ethics [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)~~

~~LAST REVIEW DATE: August 2018~~

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## CRITICAL INCIDENTS

### BACKGROUND

A critical incident may be defined as any event which causes serious disruption to a service, creates significant danger or risk or which creates a situation where [Coordination Unit staff](#), [students-children](#) and parents feel unsafe, vulnerable and under stress.

A critical incident may be -

- serious illness or death of a child, staff, family or community members;
- threats, assaults, violent incidents, abduction;
- violent event in the community;
- other incidents or emergencies which produce strong reaction.

Critical events may:

- be extremely dangerous or distressing;
- be sudden and unexpected.

### POLICY

- To outline the procedures to be followed in the aftermath of a critical incident within a Family Day Care Service.

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### PROCEDURE

If a critical incident occurs these guidelines are to be followed if practicable:

#### IMMEDIATE ACTIONS:

Educator/s will remain calm and never put themselves, children or families in any danger. Educator/s will take immediate action to remove the danger or move children from the danger and ensure the safety of others. Educator/s will follow all directions given by medical or emergency services.

These actions may be carried out simultaneously by the Coordination Unit, Educators or others

- In the event of a critical incident ensure the safety of all children in care.
- Contact any emergency services if required.
- If a child is missing, make missing persons report to police.
- Contact any family or guardians if necessary and notify of any treatment or services arranged for the child or arrange for police to do so in the event of the death of a child or a crime related incident.

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- Where the Coordination Unit is not present, the Educator must inform the Coordination Unit Coordinator as soon as possible (including after hours).
- Confirm that the incident has happened, and establish the details if possible.
- Consider appropriate responses and act on Coordination Unit response.

IMMEDIATE REQUIREMENTS:

These requirements must be carried out by the Coordinator or their authorised replacement.

The Coordinator upon becoming aware of a serious incident which involves a child attending the service that requires medical / hospital treatment **will notify as soon as practicable** (within 24 hours)

- a) a parent/ guardian of the child, and
- b) the Director-General (DECS Department of Education), and
- c) ~~the Licensee of the service~~ Council's Executive Team.

The Coordinator upon becoming aware of an incident which involves the death of a child whilst attending the service will notify as soon as practicable (within 24 hours) of the fact to

- d)a) A parent/ guardian of the child, and
- e)b) A police officer, and
- f)c) The Director-General (Department of Education DECS), and
- g)d) ~~The Licensee of the service~~ Council's Executive Team.

SECONDARY ACTIONS:

- Observe support needs for children, Educator/s, staff, families, children and any relevant others including compassionate leave or counselling if required.
- Prepare overview/report which may be released to media if necessary through the Mid-Mid-Western Regional Council Media-Communications Officer and National Family Day Care Australia.
- Following verbal notifications, a Critical Incident Report is to be submitted as soon as possible (the same day if practicable) to the Director-General and ~~the Licensee~~ Council's Executive Team of the service.
- Express sympathy to the family (if necessary) and assure them of support – designate a staff member to liaise with the family.
- If critical incident involves concerns for safety, risk of harm issues – make report to the NSW Department of Education and Family and Community Services/DEEWR.

LONG TERM ACTIONS:

- Evaluate the management of the incident
- Provide ongoing support to children, Educators, staff, families and relevant others.

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- Review [and reflect](#) incident and plan / implement strategies that may prevent future similar incidents if this is possible / realistic.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY RESOURCES

[Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011 \(ACECQA\)](#)

[National Quality Standards 2011 \(ACECQA\) – Quality Area 2 and 7](#)

[Guide to the National Quality Standard 2011 \(ACECQA\)](#)

[Early Childhood Australia ECA Code of Ethics www.earlychildhoodaustralia.org.au](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Children in Care](#)

[Child Protection](#)

[Delivery and Collection of Children](#)

[Emergency and Evacuation](#)

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[Pets and Animals](#)

[Providing a Child with a Safe Environment](#)

[Professionalism](#)

[Protection from Harm and Hazards](#)

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~~Safe Sleep and Rest~~

~~Supervision~~

~~Visitors to a Family Day Care Service~~

~~Work Place Health and Safety~~

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## CURRICULUM DEVELOPMENT

### BACKGROUND

The early years of a child's life lay the groundwork for how his/[her](#) brain will develop. These short and critical years are essential to his/[her](#) cognitive, social and emotional well-being.

### POLICY

This Policy will provide guidelines to ensure that the educational program (curriculum) and practice at Educators registered with the Mid-Western Regional Family Day Care Scheme is:

- Based on an approved learning framework
- Underpinned by critical reflection and careful planning
- Stimulating, engaging and enhances children's learning and development
- Is underpinned by the Scheme's' and individual Educators' [philosophyphilosophies](#).

### PROCEDURE

#### PHILOSOPHY

Both the [The Mid-Western Regional Family Day Care](#) Scheme and all Educators are to have their own [Philosophyphilosophies](#). The individual curriculum will reflect the philosophy of the individual [servicesServices](#).

A philosophy underpins everything we do as early childhood Educators. It is a living document that should be reviewed regularly [by all stakeholders](#). [EYLF-Newsletter-15](#)

#### CURRICULUM

The curriculum is everything that is experienced by the child whilst in care, and includes aspects such as:

- daily routines;
- physical environment, materials and equipment;
- provisions, experiences and activities;
- interactions and engagement of children with other children; and
- partnerships and communication with families, other agencies and with the community.

The curriculum will provide children with:

- Warm, consistent and positive interactions which foster positive relationships.
- An aesthetically pleasing environment containing natural and home like resources and a variety of spaces in which to play

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- Access to a range of resources that are open-ended and culturally responsive that can be used to enrich and extend their play
- An opportunity to pursue their interests, passions and theories
- Uninterrupted and prolonged time to play
- A stable environment with resources added or changed to extend interests and learning focus
- Different teaching strategies for different children in different contexts

THE EARLY YEARS LEARNING FRAMEWORK

The Early Years Learning Framework guides ~~our~~ the curriculum and supports each child's learning in the five outcomes:

1. Children have a strong sense of identity
2. Children are connected with and contribute to their world
3. Children have a strong sense of wellbeing
4. Children are confident and involved learners
5. Children are effective communicators

DOCUMENTATION

The learning and development of each child will be monitored and recorded by the Educator in collaboration with children and families.

Each child's learning and development is assessed as part of an ongoing cycle of planning, documenting and evaluating children's learning.

Documentation:

- Is gathered using a variety of methods (e.g. observations, narratives, samples of writing and drawing, photographs of constructions and group projects, and transcripts of children's conversations
- Is focused on analysis/assessment of social interactions, relationships, group dynamics and learning processes and changing understandings
- Is used to inform future planning and to reflect on effectiveness of teaching strategies.
- Includes input from families, and children

USING DIGITAL APPLICATIONS ('APPS') FOR DOCUMENTING

If Educators choose to use ICT-Information and Communication Technology ('ICT') for the purposes of program planning, observations or other relevant documentation, the Educators must have the appropriate skill level.

Educators must ensure –

- all documentation is to be up-to-date and available on request.
- procedures are in place for the regular backup of critical data and information

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- the secure storage of the files and ICT.
- that reputable anti-virus and firewall software are installed on [the ICT all devices used utilised](#).
- If information is shared with families through the App, families should sign a Confidentiality Agreement as with private Facebook page posts.

#### REFLECTIVE PRACTICES

An ongoing process of evaluation through reflection and review allows each Educator to identify strengths, interests and opportunities for further development. Educators, children and families will discuss and reflect on, and evaluate the curriculum as it unfolds throughout the year.

Educators are to reflect on [and evaluate](#) each child's learning and development, teaching strategies and the appropriateness of the curriculum and daily practice, ensuring true inclusion, authentic and meaningful experiences and worthwhile outcomes for each child.

Questions [that may](#) to guide reflection include:

- What are my understandings of the child?
- What theories, philosophies and understandings shape and assist my work?
- What questions do I have about my work? What am I challenged by? What am I curious about? What am I confronted by?
- What aspects of my work are not helped by the theories and guidance that I usually draw on to make sense of what I do?
- Are there other theories or knowledge that could help me to understand better what I have observed or experienced? What are they? How might those theories and that knowledge affect my practice?

[The Early Years Learning Framework, pg 13](#)

#### The Coordination Unit is responsible for:

- Appointing a suitably qualified and experienced Educational Leader to direct the development and implementation of educational programs at the ~~service~~ [Service](#). ~~(Regulation 118)~~.
- Working with Educators<sup>2</sup> to develop a documentation system that works for them.
- Sourcing and supplying [\(at a cost, where applicable\) Professional-professional Development development](#) resources and training.

#### The Educator is responsible for -

Ensuring the developmental needs, interest and experiences, and the individual differences of each child are accommodated in the educational program they provide at their [service](#) [Service](#). ~~(Sections 168)~~

They must ensure their educational program contributes to each child<sub>;</sub>

- Being connected with and contributing to his or her world<sub>;</sub>
- Having a strong sense of wellbeing<sub>;</sub>

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- Being a confident and involved learner;
- Being an effective communicator ~~(Regulation 73)~~;

Ensuring that assessments of the child's development needs, interest, experiences and participation in the educational program are documented ~~(Regulation 74(1)(a)(i))~~;

Ensuring children have an input into the program, and are actively participating in decisions affecting them. ~~(QA Quality Area 1)~~;

Ensuring that assessments of the child's progress against the outcomes of the educational program, are documented ~~(Regulation 74(1)(a)(ii))~~;

Ensuring documentation of assessments includes ~~reflection-evaluations~~ on the period of time the child is at the service, and how documented information will be used by ~~educators~~ Educators at the ~~service~~ Service ~~(Regulation 74 (2)(a)(i)&(ii))~~;

Ensuring documentation is written in ~~plain~~ language ~~and that~~ is easy to understand by both ~~educators~~ Educators and parents/guardians ~~(Regulation 74(2)(b))~~;

Ensuring a copy of the educational program is displayed at the ~~service~~ Service and accessible to ~~parents/guardians~~ parents/guardians ~~(Regulation 75)~~;

Ensuring regular communication is established between the service and parents/guardians in relation to their child's learning and development ~~(Regulation 76)~~;

Ensuring excursions are meaningful and have an educational purpose related to the children's current interests. The learning experiences must be documented on the Educator's program.

Educators must source training and resources to assist their ~~Professional~~ professional development in this area.

If an Educator requires intensive support from the ~~coordination~~ Coordination Unit they must show commitment to their improvement by setting and achieving goals within an agreed timeframe.

**Parents/Guardians are responsible for -**

Providing input to the development of the educational program in collaboration with the Educator and their children.

Communicating regularly with their Educator in relation to their expectations for their child's learning and development.

Paying any additional costs for excursions or professional development, if applicable.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2010](#)

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#### KEY RESOURCES

National Quality Standard, [Quality Area 1: Educational Program and Practice ACECQA](#)

Belonging Being Becoming: The Early Years Learning Framework

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assist Educators](#)

[Behaviour Guidance](#)

[Children in Care](#)

[Collaborative Partnerships with Families and Communities](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Ethical Conduct](#)

[Excursions](#)

[Information and Communication Technology](#)

[Inclusion and Equity](#)

[Interactions with Children](#)

[Monitoring, Support and Supervision of Educators](#)

[National Quality Standards](#)

[Play sessions](#)

[Photographs and Videos](#)

[Privacy and Confidentiality](#)

[Providing a Child with a Safe Environment](#)

[Professional Development](#)

[Professionalism](#)



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## DEREGISTRATION OF AN EDUCATOR

### BACKGROUND

The quality of the [Mid-Western Regional Family Day Care](#) Scheme is largely dependent upon the quality of the Educators registered with ~~our~~~~the~~ Scheme. It is for this reason that the Educator deregistration process, and the circumstances in which it will be implemented, need to be clear to all stakeholders.

### POLICY

- To clearly outline the circumstances and procedure to Deregister an Educator registered with the ~~\_\_\_\_\_~~ [Mid-Western Regional Family Day Care](#) Scheme.

### PROCEDURE

An Educator will be De-Registered for -

- Failure to comply with ~~the 2014, the~~ Education and Care Services Law
- ~~Failure to comply with the 2014~~ Education and Care Services Regulations.
- ~~Failure to comply with the National Quality Standards.~~
- Failure to comply with the Schemes Policies and Procedures.
- Failure to comply with the Educators Registration Agreement.
- Failure to comply with the [DEEWR Department of Education](#) and Child Care Management System Guidelines.
- ~~Failure to comply with the Code of Conduct or Duty of Care.~~
- ~~Failure to be able to produce valid Working with Children Check and Police History Check clearances.~~
- Failure by any member of the household to ~~pass a criminal check~~ provide a valid [Working with Children Check clearance](#).
- Unsatisfactory medical or psychiatric report (if requested at the discretion of the Coordinator).

If grounds for concern are observed Non Compliance Procedures will be entered into, as per the Non-Compliance Policy.

If Deregistration is to proceed,

- ~~Give written~~ [Written](#) notice ~~is given~~ to the Educator of their Deregistration.
- ~~Notify families~~ [Families](#) of the Educator involved ~~will be notified~~ that the Educator will be finishing up with the Scheme (without divulging the reason ~~where relevant~~, any explanation will be left to the Educator).
- ~~Make arrangements~~ [Arrangements will be made](#) for children to be moved to another Educator if possible or requested.

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- ~~Advise in writing the~~The Departments of Family and Community Services, ~~DEEWR and Education, Centrelink~~ and the appropriate Public Liability Insurance Company ~~will be advised in writing~~ that the Educator is no longer registered with the Scheme.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY RESOURCES

[Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011 \(ACECQA\)](#).

[National Quality Standards 2011 \(ACECQA\)](#)

[Guide to the National Quality Standard 2011 \(ACECQA\)](#).

[Early Childhood Australia ECA Code of Ethics 2016](#) [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

#### RELATED POLICIES

All Policies of the Mid-Western Regional Family Day Care Scheme

**LAST REVIEW DATE:** August 2018

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## DELIVERY AND COLLECTION OF CHILDREN

### BACKGROUND

The [Mid-Western Regional Family Day Care](#) Scheme is committed to meeting its duty of care obligations under the law, ensuring the safe delivery and collection of children being educated and cared for at the individual services.

The delivery and collection times of children can be a potentially hazardous process, and all stakeholders must be aware of and understand their role at this time.

It is important that all staff, Educators and parents/guardians develop partnerships that facilitate the exchange of information between one another to ensure the safety of children.

### POLICY

- This [Policy](#) will provide clear guidance in relation to the delivery and collection of children at all [Mid-Western Regional Family Day Care services](#); informing and supporting Educators to develop safe procedures and management of the arrival and departure of children.

### PROCEDURE

#### The Coordination Unit will:

- Provide information and training to Educators regarding legislation, documentation and safety procedures relating to the delivery and collection of children.
- In conjunction with Educators, provide families with information relating to documentation and safety procedures when delivering and collecting of children.
- Ensure that families understand that Educators will only release a child into the care of a parent of the child, an authorised nominee named in the child's enrolment record, or a person authorised by a parent or authorised nominee named in the child's enrolment record.
- Ensure that communication between Educators, the Coordination Unit and parents/guardians is adequate to ensure that all parties are aware of the roles and responsibilities in relation to the delivery and collection of children.
- ~~Providing~~ Provide an attendance record that meets the requirements of [the Regulations Regulation 158\(1\)](#) and is signed by the parent/guardian or authorised nominee on delivery and collection of their child from the ~~service~~ [Service](#) every day
- Ensuring a child does not leave the [service](#) ~~Service~~ except with a parent/guardian or authorised nominee, or with the written authorisation of one of these or in the case of a medical emergency or an excursion (Regulation 99)
- Ensuring a child is not taken outside the premises on an excursion except with the written authorisation of a parent/guardian or authorised nominee
- Ensuring that there are procedures in place when a child is given into the care of another person, such as for a medical or other emergency.

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- Ensuring that there are procedures in place when a parent/guardian or authorised nominee telephones the [service-Service](#) to advise that a person not listed on their child's enrolment form will be collecting their child.
- Ensuring that parents/guardians or authorised nominees are contacted in the event that an unauthorised person arrives to collect a child from the [service-Service](#), and that the appropriate procedures are followed.
- Ensuring that there are procedures in place for the care of a child who has not been collected from the [service-Service](#) on time.

**Educators will ensure -**

- that when a child arrives at the [Family Day Care Service](#), only the [Registered Educator](#) (or Assist / Relief Educator) will receive the child into care.
- the person who arrives with the child must record the actual time of arrival and initial the Attendance Record section of the timesheet.
- the person authorised to collect the child must record the actual time of departure and initial the Attendance Record section of the timesheet.
- the child/ren may only leave the [relevant premises-Service](#) if the child is given into the care of a parent/guardian of the child; or an authorised nominee named in the child's enrolment record.
- Their front / access door to their [service-Service](#) is always locked.

**Parents/ Guardians will -**

- Ensure that all details of authorised people to deliver and collect their child are up to date.
- If they are unable to collect their child or arrange for an authorised person to collect their child, they are required to notify the Educator preferably in writing, or call throughout the day to notify the Educator who will be picking up their child. The parent/guardian should provide the name of the person who will be picking their child up and whether the child is familiar with this person.
- The Educator will then ask to see the person collecting the child/ren photo identification to confirm their details.

If the Educator **has not been notified** by the parent / guardian that someone other than themselves or an authorised person is to collect their child, the Educator must contact the parent / guardian to confirm who is picking up their child/ren. They must then ask to see the person's photo identification.

**UNAUTHORISED PERSONS COLLECTING A CHILD**

When a child is collected by an unauthorised person, where a parent/guardian or authorised nominee telephones the service to notify that such a person will be collecting their child the Educator will

- Request that the parent/guardian or authorised nominee email or fax the authorisation if it is possible to do so, detailing the name, address and telephone number of the person who will be collecting the child

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- Accept a verbal authorisation if it is not possible for the parent/guardian or authorised nominee to provide authorisation via email or fax, provided the following procedure is followed:
  - all details of the person collecting the child, including the name, address and telephone number of the person must be obtained
  - the verbal authorisation is documented and stored with the child's enrolment record for follow-up
  - photo identification is obtained to confirm the person's identity on arrival at the service
- Ensure that parents/guardians or authorised nominees follow up a verbal authorisation by completing an Authorisation Form ([Attachment 2](#)) when next at the [service](#), or by adding details of the new authorised nominee to the child's enrolment form
- Ensure that fax or email authorisation is stored with the child's enrolment record
- Ensure the attendance record is completed prior to child leaving the [service](#)
- Notify [Approved Provider](#) the [Coordinator](#) in the event that written authorisation is not provided for further follow-up

IF AN UNAUTHORISED PERSON ATTEMPTS TO COLLECT A CHILD WITHOUT COOPERATION

**An Educator will -**

- Contact the parent and or guardian immediately informing them of the situation
- Advise the [Coordination Unit Coordinator](#) informing them of the situation as soon as possible
- Discourage the person from removing the child
- Under no circumstances should the Educator put themselves or [the any](#) children in care at risk of being injured, whilst negotiations are taking place.
- If negotiations fail and the Educator and or other children are in danger then the child must be released. **This step will only occur if the situation has turned dangerous.**

IF A CHILD IS TAKEN AWAY UNWILLINGLY BY AN UNAUTHORISED PERSON

**The Educator should immediately contact -**

- The police on 000 advising them of the situation,
- The child's parents/guardian or emergency contact if the parents/guardian cannot be contacted,
- The [Coordinator or member of the](#) Coordination Unit,
- An incident report needs to be completed within the next 24 hours and handed into the Coordination Unit. [This report will be uploaded on the ACECQA portal.](#)

If a child requires urgent medical care or treatment then they can be taken away from the Educator's premises via ambulance and the parent or guardian will be notified immediately.

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If an Educator takes children to or from school or preschool, the Educator will record the actual time and initial the Attendance Record, and note the reason e.g. "Educator collected child from school".

If a school child is to travel to school by bus, the Before / After School Permission [Authorisation](#) form must be signed by the parent / guardian. The Educator shall make the entry on the Attendance Record that the child has departed/ arrived at the ~~service~~[Service](#).

If a school child is to arrive or leave unaccompanied, eg, riding a bike, or walking from the bus stop before or after school, the arrangements must be recorded in writing and signed by the parent (Before/After School Care [Authorisation](#) form to be completed each term).

Only people who are over 16 years of age and have been authorised by the parent, may collect the child from the Educator.

Educators are encouraged to have appropriate signage to assist in the safe arrival and departure of the children in their care. For example: hold my hand, shut the gate.

If an Educator feels the person who is picking up the child is under the influence of alcohol or drugs they cannot stop them from taking the child, however we would strongly advised them to report this immediately to the Police [and document \(when safe to do so\)](#).

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010 Section 165, 167](#)

[Education and Care Services National Regulations 2011 Clause 99, 158-159 \(b\), 176, 168 \(2\) \(i\)](#)

Family Law Act 1975 ([CthCTH](#)) ~~as amended 2011~~

#### KEY RESOURCES

Australian Children's Education and Care Quality Authority (ACECQA)

National Quality Standard [2011 Quality Area 2\(ACECQA\)](#)

[Department of Education and Early Childhood Development \(DEECD\), Licensed Children's Services, phone 1300 307 415 or email \[licensed.children.services@edumail.vic.gov.au\]\(mailto:licensed.children.services@edumail.vic.gov.au\)](#)

Guide to safe arrivals and departures at your Children's Service. Kids and Traffic. Macquarie University. NSW [www.kidsandtraffic.mq.edu.au](http://www.kidsandtraffic.mq.edu.au)

[Appendix 1 One-Off Authorisation to Collect Child Form](#)

~~LAST REVIEW DATE:~~ August 2018

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

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- Access and Custody
- Assist Educators
- Children in Care
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Critical Incident
- Educator Household Members
- Educator Record Keeping
- Excursions
- Incidents, Injuries, Trauma and Illness
- Non-Compliance
- Play sessions
- Privacy and Confidentiality
- Providing a child with a Safe Environment
- Protection from Harm and Hazards
- Relief Educators
- Supervision
- Visitors to a Family Day Care Service

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APPENDIX 1

ONE-OFF AUTHORISATION TO COLLECT CHILD FORM

To be used where the parent/guardian or authorised nominee is able to provide prior written authorisation

I \_\_\_\_\_  
authorise

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

To collect my child/children (write name/s) \_\_\_\_\_

From \_\_\_\_\_

This will be a one-off occasion and this person is not to be included on my child's enrolment form as an authorised nominee to collect my child on an ongoing basis

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

This form will be attached to the child's enrolment form.

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## DENTAL AND ORAL HEALTH

### BACKGROUND

When it comes to dental health, setting a good example for children not only helps them to have healthier gums and teeth throughout their lifetime, but can also help them prevent more serious medical issues as they get older. Good nutrition also plays an important role in dental and oral health.

### POLICY

- The Coordination Unit and Educators will promote good dental and oral hygiene behaviour amongst the children in care and their families; and facilitate the prevention and management of dental trauma in children.

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### PROCEDURE

To promote good dental and oral health in children and families --:-

#### The Coordination Unit will -

- Record on the Registration and Authorisation Form the name, address and phone number of each child's preferred dentist ([where provided](#)).
- Provide professional development and resources for Educators on dental health practices with children.
- Provide families with information on good dental and oral health practices for children.

#### Educators will -

- Offer only water to drink as the preferred option at all times ([except in the instances of providing milk for babies](#)).
- Encourage parents to send nutritious foods such as vegetables, cheese, yogurt, fruit, plain pasta.
- Report to the family any signs they have noticed of tooth cavities, gum swelling, infection of the mouth, or problems, pain or discomfort the child has with chewing, eating or swallowing.
- Report any accident, injury or suspected injury to teeth and gums.
- Discuss good dental hygiene / practices with children as part of their programming.
- Educators will give children bottles before the children go to bed. Children will not be put in cots or in beds with bottles.

#### Families are encouraged to -

- Provide healthy foods for their children in care.
- Promote good dental health practices with their children.

### RELEVANT LEGISLATION

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[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2010](#)

#### KEY RESOURCES

National Quality Standards [Quality Area 2 \(ACECQA\)](#)

The Royal Children's Hospital Melbourne [www.rch.org.au](http://www.rch.org.au)

Raising Children Network [www.raisingchildren.net.au](http://www.raisingchildren.net.au)

Munch and Move [www.healthykids.nsw.gov.au/campaigns-programs/about-munch-move.aspx](http://www.healthykids.nsw.gov.au/campaigns-programs/about-munch-move.aspx)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Collaborative Partnerships with Families and Communities](#)

[Curriculum Development](#)

[Food Handling](#)

[Children's Health and Hygiene](#)

[Interactions with Children](#)

[Nutrition and Activity](#)

[Professionalism](#)

[Work Place Health and Safety](#)

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## EDUCATOR HOUSEHOLD MEMBERS ROLES AND RESPONSIBILITIES

### BACKGROUND

Educator and family member interactions with the children in care and their families need to be positive and respectful. Therefore it is equally important that interactions between the Educator and the family member's model respect and consideration and the roles and responsibilities of other members of the Educator's family are understood and acknowledged.

Although the Educator has primary responsibility for the provision of care, their family members can influence the quality of care experienced by children attending their [family-day-care service](#). As such, the Educator's family members have the role and responsibility to ensure that their actions and behaviour support the professional and quality standards achieved and maintained by the Educator in the provision of family day care.

It is the Educator's duty of care to protect the children in their care, and to ensure that a safe and nurturing environment is provided. It is also the Educator's responsibility to ensure that everyone in the household is aware of this obligation and of the boundaries of responsibility of family members, visitors and residents.

### POLICY

- To clearly outline what will be required of the Educator and any household members when providing a [Family-Day-Care-service](#) in their home.
- To ensure that all household members are mindful of the Scheme Policies and Procedures.
- To develop strategies for managing and maintaining an appropriate balance between professional and family activities. These will be developed in consultation with the Educator and any household members, and the Coordination Unit [Staff](#) as appropriate.

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### PROCEDURE

#### The Coordination Unit will -

- Communicate with new Educators and household members about policies, standards, and the Scheme's expectations of providing a [Family-Day-Care](#) Service in their home before the new service begins.
- Provide clear written guidelines about the roles household members have in relation to the Educator's provision of the [Family-Day-Care](#) Service.
- Provide information addressing the roles and responsibilities of household members and the impact of providing child care in the family home.
- Confirm the support of household members in the provision of [Family-family Day-day Care](#).
- Take appropriate action when household members may be influencing the quality of care provided. This may be at the Coordinator's discretion.

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- Take reasonable steps to ensure that persons over the age of 18 years who live at a [Family Day Care](#) residence are fit and proper. To do this, each household member must obtain a [Working with Children Check](#) (volunteer [clearance](#)) before the Educator starts with the scheme or when a household member turns 18.
- Regular visitors and family or friends staying for extended periods of time (anything longer than 14 consecutive days), who will be interacting with the children are also required to obtain a [Working with Children Check](#) (volunteer [clearance](#)).

**Educators will -**

- Consider and plan for the impact that providing [Family Day Care](#) will have on their own household, family members and routines.
- Negotiate in advance with household members about resources and spaces within the home that will need to be shared for the effective provision of the [Family Day Care](#) Service.
- Develop suitable plans within their household to meet each member's need for privacy.
- Ensure that family members understand that the Educator will be providing care and education for the children based on the Early Year Learning Framework.
- Endeavour to ensure that all household members are made aware of and abide by Regulatory obligations and the [Policy](#) requirements of the [Mid-Western Regional Family Day Care Scheme](#).
- Ensure that all household members are aware they cannot conduct any activities that may injure, endanger or negatively influence the children in care, [including but not limited to use of drugs and alcohol](#).
- Ensure household members are aware of the need for privacy and confidentiality associated with [the Educator](#), other Educators, the Coordination Unit, the children and families who use the [service](#).
- Inform the families using their service of the occurrence of any significant infectious disease of any household member.
- Immediately notify the Coordination Unit if they become aware that any household member has been charged with or convicted of a child related or criminal offence.

**Household members need to -**

- Be equitable to the families of the children in care, treating [all members](#) with dignity and respect;
- [respect](#) the dignity and rights of all children in family day care and not subject children to any form of physical, verbal or emotional harm;
- [respect](#) the confidentiality of children and their families;
- Provide an environment that recognises and operates in a safe and respectful manner.
- [not](#) consume alcohol, cigarettes or any drugs that diminishes their physical or mental ability to behave in a professional manner when children are in care;

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- ~~take~~**Take** responsibility for ensuring personal items are not accessible to children and their families;
- Ensure that the Educator is solely responsible for the children at all times. The Educator cannot delegate this responsibility to ~~any~~ other household members ~~(with the exception of Assist Educators)~~.

In the event of any ~~breach non-compliance~~ related to the quality of care provided, action would be taken in compliance with the ~~Complaints and Feedback~~**Non-Compliance** Policy.

ROLE OF EDUCATOR'S PARTNER

The partner's view of an Educator's' role and responsibilities has a considerable impact on the quality of care. The level of support by an Educator's partner is a crucial factor in the successful long term retention of the Educator with the Scheme. The ~~Mid-Western-Regional-Family-Day-Care~~ Scheme recognises that there is no prescriptive model that can be used to describe the ideal roles and responsibilities for a partner. What works best for one family may not work well for another.

~~However there~~**There** are, ~~however~~, common factors that an Educator and their partner should discuss in determining the role and responsibilities of the partner. These include:

- the level of involvement the partner will have with the children in care; and
- the level and type of support that they can provide to the ~~educator~~**Educator** for example:
  - listening to ~~educators~~**Educators** when they need to debrief about their day, ~~whilst still maintaining confidentiality at all times~~;
  - providing care for their own children (if required) so that ~~educators~~**Educators** can attend professional development training;
  - being professional in their dealings with children and ~~parents~~**families, the Coordination Unit and visiting Educators**;
  - being accepting of different parenting practices and family dynamics.

**Household members residing within the home of a ~~Family-Day-Care~~ Service will -**

- Do everything they can to protect themselves from an allegation of abuse or misconduct.
- Recognise that by law, an investigation of any child protection allegation must occur.
- Abide by **all** the policy requirements of the ~~Mid-Western-Regional-Family-Day-Care~~ Scheme, including, but not limited to:-

INTERACTION WITH CHILDREN

- Not injure any child attending the ~~service~~**Service**.
- Not take any verbal or physical action against a child provided with a ~~service~~**Service** at the home that may seriously humiliate, frighten or threaten the child.
- Interact in respectful ways with the children in care, their families and the Coordination Unit ~~Staff~~.
- Role model respectful and considerate interaction between household members.

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#### CONFIDENTIALITY

- Not disclose any information about other Educators, families, children or visitors of which they become aware, in a manner which identifies the individual.

#### INFECTIOUS DISEASE

- Be aware that a registered Educator is bound to inform ~~care~~ families of the occurrence of any significant infectious disease of household members.

#### CHILD PROTECTION

- Be aware that a registered Educator is bound to notify the Coordinator if any household members has been charged with or convicted child related or criminal offence

#### MAINTAINING SAFE AND APPROPRIATE ENVIRONMENT

- Be aware that a registered Educator and the household members are bound to observe strict health and hygiene practices, must not consume or be under the influence of alcohol or any other drug while providing care, and must maintain a smoke free environment.
- Be aware not to perform other duties that may be unsafe to the children in care or their families.
- All actions within the designated ~~Family Day Care service~~ Service area of the premises must be in line with all of the ~~Mid-Western Regional Family Day Care Schemes~~ policies and procedures.

#### NOTICE OF NEW PERSONS AT RESIDENCE

The Family Day Care Educator must notify the Coordination Unit if they will be having visitors that intend to stay for 1-2 nights or longer at their residence.

They must notify the Coordination Unit if a new person intends to live at their ~~Family family Day day Care care~~ residence or anywhere on ~~their the~~ property, and must obtain a Working with Children Check (volunteer clearance) if over the age of 18 years.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

#### KEY RESOURCES

National Quality Standards 2014 (ACECQA)

[Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)

Family Day Care Australia [www.familydaycareaustralia.com.au](http://www.familydaycareaustralia.com.au)



POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

Belonging Being and Becoming – The Early Years Learning Framework for Australia

My Time, Our Place – Framework for School Age Care in Australia

NSW Commission for Children and Young People (2004) Working with Children Check Guidelines

~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

- Assessment of Family Day Care Venues
- Assist Educators
- Behaviour Guidance
- Children in Care
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Curriculum Development
- Educator Selection and Registration
- Ethical Conduct
- Children's Health and Hygiene
- Information and Communication Technology
- Incidents, Injuries, Trauma and Illness
- Inclusion and Equity
- Infectious Diseases
- Interactions with Children
- Medical Conditions and Medical Administration
- Monitoring, Support and Supervision of Educators
- Pets and Animals
- Photographs and Videos
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards
- Relief Educators

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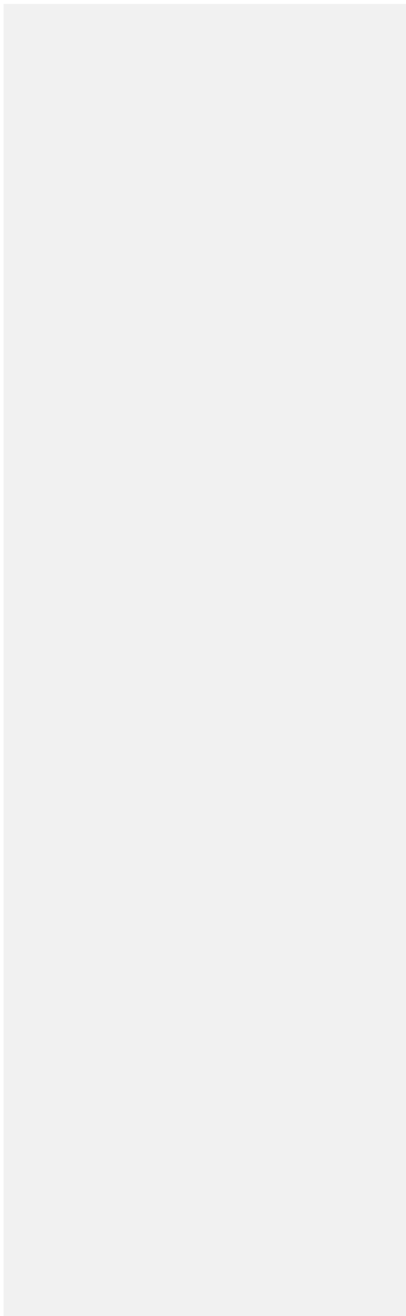
POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ MAY 2019

[Safe Sleep and Rest](#)

[Social Media](#)

[Supervision](#)

[Visitors to a Family Day Care Service](#)



POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

## EDUCATOR RECORD KEEPING

### BACKGROUND

Accurate record keeping provides a level of transparency and accountability for services, Regulatory Authorities and families; and assists in the management of the ~~service~~ Service to ensure the safety of the children.

### POLICY

- To ensure that records are kept in line with the ~~2011~~ 2014 Education and Care Services Regulations, the Department of Health Guidelines and the Child Care Management System Guidelines.
- To assist the Coordination Unit maintain up to date information regarding the children in the care of their ~~Registered Family Day Care~~ Educators.
- To ensure consistency and accuracy in Educators' record keeping practices.

### PROCEDURE

#### CHILD/FAMILY INFORMATION

All Educators are required to keep information within their ~~Family family Files files~~ containing each child's family details, emergency contact names and numbers, information about any ~~special additional~~ needs / requirements, any medical plans, medication records, accident/incident reports, permission notes for excursions ~~ete~~and any other relevant information.

Educators are to receive completed ~~Registration and~~ Authorisation ~~and Registration~~ Forms from the Coordination Unit ~~Office when before~~ a child is placed in their care and should abide by all parents' requests within it (eg. adults who may collect the child, special circumstances etc.)

#### AMENDMENT AND APPROVAL OF CHANGES TO RECORDS

The ~~service Scheme~~ will take reasonable steps to ensure that the records ~~we Educators and the Coordination Unit~~ keep are accurate, complete, up-to-date and written in objective non-judgmental language. However, should a person discover that the information held about them is inaccurate or misleading, they are required to inform the Coordination Unit and provide accurate information regarding the changes required, and the records will be amended immediately.

#### PUBLIC LIABILITY INSURANCE

An ~~Family Day Care~~ Educator must keep evidence of ~~the Educator's his/her~~ current public liability insurance at the family day care residence or venue. This ~~evidence, usually in the form of a 'certificate of currency evidence of cover'~~, must be displayed on the Educator's noticeboard and made available for inspection by the Regulatory Authority or ~~an authorised officer~~. A copy must also be provided to the Coordination Unit.

#### CHILD ATTENDANCE RECORDS

Educators are required to complete Attendance Records for each of the children in their care. These are legal documents and must accurately:

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ ~~31 MAY 2019~~

- Record the Educator's name and service details
- Record the full name of each child attending the [service](#) ~~Service~~
- Record the date and exact time each child arrives and departs
- Be signed on the child's arrival and departure by the person who delivers or collects the child

Educators are to ensure that all attendance records are made available to parents for their signature on a daily basis.

Educators must state on the child's attendance records any absences and should provide details regarding the nature of the absence eg. sick, holiday or other.

Attendance Records must be delivered /faxed/ emailed to the [Mudgee Coordination Unit Office](#) by each Monday following the week's care by ~~12 noon~~ [10:00am](#) for processing.

All original Attendance Records are to be kept by the Coordination Unit for 7 years ~~at the Coordination Unit premises~~.

#### RECEIPTS/TAX INVOICE

Receipts must be issued to parents on handover of money; giving details of the child/ren, dates of care, including hours of care, food, travel, administration levy and gap fees. Educators are to submit to the office a duplicate copy of all parents' receipts within two weeks of the care period. ~~Unless otherwise arranged with the Coordination Unit, a weekly fine will be charged after this period.~~

#### CURRICULUM

All Educators are required to maintain a record of the program of activities provided for the children in their care, observations, [evaluations](#) and reflections as per the Curriculum Development Policy. These are to be displayed for parents to see, and be available for Coordination Unit staff to sight when requested.

#### DEVELOPMENTAL MILESTONES

Educators are required to complete Developmental Milestones on all new children in care within their first three months and on each milestone age after that.

#### PARENT / EDUCATOR AGREEMENTS

Before a child can start [in](#) care the parent / guardian must sign a Parent / Educator Agreement ~~as to outlining~~ what days / hours their child will be attending care. The Educator will keep a copy, the parent takes a copy and a copy is ~~sent into~~ [provided to](#) the Coordination Unit ~~entered into the Child Care Management System~~.

If there are any changes to this [contract Agreement](#) throughout the year another Parent / Educator [contract Agreement](#) should be completed. ~~It would be best practice to also complete a~~ new [contract Agreement](#) will also be entered into at the beginning of each year.

[Copies of all Agreements are to be provided to the Coordination Unit within two weeks.](#)

#### INCIDENT, INJURY, TRAUMA AND ILLNESS

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If a serious Incident, Injury, Trauma or Illness occurs the Educator is required to complete the appropriate form. They must send a copy to their ~~Insurance-Insurance Company~~ ~~company~~, keep retain a copy for themselves and also send a copy to the Coordination Unit who upload it through the Portal to ACECQA. The completed form should be scanned into Councils electronic filing system and the hard copy stored in the family file.

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WHEN A CHILD FINISHES CARE

The following information is to be sent back to the Coordination Unit with all of the ~~childrens-child's~~ information / family files when a-child ~~he/she~~ finishes care with an Educator.:

- Developmental ~~Milestones~~ milestones;
- Observations;
- Medication ~~Forms~~ forms;
- Accident/Injury/Trauma/Illness reports and related information;
- Excursion ~~Permission-permissions~~;
- Before / After School Care Authorisations;
- Pet / Water Play-play / any other ~~Authorities~~ Authorisations;
- Any other relevant information that has been obtained/ gathered.

VISITORS TO THE ~~FAMILY DAY CARE~~ SERVICE

The completed Visitors sign-in sheets should be returned to the Coordination Unit at the end of each calendar year.

QUARTERLY EMERGENCY EVACUATION FORMS

Completed Quarterly Emergency Evacuation Forms should be sighted by a Coordination Unit staff member each quarter and stored safely appropriately and to be accessible to the Authorised Authority upon request.

PRIVACY STATEMENT

The Child Registration and Authorisation Form and Parent Handbook contain a privacy statement informing families of the purpose of information held in confidence by the service Scheme about them.

The Educator Registration Agreement contains a privacy statement informing Educators how the Scheme handles any personal information that is collected.

CONFIDENTIALITY

Staff, Educators' and children's records shall be kept up to date and in a safe and secure area. The records will remain confidential and will only be made available to those who have a lawful right to them. Information will not be disclosed to another party without the-written consent of the individual concerned unless it is a requirement by law. Confidentiality will be maintained when discussing matters with ~~educators~~ Educators, staff, and other agencies.

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#### CONTENT OF INFORMATION HELD

The ~~service Scheme~~ will limit the amount and type of information that is held about ~~our~~ stakeholders. Information held by the ~~service Scheme~~ will be for the express purpose of administering the service in adherence with ~~government~~ legislation and regulations, for example, delivery of quality care and education, administration of Child Care Subsidy, Australian Taxation requirements, etc.

#### MISUSE OF INFORMATION

Agents of the ~~service Scheme~~ must not misuse information held by and on behalf of the ~~service Scheme~~. In the event that an agent of the ~~service Scheme~~ misuses such information, disciplinary action will be taken, ~~as appropriate, by the Coordination Unit~~.

#### ACCESS

Families, ~~educators~~ Educators and staff have the right to know what information is held about them. Should either party seek access to their records, the Coordinator will arrange a suitable time to provide this information ~~in accordance with Council's Access to Information Policy and in accordance with Council's Schedule of Fees and Charges~~. Copies of such records will be made available upon request, at a mutually agreed time.

#### RETURNING INFORMATION TO THE COORDINATION UNIT

All information as outlined above must be returned to the Coordination Unit when the family ~~or Educator~~ ceases care. This information needs to be kept by ~~the Coordination Unit~~ Council until the child turns 25 years.

#### COMPLIANCE WITH RELEVANT LEGISLATIVE REQUIREMENTS

The ~~service Services and Scheme~~ will abide by all legislative requirements in relation to the storage, management and disposal of records. ~~(Clauses 181-184)~~

#### STORAGE

All records held about families, ~~educators~~ Educators and staff will be kept in such a way as to:

- prevent access by unauthorised persons;
- remain secure; and
- be archived for the specified time, according to Education and Care Services Regulations and ~~the Mid-Western Regional~~ Council requirements.

#### DISPOSAL OF RECORDS

Records will be held in a locked storage area until the time they can lawfully be destroyed. The ~~service Scheme~~ will use a security company ~~(chosen by Mid-Western regional Council)~~ to dispose of all archived documents. ~~They will remove the records in a locked container and shred them~~ in a secure manner.

#### RELEVANT LEGISLATION

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[Commonwealth Privacy Act 1988 \(CTH\)](#)

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2014](#)

KEY RESOURCES

[Australian Government Child Care Management Handbook Child Care Provider Handbook \(Department of Education and Training\)](#)

National Quality Standards: [Quality Area 7 \(ACECQA\)](#)

LAST REVIEW DATE: August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Emergency and Evacuation](#)

[Excursions](#)

[Childrens Health and Hygiene](#)

[Incidents, Injuries, Trauma and Illness](#)

[Medical Conditions and Medical Administration](#)

[Photographs and Videos](#)

[Privacy and Confidentiality](#)

[Professionalism](#)

[Retention and Confidentiality of Records](#)

[Social Media](#)

[Visitors to a Family Day Care Service](#)

[Work Place Health and Safety](#)

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POLICY: FAMILY DAY CARE | 24 NOVEMBER 2018 31 MAY 2019

## EDUCATOR SELECTION AND REGISTRATION

### BACKGROUND

The selection and registration of quality [Family Day Care](#) Educators is essential in providing a high quality child care service. Effective recruitment and induction procedures ensure the best possible applicants are attracted to and retained by the Scheme.

### POLICY

- To ensure the [Registration-registration](#) of skilled Educators through appropriate selection procedures that reflect current and best practices and are in accordance with the Education and Care Services National Regulations, 2014.
- The Policy will guide the [service Scheme](#) to maintain a positive, professional, unbiased and ethical approach in the engagement and registration of [all](#) Educators. The Scheme will work together with and support successful Educators to achieve all requirements to providing a successful quality service.

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### PROCEDURE

#### EDUCATOR SELECTION

The selection of Educators' suitability will be dependent on:

- [attaining a minimum approved Certificate III, Education and Care/ Children's Services qualification](#),
- their interest and desire to work with children,
- knowledge of early childhood development and ability to demonstrate a genuine interest in and enthusiasm for helping children grow and develop according to their individual needs,
- their ability to communicate effectively, respectfully and warmly with children and adults,
- [Their-their](#) ability to complete requirements and maintain accountability,
- [their](#) motivation to learn and continue relevant training,
- knowledge of small business management skills, or the ability to acquire them, including being able to manage financial and record keeping requirements, tax compliance and maintenance of insurances.
- whether they are physically and mentally able to manage stressful situations and [has-have](#) the flexibility to respond to the changing demands of caring [for](#) children as they occur.

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Prospective Educators enquiring about becoming an Educator will be given the [Prospective Educators Handbook](#), and be directed to the NSW Family Day Care and the National Family Day Care Association websites for further information.

Applicants for the position of [a Family Day Care](#) Educator should be at least 21 years of age (or at the Coordinator's discretion).

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Prospective Educators will be offered an opportunity to meet with a Coordination Unit staff member at the home or venue they propose to operate the ~~service~~ ~~Service from from~~, for an ~~assessment~~ ~~review a Risk Assessment to be undertaken~~ which will outline all of the safety requirements and expectations of the premises.

Prospective Educators will be required to spend time with at least four working Educators. These Educators are chosen for their experience and ability to support and guide others. The Educators will be asked to provide feedback to the Coordinator about the prospective Educator's skills, motivation and ability to engage with children.

Prospective Educators must complete ~~the an~~ Educator Application form and provide the ~~service~~ ~~Coordination Unit~~ with a minimum of two telephone referees, preferably their most recent employer and a personal or character referee. Additional character references are desirable. The Coordinator will contact a minimum of two referees asking the prescribed questions from the Prospective Educator Referee Check ~~from form~~ and determine the source of their suitability.

Prospective Educators who have been registered as an Educator with another ~~service~~ ~~scheme~~ must notify the ~~service~~ ~~previous scheme~~ to inform them they will be contacted by the Mid-Western Regional Family Day Care Scheme and give permission for them to provide professional feedback about the Educator.

Prospective Educators will need to attend an interview with ~~a the~~ Coordination Unit ~~staff member~~. Educator interviews will assess the suitability, experience, knowledge and motivation of a prospective Educator.

~~A Prospective Educator must have an approved Certificate III level Education and Care / Children's Services Qualification.~~

The Coordinator will assess the suitability of applicants in a timely manner and notify all applicants ~~in writing~~ as to whether or not they have been successful. ~~Unsuccessful applicants will be informed of the reasons for their unsuccessful application. Feedback to unsuccessful applications may be provided if sought.~~

**To assess the overall fitness of applicants the Coordinator will consider:**

- The visit to the prospective Educator's home or proposed premises;
- ~~Feedback from the mentor Educators~~
- The Educator's' interview answers;
- The feedback provided by referees.

**An application may be rejected for reasons that include, but will not be limited to the following:**

- ~~Unsuitable or invalid professional qualifications;~~
- ~~Unsatisfactory Working with Children Check of applicant or household members;~~
- ~~Unsatisfactory National Police History Check of applicant;~~
- References unavailable or unfavourable;
- Unsatisfactory ~~Workplace Health and Safety Audit~~ ~~Risk Assessment~~ of the applicant's home;
- Unsatisfactory medical report;

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- Refusal by prospective Educator to comply with an obligation within [service-Scheme](#) and/or legislative requirements.
- Inability to demonstrate the capacity to supervise and care for the children adequately.
- Inability to demonstrate effective communication skills and interactions with children and adults.
- Limited knowledge of child development and appropriate behaviour guidance.

At any stage of the process where it emerges that the applicant cannot fulfil the selection criteria for the role of an Educator, the Coordinator can reject the application. The unsuccessful applicant will be informed in writing where their application has been declined.

**Prior to commencement successful applicants will further be required to:**

- Complete orientation training with the Scheme. Parts of training can be waived at the Coordinator's discretion for applicants with extensive and recent experience working within another [Family-Day-Care](#) Scheme or early childhood service.
- Have the [Medical-medical Certificate-certificate](#) completed to ensure they [are fit and proper in health-and-wellbeing](#) to operate a service.
- Hold appropriate current First Aid qualifications, [including](#) CPR, Asthma and Anaphylactic management.
- [Provide to the Coordination Unit Complete a-NSW Employee Working with Children Check and provide the Coordination Unit with the reference number details for verification, as well as completed paperwork for a National Police History Check.](#)
- [Provide to the Coordination Unit NSW Volunteer Working with Children Check details for verification for all Household-household members over 18 years of age, complete the Volunteers-Working with Children-Check.](#) They must also complete and return a signed copy of household members' agreement.
- ~~Complete a National Criminal Police Check. As will any members of the household.~~
- Obtain a Provider Digital Access (PRODA) [through the Federal Department of Human Services](#).
- Obtain appropriate Public Liability Insurance
- If operating from a premise other than their own home, provide the [service-Scheme](#) with a letter of approval from landlord / premises owner or the real estate agency on behalf of the owner.
- Obtain and inform the [Service-Scheme](#) of their ABN number
- Sign and return the bank details and authorities form
- Provide the service with a secure email address
- Provide the service with a completed fee schedule
- [Prospective](#) Educators must provide the [service-Scheme](#) with a copy of their current drivers' licence if the Educator will be transporting children.
- Sign and return a copy of the Registration Agreement and receive a Registration Certificate.

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PERIOD OF REGISTRATION

Educators on commencement with the [serviceScheme](#), enter into a contract for an initial period of a 3 months probationary period.

~~Educators will undergo An Annual Review~~ ~~is then conducted each year~~, and ~~the~~ Educators will then be issued with a new [contract Agreements](#) which will generally be for the following 12 months. ~~However it It~~ may be necessary, ~~however~~, to issue a Certificate of Registration for a shorter period depending on particular conditions.

The Certificate of Registration will show the following information:

- ~~The~~ name of the Scheme
- ~~The~~ Educator's name and address
- The days and times the Educator's [service Service](#) will be operating
- Name/s of any Assist Educators
- Any conditions imposed by the Coordinator

Procedures are in place to ensure the Certificate of Registration will be displayed in a prominent place and upon resignation [or de-registration](#) the Certificate of Registration will be returned to the [service Scheme](#) for cancellation.

ANNUAL REVIEW

~~The An~~ Annual [review Review](#) will be conducted by the [Coordinator Coordination Unit](#) for all Educators once a year (generally August / September) for ~~Rere-Registration-registration~~ for the following calendar year.

~~The The~~ Annual Review ~~process also requires educators to undergo a Mmedical assessment with their General Practitioner and then submit the results to the Coordination Unit.~~

If an Educator has had concerns raised during the previous 12 months regarding any aspect of the [Family Day Care](#) Service provided, this will again be addressed during Annual Review.

If the ~~Coordination Unit feels~~ [Coordinator determines](#) that further commitment to resolving the concern is required, an Educator may be put on 3 months' probation. If they do not then meet the necessary improvements/ changes they may not be [Rere](#)-registered for the following year.

REGISTRATION AFTER A PERIOD OF LEAVE – MATERNITY / ILLNESS

Before an Educator can resume their [Family Day Care](#) Service [following maternity leave or extended illness](#), they must have a [Medical-medical Certificate-certificate](#) stating they are mentally and physically able to come back to caring for children. They must have a review [Risk assessment Assessment](#) of their [service Service location-premises](#) by the Coordination Unit and make sure all [First-first Aid-aid](#) requirements and insurances are up to date.

REGISTER OF FAMILY DAY CARE EDUCATORS

Approved [providers Schemes](#) must keep the required information about [Family Day Care](#) Educators on their register, as well as that of ~~assist-Assist educators~~ [Educators](#), and be able to send it through to appropriate authorities upon request.

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#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulation 2011](#)

#### KEY RESOURCES

National Quality Standards (ACECQA)

Australian Government Child Care Services Provider Handbook (Department of Education and Training) (DEEWR)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Deregistration of an Educator](#)

[Educator Household Members](#)

[Non-Compliance](#)

[Privacy and Confidentiality](#)

[Professionalism](#)

[Relief Educators](#)

[Work Place Health and Safety](#)

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## EDUCATORS LEAVE AND RESIGNATION

### BACKGROUND

As small business owners, it can be easy to allow the work to take over, leaving little room for breaks and down time, but it is important to have a work life balance. We need time to rest and recuperate so that we come back to work recharged and with a renewed energy and enthusiasm. Know your own limitations and make sure to schedule enough time to take care of yourself. Without your health and mental well-being, it will be much harder to see your business to success.

### POLICY

- To ensure that Educators have access to various forms of leave and to ensure that appropriate relief arrangements are made for parents and their children.

### PROCEDURE

#### MATERNITY LEAVE

Educators will be encouraged to cease work up to six weeks before their due date, subject to their health or at the Coordinator's discretion.

Educators will be encouraged to take a minimum of 8 weeks leave after the birth of their child.

When an Educator wishes to recommence care after the birth of a child, a medical certificate from a ~~Doctor~~ doctor General Practitioner stating they are ready to return to caring for children ~~will be~~ is required.

#### ANNUAL LEAVE

Educators will be encouraged to take ~~a minimum of~~ four weeks annual leave during the year.

Educators are self-employed and are able to take leave at any time during the year.

Within the Duty of Care of the Coordination Unit, or at the Coordinator's discretion, an Educator may be strongly encouraged to take some leave.

#### SICK LEAVE

If an Educator becomes ill, they should notify their families immediately that they will be unable to care for a day / a week. The families can contact the Coordination Unit who will try to arrange alternative care for their children. If an Educator is away for an extended period due to ill health or an operation, a medical certificate from a ~~doctor~~ doctor General Practitioner stating they are able to return to work caring for children ~~will be~~ is required.

#### EMERGENCY LEAVE

Emergency Leave may be organised through the Coordination Unit at short notice.

#### PROCESS TO FOLLOW WHEN TAKING LEAVE

For all types of leave, (other than emergency or sudden illness leave), Educators are required to complete a leave form giving at least 2 weeks' notice to the Coordination Unit and written notice to their families, in order for alternative arrangements to be made for the children in their care.

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All arrangements for care of children when their Educator is on leave must be done in conjunction with the Coordination Unit. Unfortunately, all families may not receive care as positions may be limited with other Educators.

#### RECOMMENCEMENT AFTER LEAVE

Before recommencing care after an extended period of leave, Educators must notify the Coordination Unit of their intended starting date.

A ~~Risk-risk Assessment-assessment~~ of the ~~Family-Day-Care~~ Service will be completed by the Coordination Unit and any safety or training requirements completed before the Educator can recommence.

The Educator must ~~insure-ensure~~ that their ~~First-first Aid-aid Certificates-certificates~~ and ~~Public public Liability-liability Insurance-insurance~~ are current.

#### RESIGNATION

Educators should provide the Coordination Unit and all families with at least one month's written notice of their ~~Resignation-resignation~~ as an Educator with the Scheme.

Annual leave will not be accepted as a part of the one month's<sup>2</sup> notice ~~period~~.

If all families have found alternate care before the month is completed, the Educator may be able to finish early. The Educator may also finish earlier at the Coordinator's discretion.

If families find alternate care before the Educator one month notice ~~period expires, is-up~~ they are able to leave without the two weeks<sup>2</sup> notice ~~period usually required of families~~.

As part of the Educators legal responsibility ~~as an Educator, as stated in the 2014 Education and Care Services Regulations and Law~~, they are required to return to the Coordination Unit all family information, all original receipts and original attendance records, ~~Registration-registration Certificates-certificates~~, ~~Quarterly-quarterly Checklists-checklists~~, ~~Visitors-visitors~~ sign in sheets and all toy, equipment and other resources borrowed from the Scheme.

#### RELEVANT LEGISLATION

~~Children (Education and Care Services) National Law 2010 (NSW)~~

~~Education and Care Services National Regulations 2018 (NSW)~~

~~Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)~~

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2014~~

#### KEY RESOURCES

National Quality Standards: ~~Quality Area 7 (ACECQA)~~

~~LAST REVIEW DATE: August 2018~~

#### RELATED POLICIES

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

Assessment of Family Day Care Venues

Assist Educators

Collaborative Partnerships with Families and Communities

Complaints and Feedback

Deregistration of an Educator

Educator Household Members

Non-Compliance

Professionalism

Relief Educators

Work Place Health and Safety

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POLICY: FAMILY DAY CARE | 24 NOVEMBER 2014/31 MAY 2019

## EDUCATOR RECORD KEEPING

### BACKGROUND

Accurate record keeping provides a level of transparency and accountability for services, Regulatory Authorities and families; and assists in the management of the service to ensure the safety of the children.

### POLICY

To ensure that records are kept in line with the 2014 Education and Care Services Regulations, the Department of Health Guidelines and the Child Care Management System Guidelines.

To assist the Coordination Unit maintain up to date information regarding the children in the care of their Registered Family Day Care Educators.

To ensure consistency and accuracy in Educators record keeping practices.

### PROCEDURE

#### CHILD/FAMILY INFORMATION

All Educators are required to keep information within their Family Files containing each child's family details, emergency contact names and numbers, information about any special needs / requirements, any medical plans, medication records, accident/incident reports, permission notes for excursions etc.

Educators are to receive completed Authorisation and Registration Forms from the Coordination Unit Office when a child is placed in their care and should abide by all parents requests within it (eg. adults who may collect the child, special circumstances, no photos etc.)

#### AMENDMENT AND APPROVAL OF CHANGES TO RECORDS

The service will take reasonable steps to ensure that the records we keep are accurate, complete, up-to-date and written in objective non-judgmental language. However, should a person discover that the information held about them is inaccurate or misleading, they are required to inform the Coordination Unit and provide accurate information regarding the changes required, and the records will be amended immediately.

#### PUBLIC LIABILITY INSURANCE

A Family Day Care Educator must keep evidence of the Educator's current public liability insurance at the family day care residence or venue. This evidence, usually in the form of a 'evidence of cover', must be displayed on the Educators noticeboard and made available for inspection by the Regulatory Authority or an authorised officer at any time.

#### CHILD ATTENDANCE RECORDS / SESSION REPORT

Educators are required to complete Attendance Records for each of the children in their care. These are legal documents and the data must accurately:

- Record the Educators name and service details

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

- Record the full name of each child attending the service
- Record the date and exact time each child arrives and departs
- Be signed on the child's arrival and departure by the person who delivers or collects the child

Educators are to ensure that all attendance records are made available to parents for their signature on a daily basis.

Educators must state on the child's attendance records any absences and should provide details regarding the nature of the absence eg. sick, holiday or other.

Attendance Records must be delivered /faxed/ emailed to the Mudgee Coordination Unit Office by each Monday following the weeks care by 10am for processing.

All original Attendance Records are to be kept by the Coordination Unit for 7 years at the Coordination Unit premises.

RECEIPTS

Receipts must be issued to parents on handover of money; giving details of the child/ren, dates of care, including hours of care, food, travel, administration levy and gap fees. Educators are to submit to the office a duplicate copy of all parents' receipts within two weeks of the care period. Unless otherwise arranged with the Coordination Unit, a weekly fine will be charged after this period.

THIRD PARTY SOFTWARE

Educators may choose to purchase and use a third party software provider for collecting the data relating to a child's attendance record / session of care. If an educator chooses to use a third party software provider it must have an electronic solution for sign in and sign out purposes along with the provision for electronic signature to confirm the record. Educators wishing to use a third party software provider will be responsible for the any associated costs. It would be best practice for an Educator to use the same third party software as the coordination unit to ensure the data can be easily transferred.

CURRICULUM

All Educators are required to maintain a record of the program of activities provided for the children in their care, observations and reflections as per the Curriculum Development Policy. These are to be displayed for parents to see, and be available for Coordination Unit staff to sight when requested.

DEVELOPMENTAL MILESTONES

Educators are required to complete Developmental Milestones on all new children in care within their first three months and on each milestone age after that.

PARENT / EDUCATOR AGREEMENTS (COMPLYING WRITTEN ARRANGEMENTS)

Before a child can start care the parent / guardian must sign a Parent / Educator Agreement (Complying Written Arrangement) as to what days / hours their child will be attending care. The Educator will keep a copy, the parent receives a copy and a copy is sent into the Coordination Unit which is entered into the third party software.

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If there are any changes to this Agreement (Complying Written Arrangement) throughout the year another Parent / Educator Agreement (Complying Written Arrangement) should be completed. It would be best practice to also complete a new Agreement (Complying Written Arrangement) at the beginning of each calendar year.

#### INCIDENT, INJURY, TRAUMA AND ILLNESS

If a serious Incident, Injury, Trauma or Illness occurs the Educator is required to complete the appropriate form. They send a copy to their Insurance Company, keep a copy for themselves and send a copy to the Coordination Unit who upload it through the Portal to ACECQA.

#### WHEN A CHILD FINISHES CARE

- The following information is to be sent back to the Coordination Unit with all of the childrens information / family files when a child finishes care with an Educator.
- Developmental Milestones
- Observations
- Medication Forms
- Excursion Permission
- Before / After School Care
- Pet / Water Play / any other Authorities
- Any other relevant information that has been obtained/ gathered

#### VISITORS TO THE FAMILY DAY CARE SERVICE

The completed Visitors sign-in sheets should be returned to the Coordination Unit at the end of each calendar year.

#### QUARTERLY EMERGENCY EVACUATION FORMS

Completed Quarterly Emergency Evacuation Forms should be sighted by a Coordination Unit staff member each quarter and stored safely.

#### PRIVACY STATEMENT

The Parent Handbook contains a privacy statement informing families of the purpose of information held in confidence by the service about them.

#### CONFIDENTIALITY

Staff, Educators' and children's records shall be kept up to date and in a safe and secure area. The records will remain confidential and will only be made available to those who have a lawful right to them. Information will not be disclosed to another party without the consent of the individual concerned unless it is a requirement by law. Confidentiality will be maintained when discussing matters with educators, staff, and other agencies.

#### CONTENT OF INFORMATION HELD

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The service will limit the amount and type of information that is held about our stakeholders. Information held by the service will be for the express purpose of administering the service in adherence with government legislation and regulations, for example, delivery of quality care and education, administration of Child Care Subsidy, Australian Taxation requirements, etc.

MISUSE OF INFORMATION

Agents of the service must not misuse information held by and on behalf of the service. In the event that an agent of the service misuses such information, disciplinary action will be taken.

ACCESS

Families, educators and staff have the right to know what information is held about them. Should either party seek access to their records, the Coordinator will arrange a suitable time to provide this information. Copies of such records will be made available upon request, at a mutually agreed time.

RETURNING INFORMATION TO THE COORDINATION UNIT

All information as outlined above must be returned to the Coordination Unit when the family ceases care. This information needs to be kept by the Coordination Unit until the child turns 25 years.

COMPLIANCE WITH RELEVANT LEGISLATIVE REQUIREMENTS

The service will abide by all legislative requirements in relation to the storage, management and disposal of records. (Clauses 181-184).

STORAGE

All records held about families, Educators and staff will be kept in such a way as to:

- prevent access by unauthorised persons;
- remain secure; and
- be archived for the specified time, according to Education and Care Services Regulations and the Mid-Western Regional Council requirements.

DISPOSAL OF RECORDS

Records will be held in a locked storage area until the time they can lawfully be destroyed. The service will use a security company (chosen by Mid-Western regional Council) to dispose of all archived documents. They will remove the records in a locked container and shred them in a secure manner.

RELEVANT LEGISLATION

Commonwealth Privacy Act 1988

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2014

KEY RESOURCES

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[Australian Government Child Care Management Handbook](#)

[National Quality Standards: Quality Area 7](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Emergency and Evacuation](#)

[Excursions](#)

[Childrens Health and Hygiene](#)

[Incidents, Injuries, Trauma and Illness](#)

[Medical Conditions and Medical Administration](#)

[Photographs and Videos](#)

[Privacy and Confidentiality](#)

[Professionalism](#)

[Retention and Confidentiality of Records](#)

[Social Media](#)

[Visitors to a Family Day Care Service](#)

[Work Place Health and Safety](#)

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## EMERGENCY AND EVACUATION

### BACKGROUND

The aim of emergency planning is to ensure that the safety of Educators and children are maintained, as far as possible, during an emergency or a disaster. Planning for emergencies provides a sense of predictability about how ~~it the Scheme and Services~~ will respond if they occur.

Emergency may refer to all situations or events posing an imminent or severe risk to those present in an education and care service premises. For example, an emergency could include a fire, flood, snake or situation that requires a service to be locked down (eg: stranger danger). An emergency situation may not actually occur within the Educator's service but an adjoining property/service.

### POLICY

- To ensure that an evacuation procedure is devised with each Educator and followed in accordance with the 2011 Education and Care Services Regulations.
- To ensure that the Educator and all of the children in their care are quickly and safely evacuated or locked down and protected from any immediate danger.

### PROCEDURE

The Educator must conduct a ~~Service risk-Risk assessment-Assessment prior to operating~~, that identifies any potential hazards or emergencies relevant to their ~~Family-Day-Care-Service~~.

If the emergency situation results in an inability to return to the premises, the Educator must have a contingency plan to act upon.

The Educator must have instructions for what must be done in an emergency and an emergency and evacuation floor plan displayed in a prominent position near each exit at their ~~service-Service~~ premises, clearly showing areas designated to their ~~Family-Day-Care-Service~~, and where the ~~Fire fire Extinguisher-extinguisher, and-fire~~ blanket ~~and first aid kit~~ are kept.

~~Educators must Ensure-ensure~~ all fire protection equipment is tested annually, ~~and~~ kept in proper working order and ~~that it~~ is easily ~~recognisable and~~ accessible.

Educators must conduct ~~Emergency-emergency Evacuation- evacuation Drills-drills~~ every three months and ensure that all of the children in their care complete a drill each quarter.

The ~~rehearsals-drills~~ must be documented. Documenting the ~~rehearsal-drill~~ allows the Educator to reflect on the procedures and determine necessary adjustments. Records must show who has been involved in the emergency ~~rehearsalsdrills~~, and can assist in ensuring that every child participates regularly. ~~Rehearsals-Drills~~ should take place at various times of the day and week, be various scenarios and enter / leave through different access doors.

~~Family-Day-Care~~ Services that provide care for children of school age should plan ~~rehearsals-drills~~ to cover before and after school sessions, and vacation care.

It would be best practice to inform parents / guardians that an emergency drill has occurred during the day, so they can speak further about it with their children. It should be documented on the program.

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Educators should have an evacuation pack which would include basic first aid kit, children's necessities including nappies, water, toys, blankets, torch and parent contact numbers.

The Coordination Unit staff will conduct ~~office evacuation drills and~~ quarterly play session evacuation drills. They will also contact Educators once each quarter to state a spontaneous emergency drill.

**If an Educator DOES have an ~~Emergency emergency Evacuation-evacuation or Lock-lock down~~ they should**

- contact appropriate authorities by calling 000
- contact the ~~eoordination-Coordination~~ Unit, who will go to assist ~~er-and~~ contact parent / guardians to ~~contact-collect~~ children if required

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[2011 Education and Care Services Law](#)

[2011 Education and Care Services Regulations](#)

#### KEY RESOURCES

National Quality Standard (ACECQA)

Kidsafe [www.kidsafe.com.au](http://www.kidsafe.com.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Access and Custody](#)

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Critical Incident](#)

[Educator Record Keeping](#)

[Excursions](#)

[Incidents, Injuries, Trauma and Illness](#)

[Medical Conditions and Medical Administration](#)

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- Non-Compliance
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards
- Relief Educators
- Supervision
- Visitors to a Family Day Care Service
- Vehicle Safety
- Water Safety
- Work Place Health and Safety

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## ENROLMENT AND ORIENTATION

### BACKGROUND

The most successful placements of children into [Family-family Day-day Care-care](#) are when there is a match between the needs of the child, family expectations and the Educator's ability and willingness to meet the individual needs of the child. It is the role of the Coordination Unit to implement systems and practices that allow for placements to occur in a fair and ethical manner. It is also important that placements are made as quickly as possible to ensure Educators are given every opportunity to fill a vacancy and for families to find suitable childcare.

### POLICY

- To ensure [Mid-Western-Regional-Family-Day-Care](#) the [Coordination Unit](#) manages children's enrolments in a manner that ensures the placement of a child into care is in accordance with all government legislative and regulatory requirements.
- To ensure the [service-Scheme](#) places children into care, in accordance with the [Child Care Service-Provider Handbook](#), in a fair and equitable manner to all families.
- Educators ensure that all children in the homes of [Registered](#) Educators, including the Educator's own children, are registered with the [Mid-Western-Regional-Family-Day-Care Scheme](#).
- Educators will provide children and families with an orientation process for their individual service.

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### PROCEDURE

Families seeking education and care should contact the Coordination Unit to arrange registering the child with the [serviceScheme](#).

Priority of access — prioritising vacancies

As vacancies in a [service-Service](#) arise, [providers-Schemes](#) are asked to consider prioritising children who are:

- at risk of serious abuse or neglect
- a child of a sole parent who satisfies, or parents who both satisfy, the activity test through paid employment.

This reflects the Australian Government's intention to help families who are most in need, and support the safety and wellbeing of children at risk in accordance with the Framework for Protecting Australia's Children 2009–2020.

### WAITING LIST / CHOOSING AN EDUCATOR

Family details are entered onto the [Family-Day-CareScheme](#) waiting list in date order of receipt of registrations. Families are advised that for their name to remain on the [Family-Day-CareScheme](#) [Waiting-waiting List-list](#) they are required to regularly contact the Coordination Unit to confirm their continuing need for care and to ensure that their details are up to date. The [Waiting-waiting List-list](#) is reviewed and updated on a regular basis.

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Coordination Unit staff aim to facilitate placements within ~~the a service~~ Service by matching care requirements such as age and number of children, hours of care, starting dates and location, with Educator vacancies. Where possible, families will be referred to more than one Educator, who may be able to meet their childcare requirements, to enable choice of Educators.

Families are contacted as Educator vacancies become available that may suit ~~the family's families'~~ requirements.

Families are advised that ~~the an~~ Educator's vacancy is ~~being given out~~ available to a few families to provide choice for the families and the Educator, and request families make contact with the Educator within 24 hours.

Parents are advised to telephone the Educators and arrange an interview with them. They are also requested to advise the ~~Office Coordination Unit~~ of their decision. If the Educators recommended are found not to be suitable by the parent, they are asked to contact the Office Coordination Unit for further recommendations/ Educators if available. Families are able to remain on the waiting list if they choose.

Choosing an Educator with whom Parents-parents and children feel comfortable is most important. Parents have the right and responsibility to determine that the Educator shares similar values and can meet the needs of their child. The Educator has the responsibility and the right to decide whether the child's needs and the parents' expectations could be met through the placement. Parents and Educators are under no obligation to accept or continue if the placement is deemed to be not meeting the best ~~interest-interests~~ of the child.

The parent and Educator shall meet in the Educator's Family-Day-Care service Service for the initial interview to discuss all the aspects of the potential placement. The child's needs and the expectations and needs of parents and the Educator should be openly discussed. Once an Educator has been selected, another interview may be arranged for the Parent-parent and Educator to discuss full details of the care.

The Scheme Coordination Unit should also be notified about the parent's choice of an Educator, parents need to notify the scheme which Educator they have chosen.

REGISTRATION

The registration of new families should take place where practicable at the Coordination Unit Office prior to the child commencing their placement. It is the responsibility of the Educator and the Scheme to ensure that the Educator has the relevant family information documented on the Child child Registration-Registration ~~-----~~

FormA Authorisation.

A one-off fee will be charged to families registering their child or children with the Scheme for the first time. It is the responsibility of the parents to inform both the Educator and the Scheme if this any information on the child registration form changes.

Parents will be provided with relevant information regarding policies and guidelinesprocedures, fees and Child Care Subsidy. Parents will be notified of their responsibilities ~~for-regarding~~ Child Care Subsidy and that full fees will apply until we are able to formally enrol the child and access their Child Care Subsidy through ~~the databasesoftware~~ linked to the Department of Human Services.

Parents will be given a Parent Handbook outlining the operational procedures of the Scheme, the Early Childhood Australia ECA Code of Ethics, service Scheme philosophy, approaches to the

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Early Years Learning Framework, information on ~~the National Quality Framework~~, the National Quality Standards, advice on how to choose an Educator, advice on how to start their child in care, an overview of Policies and Procedures and how to provide feedback.

When an Educator is chosen it is recommended for the parent and child to visit with the Educator before the child commences care to assist in orientation for the child and family. Families are also encouraged to complete ~~the an~~ Educator Information Sheet and give to ~~their-that~~ Educator.

#### BIRTH CERTIFICATE

A family is required to supply the child's birth certificate to be copied at Registration. If they do not have one they need to order one online and bring a copy of the receipt.

#### IMMUNISATION

Changes to the NSW Public Health Act (Part 5, Division 4, Sections 85-88) and NSW Public Health Regulation (Part 7, Division 2, Sections 42-44A) came into force to improve the timeliness of vaccine coverage in children, and help prevent outbreaks of serious vaccine-preventable diseases.

~~This means that child-Child~~ care facilities must, ~~therefore~~, have documented evidence that children are up to date with their vaccinations, ~~or that they are on a recognised catch-up schedule, or that they have a medical contraindication to vaccination before enrolling a child.~~

The Mid-Western Regional Family Day Care Scheme **will not enrol a child unless they have immunisation certificates history statements proving that they are fully immunised.**

It is the responsibility of families to provide updated immunisation history statements to their Educators or the Coordination Unit when requested.

#### EMERGENCY CARE

A request for immediate care may arise through an emergency, eg. ~~Hospitalisation-hospitalisation~~ or illness of parent or where a child is identified as being at risk. The Coordination ~~unit-Unit~~ will ensure adequate information regarding the family and child is provided to the \_\_\_\_\_

Educator prior to placement.

The full enrolment procedure will be carried out at the first opportunity. Acceptance of an emergency care arrangement does not constitute obligation for the Educator or family to accept on-going placement.

A discussion with the family about payment of fees should take place before the care has been provided.

#### EDUCATORS

Educators are required to regularly keep the Coordination Unit up to date with their current vacancies and any changes to a family's details, such as contact telephone numbers.

Although in most instances, it is at the Educator's discretion as to which families / children they take into their service, it is expected that all Educators will maintain a ~~Professional-professional~~ outlook at all times when interviewing potential families / children.

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Educators are required to contact the Coordination Unit to check families on the waiting list, if contacted directly by a family requiring care before offering the position to the family.

Educators may offer care for two children under the age of two years, however they must contact the Coordination Unit prior to considering the placement of a third child under the age of two.

Educators must obtain a copy of the Registration and Authorisation Form and complete a Parent/ Educator Agreement before the child commences care within their service.

Educators will develop an orientation process for families and children when they first enter their individual service.

FAMILIES

Families are required to register with the Coordination Unit if requiring care. They are asked to maintain regular contact whilst on the [Waiting-waiting List-list](#) to ensure their details are current and correct.

When offered a position with an Educator, they are asked to contact the Educators within 24 hours after referral.

Families need to advise the Coordination Unit promptly of their decision for placement after meeting with an Educator. They are then asked to come and register their child by completing a Registration and Authorisation Form.

TERMINATING CARE

Parents have the right to finish care with an Educator if they no longer require it. However a notice period is required to minimise the impact on the Educator's- service and allow the Coordination Unit to fill the vacancy.

When terminating permanent care arrangements, two weeks' written notice is required. If the child does not attend during the notice period, i.e. they are absent, then full fees (without Child Care Subsidy) will be charged as Child Care Subsidy cannot be claimed [if-when](#) care finishes on an absence.

An Educator also has the right to ask a family to finish up care with their service. Two weeks' written notice is also required.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

Children and Young Persons (Care and Protection) [Act 157-1998 \(NSW\)](#)

[Family Assistance and other Legislation Amendment \(Child Care and Other Measures\) Act 2011](#)

[Children, Youth and Families Act 2005 amended 2011](#)

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~~Child Wellbeing and Safety Act 2005 amended 2012~~

~~Disability Discrimination Act 1992 (CTH)~~

~~Equal Opportunity Act 2010~~

#### KEY RESOURCES

~~National Quality Standards (ACECQA)~~

~~Kidsafe www.kidsafe.com.au~~

~~Child care Care Provider Service Handbook 2018 (DEEWR Department of Education and Training)~~

~~LAST REVIEW DATE: August 2018~~

#### RELATED POLICIES

~~Access and Custody~~

~~Children in Care~~

~~Children's Health and Hygiene~~

~~Collaborative Partnerships with Families and Communities~~

~~Delivery and Collection of Children~~

~~Fees and Charges~~

~~Children's Health and Hygiene~~

~~Inclusion and Equity~~

~~Medical Conditions and Medical Administration~~

~~Non Payment of Fees~~

~~Nutrition and Activity~~

~~Pets and Animals~~

~~Play sessions~~

~~Photographs and Videos~~

~~Privacy and Confidentiality~~

~~Providing a Child with a Safe Environment~~

~~Professionalism~~

~~Protection from Harm and Hazards~~

~~Safe Sleep and Rest~~

~~Social Media~~

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[Sun Protection](#)

[Sustainability](#)

[Visitors to a Family Day Care Service](#)

[Vehicle Safety](#)

[Water Safety](#)

[Work Place Health and Safety](#)

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## ETHICAL CONDUCT

### BACKGROUND

The [Mid-Western Regional Family Day Care Scheme](#) has adopted the Code of Ethics, developed by Early Childhood Australia ([‘the Code’](#)). It provides a framework for reflection about the ethical responsibilities of early childhood professionals and underpins the core values, beliefs and practices within the [Service Scheme](#). The [code Code](#) outlines the ethical responsibilities of the Coordination Unit, Educators and families to identify and address bias, injustice and unethical practices.

The [code Code](#) is central to the philosophy of the Scheme and the daily practices of its members. As well, the Coordination Unit staff are employed and operate under the equal opportunity policies and values of the Mid-Western Regional Council.

### POLICY

- To ensure the [Mid-Western Regional Family Day Care Scheme](#) operates in an ethical manner at all times and uses the Early Childhood Australia (ECA) Code of Ethics to appropriately resolve any [Ethical-ethical Dilemmas dilemmas](#).
- The [Code of Ethics, developed by ECA](#), underpins the core values, beliefs and practices of the [Mid-Western Regional Family Day Care Scheme](#). The [code Code](#) outlines the ethical responsibilities of Educators and staff to identify and address bias, injustice and unethical practices.

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### PROCEDURE

#### Mid-Western Regional Council will -

Ensure that policies and practices are developed in line with the current Education and Care Services National Law 2010, Education and Care Services National Regulations 2014, the National Quality Standards and any other [Government Legislation-legislation](#) or guidelines.

Ensure all stakeholders are consulted in matters of policy development.

Ensure changes within the [service Scheme](#) are explained to Educators, families and Coordination Unit staff prior to implementation.

Ensure [Professional-professional Development-development](#) is available to Coordination Unit staff from time to time.

#### Coordination Unit Staff will -

Abide by the [ECA-Code-of-Ethics-2016](#).

Develop their understanding of their obligations in following the [ECA-Code-of-Ethics](#).

Regularly reflect upon their own practices in line with the [ECA-Code of-Ethics](#) and relevant legislation.

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Policies and procedures of the [service Scheme](#) will be developed and maintained under the guidance of the [Early Childhood Australia Code of Ethics](#) and [NSW Equal Opportunity guidelines/legislation](#).

A copy of the [Early Childhood and Australia Code of Ethics](#) pamphlet will be included in the [Policies and Procedures Manual](#) and will be available to all families and stakeholders of the [service Scheme](#).

Provide resources for Educators to develop and maintain their knowledge of the [ECA Code of Ethics](#). Initial training of Educators will include familiarisation with the [Early Childhood Australia Code of Ethics](#) and the values and responsibilities of their service in regards to this.

Any other household members living at the home of an Educator are provided with a "Fact Sheet for Household Members" in relation to their responsibilities within the [service Service](#) and their ethical responsibilities.

Provide information to families on the Ethical Conduct Policy and the [ECA Code of Ethics](#).

Abide by Mid-Western Regional Council Code of Conduct and any other relevant policy.

**Educators will:**

Abide by the [ECA Code of Ethics 2016](#).

Develop their understanding of their obligations in following the [ECA Code of Ethics](#).

Be professional and ethical in the operation of all aspects of their [Family Day Care service Service](#).

*It is the Educator's responsibility to ensure that all claims are a true and accurate reflection of actual hours of childcare that has been provided to the children for whom they are responsible and that any inaccuracies in the hours or amounts claimed may be regarded as breaches of their obligations to Mid-Western Regional Family Day Care the Scheme and Council, fraud or a breach of the Children (Education and Care Services) National Law 2010 (NSW) and Education and Care Services National Regulations 2018 (NSW). Education and Care Services National Law and Education and Care Services National Regulations. Penalties may also apply and the contract with the Educator be terminated.*

**Families are encouraged to:**

Families will be made aware of the [Early Childhood Australia Code of Ethics](#) at enrolment. They will be provided with a copy in the Parent Handbook and informed they can view a copy of the [ECA Code of Ethics](#) by either visiting the Early Childhood Australia [Website website](#) at [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au) or a hardcopy can be found in the Scheme Policies and Procedures located at each [service Service](#)

Abide by the Ethical Conduct Policy.

Support the Educator to comply with the [ECA Code of Ethics](#).

RELEVANT LEGISLATION

[Anti-discrimination Act 1977 \(NSW\)](#)

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

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[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

[Equal Employment Opportunity under the Anti-Discrimination Act 1977](#)

[Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

[Government Information \(Public Access\) Act 2009 \(NSW\)](#)

[Freedom of Information Amendment \(Reform\) Act 2010 No. 54 \(CTH\)](#)

[Ombudsman's Act 1974 \(as at 1 January 2012\) Act 68 of 1974 \(NSW\)](#)

#### KEY RESOURCES

[National Quality Standards 2014 \(ACECQA\)](#)

[Child Care Service Provider Handbook \(Department of Education and Training\) \(DEEWR\)](#)

[Early Childhood Australia Code of Ethics 2016 www.earlychildhoodaustralia.org.au](#)

Ethics in action: introducing the ethical response cycle. Newman & Pollnitz 2002

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[ALL Mid-Western Regional Family Day Care Scheme Policies and Procedures](#)

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APPENDIX 1 EARLY CHILDHOOD AUSTRALIA INC. CODE OF ETHICS 2016

The core principles in this Code of Ethics are based on the fundamental and prized values of the profession. They act to guide decision making in relation to ethical responsibilities. These core principles require a commitment to respect and maintain the rights and dignity of children, families, colleagues and communities.

**I. In relation to children, I will:**

- Act in the best interest of all children.
- Create and maintain safe, healthy, inclusive environments that support children’s agency and enhance their learning.
- Provide a meaningful curriculum to enrich childrens learning, balancing child and educator initiated experiences.
- Understand and be able to explain to others how play and leisure enhance childrens learning, development and wellbeing.
- Ensure childhood is a time for being in the here and now and not solely about the preparation for the future.
- Collaborate with children as global citizens in learning about our shared responsibilities to the environment and humanity.
- Value the relationship between children and their families and enhance these relationships through my practice.
- Ensure that children are not discriminated against on the basis of gender, sexuality, age, ability, economic status, family structure, lifestyle, ethnicity, religion, language culture or national origin.
- Negotiate children’s participation in children’s research, by taking into account their safety, privacy, levels of fatigue and interest.
- Respect children as capable learners by including their perspectives in teaching, learning and assessment.
- Safeguard the security of information and documentation about children, particularly when shared on digital platforms.

**II. In relation to the profession, I will:**

- Base my work on research, theories, content knowledge, practice evidence and my understanding of the children and families with whom I work.
- Take responsibility for articulating my professional values, knowledge and practice and the positive contribution our profession makes to society.
- Engage in critical reflection, ongoing professional learning and support research that builds my knowledge and that of the profession.
- Work within the scope of my professional role and avoid misinterpretation of my professional competence and qualifications.
- Encourage qualities and practices of ethical leadership within the profession.

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- Model quality practice and provide constructive feedback and assessment for students as aspiring professionals.
- Mentor new graduates by supporting their induction into the profession.
- Advocate for my profession and the provision of quality education and care.

**III. In relation to families, I will:**

- Support families as children's first and most important teacher and respect their right to make decisions about their children.
- Listen and learn with families and engage in shared decision making, planning and assessment practices in relation to children's learning, development and wellbeing.
- Develop respectful relationships based on open communication with the aim of encouraging families' engagement and to build a strong sense of belonging.
- Learn about, respect and respond to the uniqueness of each family, their circumstances, culture, family structure, customs, language, beliefs and kinship systems.
- Respect families' right to privacy and maintain confidentiality.

**IV. In relation to colleagues, I will:**

- Encourage others to adopt and act in accordance with this Code, and take action in the presence of unethical behaviour.
- Build a spirit of collegiality and professionalism through collaborative relationships based on trust, respect and honesty.
- Acknowledge and support the diverse strengths and experiences of colleagues in order to build shared professional knowledge, understanding and skills.
- Use constructive processes to address differences of opinion in order to negotiate shared perspectives and actions.
- Implement strategies that support and mentor colleagues to make positive contributions to the profession.
- Maintain ethical relationships in my online transactions.

**V. In relation to community and society, I will:**

- Learn about local community contexts and aspirations in order to create responsive programs to enhance children's learning, development and wellbeing.
- Collaborate with people, services and agencies to develop shared understanding and actions that support children and families.
- Use research and practice-based evidence to advocate for a society where all children have access to quality education and care.
- Promote the value of children's contributions as citizens to the development of strong communities

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- Work to promote increased appreciation of the importance of childhood including how children learn and develop, in order to inform programs and systems of assessment that benefit children.
- Advocate for the development and implementation of laws and policies that promote the rights and best interests of children and families.

Early Childhood Australia

[www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

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## EXCURSION POLICY

### BACKGROUND

Excursions provide valuable teaching and learning opportunities to the children in care; extending the range of experiences children have and broadening children's involvement within the community.

### POLICY

- All reasonable care must be taken to ensure the safety of the children in care while out of the [Family Day Care](#) Service approved residence or venue.
- The [Mid-Western Regional Family Day Care](#) Scheme is committed to complying with the requirements of the legislation to ensure excursions are conducted in a safe manner.
- To ensure there are procedures in place so that families know where, when and what excursions their children are participating in and that Educators use the correct paperwork for excursions.

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### PROCEDURE

Routine and [Non-routine routine Excursions](#) occur when the children are taken outside the premises of a licensed [Family Day Care](#) residence or venue.

#### ROUTINE EXCURSIONS

A risk assessment for each routine excursion will be forwarded to the Coordination Unit prior to the excursions taking place. An excursion reply form must be obtained from the Coordination Unit before the excursion is conducted via email or verbally.

The risk assessment must be sighted by the parents before they sign the routine excursion form.

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Routine excursions may be conducted on a regular basis. Educators may take children out of their [Family Day Care](#) residence or venue to the library, the park, a play group or visiting another Educator.

Educators will document their routine outings / excursions they have during the week / fortnight / month individually on the [Routine routine Excursion excursion Form](#).

All [Routine routine Excursion excursion permission](#) forms will include the required information as set out in [Clause Regulation 102](#).

The Risk risk Assessment assessment for each Routine routine Excursion excursion will be forwarded to the Coordination Unit prior to the excursions taking place. Permission An excursion reply form must be obtained from the Coordination Unit before the excursion is conducted either through a faxed reply, via email or verbally.

This Risk risk Assessment assessment must be sighted by the parents when before they sign the Routine routine Excursion excursion Form.

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Parents are to sign their consent for these excursions with the Educator before the excursion takes place. It is a parent's right to make any decision regarding their own child, should a parent not wish for their child to attend ~~the an~~ excursion.

Written permission for Routine Excursions is valid for the time specified on the Excursion Reply form, unless changes occur to the excursion format or route taken. If this occurs the Coordination Unit must be notified and the changes noted on the daily program to inform parents. Routine excursion Risk Assessments must be reassessed at least annually.

Educators will inform parents at the beginning and / or end of each day as to what routine excursion they participated in that day. Parents should be aware of where their children are and be able to contact/access them at all times.

Educators must inform the Coordination ~~unit~~ Unit if they are going out of their residence or venue on a Routine-routine excursion. During Educators' hours of business, the Coordination Unit ~~needs to~~ must be aware of where all Educators are at all times.

NON-ROUTINE EXCURSIONS

Non-Routine-routine excursions are outings that occur only from time to time, —like a trip to the post office.

While Routine-routine and Non-non-Routine-routine Excursions-excursions may provide valuable experiences for the children, Educators and the Coordination Unit must be mindful of the additional risks that may be present and the need to keep children safe from hazards and harm at all times.

For any Nonnon-Routine routine Excursions-excursions, Educators must complete a Risk-risk Assessment-assessment Form-form for the proposed excursion and send it through to the Coordination Office Unit at least one week prior to the excursion.

Permission-An excursion reply form must be obtained from the Coordination Unit before the excursion is conducted either through a faxed reply, email or verbally.

Educators must then obtain written permission from the parents before the non-non-routine excursion takes place. Parents must be shown the Risk-risk Assessment-assessment for the Non non-Routine-routine Excursion-excursion prior to signing the form.

AUTHORISATIONS

~~The authorisation~~ Authorisation must be given by a parent or other person named in the child's ~~enrolment record~~ registration and authorisation as having authority to authorise the taking of the child outside the education and care service premises residence or venue by an Educator, and must state the information requested-set out in Clause-Regulation 102.

All authorisations for excursions are to be kept in the family's files and returned to the coordination Coordination unit Unit when that family ceases care.

RISK ASSESSMENTS

Educators must complete a risk assessment of the excursion which outlines —

- the proposed route and destination for the excursion; ~~and~~
- any water hazards; ~~and~~
- any risks associated with water-based activities or other risks identified; ~~and~~

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- the transport to and from the proposed destination for the excursion; ~~and~~
- the number of adults and children involved in the excursion; ~~and~~
- given the risks posed by the excursion, the number of ~~educators~~ ~~educators~~ or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required; ~~and~~
- the proposed activities; ~~and~~
- the proposed ~~date, time and~~ duration of the excursion; and
- the items that should be taken on the excursion.

Educators must visit the proposed venue prior to the excursion to assess the risks associated with the venue before completing the ~~Risk-risk Assessment~~ ~~assessment~~.

Educators must check the location on arrival to the venue for safety hazards and reassess whether or not to go ahead with their excursion.

#### ALL EXCURSIONS

Educators must take a First Aid kit, their mobile phone, children's emergency contact details, hats, ~~sunscreen~~, food water and any medications required by the children in care with them on all excursions.

~~Childrens'~~ ~~Children's~~ emergency contact details should be entered into the Educator's mobile ~~tele~~phone, as well as a hardcopy of the details taken with them when they leave their secure environment.

Educators must ~~Choose-choose~~ a safe place for children to play when on excursions. Playgrounds ~~would-will~~ ideally be fenced, away from water and traffic hazards, and the play equipment should be safe and age appropriate. There should be appropriate shading. There should ideally be access to toilets and running water.

Educators should prevent children from playing with or going near dogs and other animals.

Educators should not leave children unattended ~~or with any other person other than an Assist/Relief Educator or member of the Coordination Unit staff~~ for any reason.

#### BUS/ TRAIN SAFETY

Educators will exercise extreme caution when entering and exiting a bus/ train with children.

Educators should be the last onto the bus/ train and the first to exit.

Children should be seated at all times when the bus/train is in motion, and seated in seats in close proximity to the Educator.

#### PEDESTRIAN SAFETY

- The NSW Roads and ~~Traffic authority~~ ~~Maritime Services~~ recommends when walking with children up to age 10 years of age in traffic environment (eg. roads, pedestrian crossings, bicycle tracks, footpaths, driveways, and car parks), all children should hold an adult's hand. If an adult's hand is not available, children should hold onto a pram, stroller, wheelchair, bag, or clothing, and should be kept in sight of an adult (ie. not walking behind the adult). ~~We-The~~

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~~Coordination Unit~~ recommends wrist bands for younger children that can be attached to the pram or Educator's hand.

- ~~Promote~~ ~~Educators must promote~~ awareness in children of road safety by using walking commentary about all things ~~you are doing being done~~ to keep safe while on excursions and when out walking.
- ~~Educators must~~ ~~Ensure-ensure~~ children are supervised at all times and be alert to children's whereabouts, activities and safety at all times.
- ~~Never~~ ~~Educators must never~~ leave children standing alone by the side of the road or pedestrian crossings.
- ~~Educators must~~ ~~Always-always~~ be aware of reversing cars and traffic in car parks and drive ways.
- ~~We~~ ~~The Coordination Unit~~ strongly recommends crossing roads at pedestrian crossings wherever possible.

TRAVEL IN CARS – see Vehicle Safety Policy.

EXCURSION NEAR WATER – see Water Safety Policy.

RELEVANT LEGISLATION

~~Children (Education and Care Services) National Law 2010 (NSW)~~

~~Education and Care Services National Regulations 2018 (NSW)~~

~~Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)~~

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

KEY RESOURCES

National Quality Standards 2011 (ACECQA) – ~~Quality Area 1, 2, 6, 7~~

Kidsafe: the Child Accident Prevention Foundation of Australia [www.kidsafe.org.au](http://www.kidsafe.org.au)

Kids and Traffic [www.kidsandtraffic.mq.edu.au](http://www.kidsandtraffic.mq.edu.au)

Belonging, Being, Becoming: The Early Years Learning Framework for Australia (DEEWR, 2009)

My Time, Our Place: Framework for School Age Care in Australia (DEEWR, 2011)

~~LAST REVIEW DATE:~~ August 2018

RELATED POLICIES

~~Acceptance and Refusal of authorisations~~

~~Access and Custody~~

~~Assist Educators~~

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Behaviour Guidance  
Child Protection  
Children's Health and Hygiene  
Collaborative Partnerships with Families and Communities  
Complaints and Feedback  
Critical Incident  
Curriculum Development  
Delivery and Collection of Children  
Educator Record Keeping  
Emergency and Evacuation  
Ethical Conduct  
Fees and Charges  
Food Handling  
Children's Health and Hygiene  
Incidents, Injuries, Trauma and Illness  
Inclusion and Equity  
Interactions with Children  
Media and Publicity  
Medical Conditions and Medical Administration  
Monitoring, Support and Supervision of Educators  
Non-Compliance  
Nutrition and Activity  
Playsessions  
Photographs and Videos  
Privacy and Confidentiality  
Professionalism  
Protection from Harm and Hazards  
Relief Educators  
Social Media  
Sun Protection

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Supervision

Vehicle Safety

Water Safety

Work Place Health and Safety

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## FEES AND CHARGES

### BACKGROUND

Educators are self-employed business operators who set their own fees [within the Scheme's parameters](#) for their individual [Family Day Care service](#). Educators must operate their business in an accountable manner which is transparent to all stakeholders.

It is a legal requirement of accepting Child Care Subsidy payments, that the Scheme, Educators and families abide by the guidelines set out in the Australian Government's Child Care [Management System - Children's Services Provider Handbook](#).

### POLICY

- To ensure the [Mid-Western Regional Family Day Care](#) Scheme, Educators and families meet all accountability requirements in regard to payment of fees and provision of a statement of fees charged by the [Education and Care Service](#), in line with the Australian Government's Child Care Management System and the Child Care Provider Handbook.
- [Mid-Western Regional Family Day Care](#) will set the Parent Administration Fee and Educator Levy ([and any other fees or charges prescribed from time to time](#)) each financial year based on the annual budget to ensure the required income will be generated to run the service efficiently to meet legislative requirements. This will involve the Mid-Western Regional Council Finance team.

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### PROCEDURE

#### [The Coordination Unit will -](#)

- Keep all stakeholders informed during this fee setting process.
- Explain to families that individual Educators set their own fees for the service they provide, within a parameter that is set by the Coordination Unit.
- The [Family Day Care](#) Scheme [Coordination Unit](#) charges an [parents](#) administration levy to assist in covering [their](#) operational costs. This is a compulsory charge that must be included on an Educator's Fee Schedules that is given to [prospective](#) parents.
- [The Coordination Unit will abide](#) [Abide](#) by the Competition and Consumer Act [2011-2010](#) in offering Educators the opportunity to set their own [Fees-fees](#) within the parameters outlined by the Scheme.
- Provide information to Educators when they are developing their individual service [Fee-fee Schedules](#) [schedule](#). [However-the](#) [The](#) Coordination Unit cannot, [however](#), enter into discussions with Educators or families on matters relating to the value of an individual [service-Service](#) compared to other [services](#) [Services](#).
- Ensure Educators understand their legal responsibilities regarding the information they collect on attendance records [submitting](#) [Attendance-Records](#).
- Process the children's [Attendance](#) [attendance](#) [Records](#) [records](#) each week and submits them to [Centrelink / Family Assistance Office / DEEWR-the](#) [Departments of Human Services and Education](#) via the third party software to have families' entitlements assessed.

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- Ensure ~~the family's families'~~ Child Care Entitlement is passed onto the Educators through the Scheme. ~~The~~ third party software generates Payment Advices which are then sent out to the Educators and they are to collect from the family, the money owing to them (co-contribution).
- Require Educators to take responsibility for bad debts incurred through their individual ~~service~~ Service.
- Require outstanding fees due to an Educator be paid before the family can be placed with another Educator.
- ~~Issue a statement to parents /~~ every two weeks via email that outlines what care they have received over the past quarter, the fees they were charged and what Child Care Subsidy they received. This statement is generated with data from within the third party software.
- Educators and parents must be aware that any changes to a parent's Child Care Entitlements must be dealt with by the parents and Centrelink ~~/Family Assistance Office~~. If for some reason a family's Child Care Entitlement is cancelled, they are to pay full fee to the Educator until the issue is resolved.
- ~~Process other benefits in a timely manner.~~
- ~~At the~~ The Coordinator's discretion, ~~will~~ take disciplinary action if an Educator ~~has does~~ not paid pay a parent back money owed from a Child Care Entitlement backdate.

**Educators will -**

- Abide by the guidelines set out in the Australian Government's Child Care Management System ~~and the~~ Child Care Provider Handbook.
- Obtain and submit a Provider Digital Access (PRODA) RA-Registration Authority number prior to their commencement with the scheme ~~Scheme~~ in order for the service ~~Service~~ to verify their identity, this is a part of the secure Child Care Subsidy System. Educators will be linked to the Coordination Unit through the Provider Entry Point (PEP) as well as within the third party provider software.
- Take personal responsibility in relation to the obligations set by their Fee-fee ~~Schedule~~ schedules.
- Be encouraged to discuss any changes to their Fee-fee Schedule ~~schedule~~ with the Coordination Unit before they release ~~publicise~~ it to the parents.
- Give one full months' notice (minimum of 4 ~~four~~ full weeks) in writing to the Coordination Unit and all parents before any changes on their Fee-fee Schedule ~~schedule~~ can come into effect. The Coordination Unit recommend that Educators obtain parents' written acknowledgement of any changes/ increases about to occur in their Fee-fee Schedules ~~schedule~~, ~~including e-the any~~ service fees in all fee schedules.
- Be aware that any changes to a parent's Child Care Entitlements must be dealt with by the parents and Centrelink ~~/Family Assistance Office~~. The Coordination Unit is not able to alter ~~/~~ update the Child Care Subsidy amount charged each week. If for any reason a parent's Child Care Entitlement is cancelled, they are to pay full fee to the Educator until the issue is resolved.
- ~~Be encouraged to receive a bond from~~ the a family on enrolment. If this is done, it should be receipted separately and is a business arrangement between the Educator and the family. Information should be provided in writing to the family.

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- The bond can either be in credit to pay the last few weeks of a child's care or is paid in full by the Educator to the parent once care has ceased all fees are paid ~~up-up-to-to-date~~.
- An Educator needs to give a family two week's written notice of any changes to their days of care or cessation of that ~~families-family's~~ care.
- ~~Adopt standard hours as 8.00 am to 6.00 pm Monday to Friday.~~
- Any care provided outside ~~these-standard~~ hours or on Public Holidays will be classified as ~~Non non-Standard-standard~~ hours of care. Educators are not permitted to individually alter the standard hours of care that they charge families.
- Ensure individual fees are compliant with the Australian Government's Child Care Management System and the Child Care Provider Handbook, ~~service-Scheme~~ policies and software before implementing with families.
- Ensure ~~Individual-individual~~ fee schedules are given to families at the initial interview and when any changes have occurred
- Charge all families the same fee for the same service, according to their individual ~~Fee-fee Schedule-schedule~~.
- Fees charged to a family are in line with the Parent-/ Educator Agreement (Complying Written Arrangement) they have with that relevant family.
- Issue a receipt for all ~~money-monies~~ received from the families, including any Child Care Subsidy entitlements and administration levy. A copy ~~will-is to~~ be forwarded to the Coordination Unit in a timely manner.
- Not discuss nor agree to set fees in collusion with other Educators (Competition and Consumers Act ~~2011-2010~~).
- Only provide care for children who are registered with the ~~Mid-Western-Regional-Family-Day Care~~ Scheme.
- Pay for any fees incurred when keeping current their Public Liability Insurance, Working with Children Check, ~~National Police History Check~~, Child Protection and First Aid Certificates.

#### EDUCATOR CHARGES

- Educators will be charged a weekly Educator Levy which contributes to the costs of running the Coordination Unit. The Educator Levy is charged per week regardless of how many days an Educator ~~work-ed~~ during that week. ~~An Educator will not be charged an Educator Levy for any weeks that Educator does not work.~~
- ~~A Late Receipt Levy may be charged per family per week to those Educators who neglect to hand in their original timesheets and Child Care Subsidy Receipts within the outlined time. This money is non-refundable.~~
- Any external fee or disbursement incurred on ~~your-behave-an Educator's behalf~~ will be passed on eg. National Police History Check, Fire Equipment Checks.

#### PARENTS

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

- Parents are responsible for ensuring that they have successfully completed all eligibility requirements associated with Centrelink's Activity Test. A child cannot start in care until a family has received their [eligibility](#) assessment for [the Child Care Subsidy](#), [eligibility](#)
- Parents are to complete a Parent Educator Agreement (Complying Written Arrangement) with their Educator prior to the commencement of care, at the start of every [the](#) calendar year and at any other time their circumstances change.
- Once the Coordination Unit submits the Complying Written Arrangement through the third party software provider, it is the parent's responsibility to confirm this within their MyGov account to ensure that any entitlements are passed onto the Educator.
- Parents are encouraged to take responsibility in relation to the obligations set within the Educator's [Fee-fee Schedule-schedule](#) that they receive when starting care with that Educator, and in line with the Parent / Educator Agreement (Complying Written Arrangement) they sign.
- Parents must be aware that any changes to their Child Care Subsidy must be dealt with by the parents and Centrelink / [Family Assistance Office](#). The Coordination Unit is not able to alter / update the Child Care Subsidy amount charged each week. If for some reason a parent's Child Care Subsidy is cancelled, they are to pay full fee to the Educator until the issue is resolved.
- A [Parent-parent / Guardian](#) must give the Educator two week's written notice of any changes to their days / times of care or their intention to cease care. Any changes to days / times of care should be reflected in a new Parent Educator Agreement (Complying Written Arrangement).
- Ensure all of their children being provided with care are registered with the [Mid-Western Regional Family Day Care](#) Scheme.
- Pay fees regularly to the Educator at the time agreed with the Educator.
- Non Payment of Fees is communicated to Centrelink / [Family Assistance Office / DEEWR Department of Education and Training](#).

THIRD PARTY PAYMENTS

If a child's fees are to be paid by a third party, ~~for example (such as by~~ [Barnardos](#), [The Benevolent Society](#), [Samaritans](#), [Docs etc or Family and Community Services](#)), the Coordination Unit / Educator must insure that all formalities have been covered before the child starts. For example that the Educator has been formally set up in the third party system so payments are transferred smoothly and not delayed ~~as per the Enrolment and Orientation Policy (Emergency Care).~~

PARENT CHARGES

Parents are charged an Administration Levy per hour per child, as part of their full weekly fee.

The Administration Levy charged by the Coordination Unit is recorded on the Educator's weekly [Pay-payment Advices-advices](#) and Educators will note it separately on their receipts to parents.

Where a child is absent from care, the administration levy is still payable for that time. [When an Educator's Service is closed, the Administration Levy is not charged.](#) ~~When an service is closed~~

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

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[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

[Compensation and Consumer Act 2010](#)

[Competition and Consumer Act 2011 2010 \(CTH\)](#)

[Family Assistance Law 2016](#)

#### KEY RESOURCES

National Quality Standard 2014 (ACECQA)

[Australian Governments Child Care Management System Children's Services Provider Handbook, \(Department of Education and Training\)](#)

Family Day Care Australia [www.familydaycareaustralia.com.au](http://www.familydaycareaustralia.com.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assist Educators](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Delivery and Collection of Children](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

[Excursions](#)

[Food Handling](#)

[Medical Conditions and Medical Administration](#)

[Non-Compliance](#)

[Privacy and Confidentiality](#)

[Professionalism](#)

[Relief Educators](#)

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018[VERSION 1.1, 1.2 ETC][VERSION 1.1, 1.2 ETC], [INSERT DATE][INSERT DATE]

## FIRST AID

### BACKGROUND

Providing a safe environment and responding to accidents and injuries in a timely and professional manner are essential responsibilities of an Educator operating a [Family Day Care service/Service](#).

Even with careful supervision, children frequently sustain scrapes, bruises, cuts, bites and falls in the normal course of their day. Minor accidents and unintentional childhood injuries are not unusual in a child care setting.

Children with health conditions such as allergies, asthma, diabetes or seizure disorders may require immediate attention-/special consideration. The [educator/Educator](#) should know how to recognise and respond to these individual emergency conditions.

### POLICY

- This Policy will assist in maintaining the health and wellbeing of all children in care.

### PROCEDURE

#### FIRST AID QUALIFICATION REQUIREMENTS

In line with the [Education and Care Services National Regulations 2014-Education and Care Services National Regulations 2018 \(NSW\)](#), it is a requirement that all [Approved Family Day Care Educators \(including Assist and Relief Educators\)](#) and Coordination Unit staff hold a current approved [First first Aid-aid](#) qualification and training in [Asthma-asthma](#) and anaphylaxis management.

Educators will not be allowed to operate their business without evidence of a current [First first Aid aid Certificate-certificate](#) being provided to the [Co-ordination/Coordination Unit-before expiry](#).

Educators who do not meet the requirements for [Professional-professional Development development](#) annually may be removed from the Register of Approved Educators at the discretion of the [Approved Provider and/or Scheme's](#) Nominated Supervisor.

Approved courses can be found on the Australian Children's Education and Care Quality Authority ([ACECQA](#)) website [www.acecqa.gov.au](#)

#### FIRST AID KITS

An [Family Day Care](#) Educator must provide a suitable first aid kit at the [Service residence](#) or [Family Day Care](#) venue that is easily recognisable and readily accessible to adults.

First aid kits should also be taken when leaving the [service-Service premises-residence or venue](#) for excursions, routine outings or emergency evacuations.

First aid kit suppliers might advise about the contents of first aid kits. Kits should be checked regularly to ensure they are fully stocked and no products have expired. A quarterly checklist is to be completed and signed off by the Coordination Unit.

If an [Incident/incident](#), [Injury/injury](#), trauma or [Illness-illness](#) does occur, the Educator is to deal with the situation as per the Incident, Injury, [trauma/Trauma](#) or Illness Policy.

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#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)  
[Education and Care Services National Regulations 2018 \(NSW\)](#)  
[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)  
[Education and Care Services National Law 2010](#)  
[Education and Care Services National Regulations 2011](#)  
[Children and Young Persons \(Care and Protection\) Act 157 of 1998 \(NSW\)](#)  
[Family Assistance and other Legislation Amendment \(Child Care and Other Measures\) Act 2011](#)  
[Children, Youth and Families Act 2005 amended 2011](#)  
[Child Wellbeing and Safety Act 2005 amended 2012](#)  
[Disability Discrimination Act 1992 \(CTH\)](#)  
[Equal Opportunity Act 2010](#)

#### KEY RESOURCES

[National Quality Standards 2011 \(ACECQA\) – Quality Area 2,6](#)  
[Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)  
Kidsafe [www.kidsafe.com.au](http://www.kidsafe.com.au)  
**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assessment of Family Day Care Venues](#)  
[Assist Educators](#)  
[Critical Incident](#)  
[Deregistration of an Educator](#)  
[Educator Selection and Registration](#)  
[Emergency and Evacuation](#)  
[Children's Health and Hygiene](#)  
[Incidents, Injuries, Trauma and Illness](#)  
[Infectious Diseases](#)  
[Medical Conditions and Medical Administration](#)

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~~Monitoring, Support and Supervision of Educators~~

~~Non-Compliance~~

~~Professional Development~~

~~Relief Educators~~

~~Work Place Health and Safety~~

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## FOOD HANDLING

### BACKGROUND

Food handling and safety is very important in early childhood services. Young children are often more susceptible to the effects of foodborne illness than other members of the community. Foodborne illness can be caused by bacteria, parasites, viruses, chemicals or foreign objects that are present in food. Safe food practices can also assist in reducing the risk of allergic reactions by preventing ~~cross-cross~~ contamination of food provided.

### POLICY

- To reflect the Australian Food Safety Standards in relation to safe food handling, preparation and storage within an early ~~Childhood-childhood~~ care service, which will help to reduce the risk of potential food borne illnesses in children.

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### PROCEDURE

Educators will have a basic knowledge of ~~Food-food Handling-handling~~ from their ~~Early-early Childhood-childhood~~ qualification. ~~\_\_\_\_\_~~ If they are to provide a cooked lunch to the children in their care, they are to obtain a ~~Food-food Handling-handling Qualification-qualification~~ that is recognised by a relevant ~~Health-health Authorityauthority~~.

#### To ensure safe handling of food, the following practices are recommended -

- Have facilities that include a stove and/or microwave oven, sink, refrigerator, hot water supply and suitable waste disposal.
- Ensure all food or bottle preparation and storage areas are separate from toileting/ nappy change areas.
- Refrigerate children's food as soon as possible after the child arrives until needed.
- Food should be refrigerated at a temperature of less than 5 degrees Celsius.
- Food should be reheated to 70 ~~Degrees-degrees Celsius~~ then allowed to cool for 2 minutes before serving.
- The danger zone for food is 5-60 ~~Degreesdegrees Celsius~~.
- Be aware of and accommodate the special needs of culturally and linguistically diverse families in relation to their special rules for storing, preparing and serving food.
- Ensure children with special dietary needs eat only the foods that they are allowed.
- Educators and children are to wash their hands (following the Hand Washing Procedure) before handling food, eating meals, fruit and snacks and after disposing of any food waste.
- When transporting food (~~Play-play sessions, Excursions-excursions etc.~~), ~~Educators-educators~~ will use an insulated cooler bag with frozen drinks or "ice bricks".
- There is no need to wear gloves when preparing food if your hands are clean and dry.

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- Educators are to supervise children while they are eating and discourage direct sharing of food between children. Children will be seated in appropriate seating for their age and developmental needs when eating.
- Use separate wash cloths for floor, dishes, benches, play areas etc.
- Keep all kitchen surfaces and utensils clean and ensure regular cleaning routines for all food preparation.
- Throw out all leftovers. Tell parents what food their child left, but do not return leftover food to the parent (unless these are sealed snacks).

**For babies -**

Use only sterilised bottles and teat assemblies to store expressed breast milk and made-up formula.

Refrigerate all made-up formula at the back of the fridge at a temperature of 4 degrees Celsius or less for no longer than 24 hours.

Refrigerate breast milk at the back of the fridge at a temperature of 4 degrees Celsius for 3-4 days. Expressed breast milk can be frozen for up to 3 months.

Warm bottles using bottle warmer or hot (not boiling) water in a container for no more than 15 minutes.

**Do not warm bottles in the microwave.**

Warm bottles only once. Never reheat or re-refrigerate bottles that have already been warmed up once. Throw out any milk that is left over, rinse bottle.

Babies should not be left in a cot or any other place unsupervised with a bottle.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[2011-Education-and-Care-Services-Law](#)

[2011-Education-and-Care-Services-Regulations](#)

[Food Act 1984-2003 \(amended 2012\)\(NSW\)](#)

[Food Standards Australian and New Zealand Food Standards Code Act 1991 \(CTH\)](#)

~~LAST REVIEW DATE: August 2018~~

KEY RESOURCES

National Quality Standards [Quality Area 2\(ACECQA\)](#)

Staying Healthy in Childcare NHMRC [www.nhmrc.gov.au](http://www.nhmrc.gov.au)

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RELATED POLICIES

[Assist Educators](#)

[Children in Care](#)

[Children's Health and Hygiene](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Dental and Oral Health](#)

[Educator Household Members](#)

[Ethical Conduct](#)

[Excursions](#)

[Fees and Charges](#)

[Children's Health and Hygiene](#)

[Incidents, Injuries, Trauma and Illness](#)

[Medical Conditions and Medical Administration](#)

[Monitoring, Support and Supervision of Educators](#)

[Nutrition and Activity](#)

[Privacy and Confidentiality](#)

[Professional Development](#)

[Relief Educators](#)

[Supervision](#)

[Work Place Health and Safety](#)

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

## GOVERNANCE AND MANAGEMENT OF THE SERVICE

### BACKGROUND

Governance is the system or process by which organisations are directed, controlled and held accountable to ensure that the right decisions are made. Under the National Law and National Regulations, early childhood services are required to have policies and procedures in place relating to the governance and management of the service, including confidentiality of records.

The [Mid-Western Regional Family Day Care](#) Scheme recognises the importance of having a framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in the organisation. [We view good-Good](#) governance and management [as-is](#) essential to [our-the](#) provision of quality education and care in a responsible manner.

### POLICY

- [Family-Day-Care](#) Educators are self-employed childcare providers, operating their business under the approved provider, the [Mid-Mid-Western regional-Regional](#) Council. Roles within the Coordination Unit need to be defined within the requirements of Mid-Western Regional Council, the Education and Care Services National Law and Regulations, the National Quality Standards and the Australian Government's Child Care [Management-System Children's-ServicesProvider](#) Handbook.

[The Council and the Mid-Western Regional Family Day Care](#) Scheme [is-are](#) committed to ensuring that there are appropriate systems and processes in place to enable:

- Good governance and management of the organisation
- Accountability to [ite](#) stakeholders
- Compliance with all regulatory and legislative requirements placed on the organisation
- The organisation to remain solvent and comply with all its financial obligations.

### PROCEDURE

#### LICENSING

The NSW Department of Education and [Communities-Training](#) is responsible for regulating the [serviceScheme](#). The Scheme operates under the Education and Care Services National Law 2014 and the Education and Care Services National Regulations 2014. [Mid-Western Regional Family Day Care-The](#) Scheme must also adhere to the National Quality Standards.

#### CONFIDENTIALITY

All staff who gain access to confidential, commercially-sensitive and other information of a similar nature, whether in the course of their work or otherwise, shall not disclose that information to anyone unless the disclosure of such information is required by law (refer to Privacy and Confidentiality Policy).

#### ETHICAL PRACTICE

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The following principles will provide the ethical framework to guide the delivery of [services](#) [Services](#) at the [Mid-Western Regional Family Day Care](#) Scheme -

- Treating colleagues, parents / guardians, children, suppliers, [the general](#) public and other stakeholders respectfully and professionally at all times
- Dealing courteously with those who hold differing positions
- Respecting cultural differences and diversity within the [service](#)[Services](#), and making every effort to encourage and include all children and families in the community
- Having an open and transparent relationship with government, supporters and other [funders](#)[funding bodies](#)
- Being open and transparent in making decisions and undertaking activities, and if that is not possible, explaining why.

MID-WESTERN REGIONAL COUNCIL (AS APPROVED PROVIDER)

- administer the [scheme](#)[Scheme](#),
- employ fit and proper staff to run the Coordination Unit,
- account for government funding and
- maintain communication with [state](#)-[State](#) and [federal](#)-[Federal](#) government departments.

MID-WESTERN REGIONAL FAMILY DAY CARE SCHEME

The Coordination Unit Staff will hold the appropriate qualifications for the following positions:

- **Service Coordinator /Nominated Supervisor** Degree or Diploma in Early Childhood Education or equivalent qualification and Early Childhood experience
- **Support Coordinator/Child Development Officer** Degree or Diploma in Early Childhood Education or equivalent qualification and Early Childhood experience
- **Educational Leader** Degree or Diploma in Early Childhood Education or equivalent qualification and experience in Early Childhood
- **Administrative Staff** TAFE Certificate in Office Administration [and/or relevant administrative experience](#)

**KEY PERSONNEL**

**ROLES / RESPONSIBILITIES**

**JOB TITLE**

<p>Manager Community Services Coordinator</p>	<p>Acts as Approved Provider representative to support the effective operations of the service.</p> <p>Oversees the operations of the <a href="#">service</a><a href="#">Scheme</a>. Reports to relevant government departments. Supervises and manages <a href="#">service</a>-<a href="#">Scheme</a> staff. Oversee the monitoring and support of Educators. Maintains legislative requirements. Oversees the</p>
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recruitment and induction of new Educators. Develops training for Educators. ~~Supervision of Scheme staff.~~

~~Support—Coordinators~~ ~~Child Development Officer~~ ~~Arranges Placement~~ placement of children into care and filling Educator vacancies. Liaise with Educators and families in regard to child care. Support and monitor Educators to comply with legislation. Assist in Educator recruitment, playsession and administration.

~~Playsession Leader~~ ~~Mentor Educators in the implementation of the Early Years Learning Framework by conducting regular playsessions that demonstrate different aspects of the frameworks.~~

~~Educational Leader~~ Mentors Educators/Coordination Unit staff in the implementation of the Early Years Learning Framework/ My Time, Our Place.

~~Administration Team~~ Supports the service in administrative duties, including the ~~Oversee duties of Administration staff. Processing processing of Attendance attendance Records records.~~

[Refer to individual staff position description documentation for further details of key accountabilities and expected standards.](#)

EDUCATORS

Educators are responsible for the delivery of quality education and care and agree to work cooperatively with the families, Coordination Unit and community in the delivery of their ~~service~~ ~~Services~~. Educators are directly responsible to the Coordination Unit and must adhere to the ~~Children (Education and Care Services) National Law 2010 (NSW) and Education and Care Services National Regulations 2018 (NSW) Education and Care Services National Law Act 2010 and Education and Care Services National Regulations 2011.~~

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2011](#)
- [Education and Care Services National Regulations 2011](#)
- [Family Assistance Legislation Amendment \(Child Care Management System and other measures\) Regulations 2009 \(SLI NO 82 OF 2009\)](#)
- Associations Incorporation Act ~~1984-2009 (NSW)~~ and Corporations Act 2001 (CTH), as applicable to the ~~service~~ ~~Service~~

KEY RESOURCES

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National Quality Standard (ACECQA)

[Childcare Service Handbook \(DEEWR\)](#) [Child Care Provider Handbook \(Department of Education and Training\)](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assessment of Family Day Care Venues](#)

[Complaints and Feedback](#)

[Critical Incident](#)

[Deregistration of an Educator](#)

[Educator Record Keeping](#)

[Educator Selection and Registration](#)

[Ethical Conduct](#)

[Media and Publicity](#)

[NSW Ombudsman](#)

[Professionalism](#)

[Retention and Confidentiality of Records](#)

[Staffing](#)

[Visitors to a Family Day Care Service](#)

[Work Place Health and Safety](#)

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## INCIDENTS, INJURY, TRAUMA, ILLNESS

### BACKGROUND

The Mid Western Regional Family Day Care Scheme and Educators have a duty of care to providing a safe and healthy environment for all children, staff, volunteers, students or any other persons participating in or visiting the service.

### POLICY

- To develop procedures and practice that minimise the risk of harm and promote the wellbeing of each child in care.
- To ensure each child receives efficient and appropriate care and / or medical follow-up after becoming ill, experiencing an accident while in care or in the event of an emergency.
- To ensure that records of any incident, injury, trauma or illness are documented, transmitted to the Department of Education and Communities as required and kept in storage according to Regulatory requirements.

### PROCEDURE

#### Coordination Unit will -

Ensure all Educators and Coordination Unit staff are aware of their responsibilities under the [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#).

~~-National Education and Care Services Law and Regulations-~~

Provide up to date information or professional development to Educators and Coordination Unit staff on the management of Incidents, Injuries, Trauma and Illness

Ensure that the orientation and induction of new staff include an overview of their responsibilities in the event of an incident or medical emergency

Ensure that children’s enrolment forms provide authorisation for the service to seek emergency medical treatment by a medical practitioner, hospital or ambulance service

Ensure that a serious incident report is completed and a copy forwarded to ACECQA as soon as is practicable but not later than 24 hours after the occurrence.

Ensure that incident, injury, trauma and illness records are kept and stored securely until the child is 25 years old.

Each year the Coordination Unit looks at the number and type of Incident, Injury, Trauma and Illness reports, to reflect on the effectiveness of the procedures in place.

#### Educators will -

Ensure that the premises are kept clean and in good repair, regularly checking equipment in both indoor and outdoor areas for hazards, and taking the appropriate action to ensure the safety of the children when a hazard is identified

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Ensure that their approved first aid qualifications are current at all times. Ensure that their first aid kits are up to date and accessible at all times.

Be aware of the signs and symptoms of an incident, injury, illness or trauma in young children and respond in a timely manner, monitoring the symptoms and recording as appropriate.

Respond immediately to any incident, injury or medical emergency, implementing individual children's medical management plans, where relevant.

Be aware of children's allergies and immunisation status and use this knowledge when attending/ responding to any incident, injury or illness.

Ensure that a parent/guardian of the child is notified as soon as is practicable, if the child is involved in any incident, injury, trauma or illness while at the service (~~Regulation 86~~) notifying other person/s as authorised on the child's enrolment form when the parents/guardians are not contactable.

[Contact the Coordination Unit as soon as practicable, but not later than 12 hours.](#)

Ensure that an incident report is completed and a copy forwarded to the Coordination Unit as soon as is practicable but not later than 24 hours after the occurrence.

Review the cause of any incident, injury or illness and taking appropriate action to remove the cause if required.

Maintain all enrolment and other medical records in a confidential manner.

**Parents/Guardians are responsible for -**

- Providing authorisation in their child's enrolment record for the service to seek emergency medical treatment by a medical practitioner, hospital or ambulance service.
- Payment of all costs incurred when an ambulance service is called to attend to their child at the service.
- Notifying the service, upon enrolment or diagnosis of any medical conditions and/or needs, and any management procedure to be followed with respect to that condition or need (~~Regulation 162~~).
- Ensure they provide the [service Service](#) with a current medical management plan, if applicable (~~Regulation 162(d)~~).
- If required, collecting their child as soon as possible when notified of an incident, injury or medical emergency involving their child.
- Informing the service of an infectious disease or illness that has been identified while the child has not attended the service, and that may impact on the health and wellbeing of other children and parents/guardians attending the service.
- Being contactable, either directly or through emergency contacts listed on the child's enrolment form, in the event of an incident requiring medical attention.
- Signing the Incident, Injury, Trauma and Illness Record, thereby acknowledging that they have been made aware of the incident.

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- Notifying staff/educators if there is a change in the condition of their child's health, or if there have been any recent accidents or incidents that may impact on the child's ~~are~~ e.g. any bruising or head injuries.

SERIOUS INCIDENT

The National Law [and Regulations](#) requires the Regulatory Authority to be notified of a serious illness, injury or trauma for which a child attended, or should have attended, a hospital.

A "serious incident" for notification is only needed where emergency services attended a location at which education and care is being provided as a result of an emergency and not, for example, as a precautionary measure.

Clarification to the definition of 'emergency' to mean an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person/s at a place where education and care is being provided.

A serious incident should be documented as an Incident, Injury, Trauma ~~and or~~ Illness Record as soon as possible and within 24 hours of the incident. The [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#) ~~National Regulations~~ require that an incident, injury, trauma and illness record be kept, and that the record be accurate and remain confidentially stored until the child is 25 years old.

PROCEDURE FOR EMERGENCIES

It is recommended that Educators:

**Assess:**

- Stay calm and assess the extent of the injury.
- Is the child safe from further injury?
- Are the other children in care safe?
- Is an Ambulance needed?

**Actions to take:**

- Take the appropriate First Aid action and make the child comfortable, give reassurance.
- If necessary call the Ambulance and the parents. It is the parent's responsibility to accompany the child to hospital. If this is not possible then either the Educator or a member of the Coordination Unit should go with the child [if possible](#).
- Seek outside assistance if necessary eg: a neighbour, however an Educator cannot leave other Family Day Care children with another person who is not registered with the Scheme.
- Reassure and calm the other children in care while monitoring the injured child.
- Withhold all food and drink until the child has seen a doctor, in case an anaesthetic needs to be given.

**If the Educator needs to take child to hospital or doctor:**

- Contact the Coordination Unit Staff and arrange emergency care for the other children in care.

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- Take the child's personal information sheets including Parent's Authorisation to the hospital / doctors / dentist. The Registration Form has the child's Medicare number.
- Wait at the hospital / surgery until a parent arrives.
- Record the accident as soon as is practicable, with the following details:
- Information should be recorded as soon as possible, and within 24 hours after the incident, injury, trauma or illness.
  - time and date
  - place of accident
  - details of accident
  - any witnesses
  - parents contacted (which parents you contacted, -what time you contacted them or tried to contact them, what were their comments etc)
  - actions taken / not taken
  - outcome
- Complete Incident, Injury, Trauma and Illness Form and 'Public Liability Report Form' if required.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2011](#)

[Public Health and Wellbeing Act 2008-2010 \(NSW\)](#)

[Australian Standards AS3745-2002, Emergency Control procedures for workplaces](#)

#### KEY RESOURCES

National Quality Standards (ACECQA)

[Building Code of Australia](#)

Staying Healthy in Child Care. National Health and Medical Research Council [www.nhmrc.gov.au](http://www.nhmrc.gov.au)

[Australian Standards AS3745-2002, Emergency Control procedures for workplaces control organisation and procedures for buildings, structures and workplaces](#)

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LAST REVIEW DATE: April 2018

RELATED POLICIES

- Acceptance and Refusal of authorisations
- Access and Custody
- Assessment of Family Day Care Venues
- Assist Educators
- Behaviour Guidance
- Children in Care
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Critical Incident
- Deregistration of an Educator
- Educator Household Members
- Educator Record Keeping
- Emergency and Evacuation
- Excursions
- First Aid
- Children's Health and Hygiene
- Incidents, Injuries, Trauma and Illness
- Infectious Diseases
- Interactions with Children
- Medical Conditions and Medical Administration
- Non-Compliance
- Nursery, Toy and Equipment Safety
- Pets and Animals
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards

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Safe Sleep and Rest

Sun Protection

Supervision

Visitors to a Family Day Care Service

Water Safety

Work Place Health and Safety

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## INCLUSION AND EQUITY

### BACKGROUND

Inclusion and equity involves taking into account all children’s social, cultural and linguistic diversity (including learning styles, abilities, disabilities, gender, family circumstances and geographic location) in curriculum decision making processes.

In addition to developing and implementing an inclusion and equity policy, values of inclusion and equity should also be incorporated into a services philosophy statement.

[Early Childhood Australia’s Code of Ethics and the United Nations Rights of the Child should guide all of the schemes the Scheme’s and Services’ daily practices.](#)

### POLICY

- The [Mid-Western-Regional-Family-Day-Care Scheme’s Coordination Unit staff and Educators and Coordination Unit Staff](#) will provide an inclusive program and service based on children’s rights and social justice principles. That is, the right to fair and equal treatment regardless of age, gender, class, ethnicity, sexuality, geographic location, languages spoken, cultural background, or current circumstances.
- Ensure all adults and children within the [MWRFD-C Scheme](#) are treated equitably and with respect, regardless of their background, ethnicity, culture, language, beliefs, gender, age, socio-economic status, level of ability, additional needs, family structure or lifestyle

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### PROCEDURE

#### Educators and Coordination Unit Staff staff will –

- Acknowledge and respect the rights of all children to be provided with and participate in a quality early childhood education and care program
- Create a sense of belonging for all children, and families, where diverse identities, backgrounds, experiences, skills and interests are respected, valued and given opportunities to be expressed/ developed
- Work to ensure children and families are not discriminated against on the basis of background, ethnicity, culture, language, beliefs, gender, age, socioeconomic status, level of ability or additional needs, family structure or lifestyle.
- Providing Provide all children and families with the opportunity to access programs at the service Service and recognising that all families are unique and the children learn in different ways and at different rates.
- Consistently updating update and supporting the knowledge, skills and practices to encourage and ensure inclusion and equity.
- Recognise differences as well as similarities in people and respect this, not just within our the Scheme, but in promoting respect for all people within the wider community.
- View children as valued and active citizens, in their own right.



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- Create an environment that supports, reflects and promotes equitable and inclusive behaviours and practices.
- Recognise that discrimination is a barrier to education and **we are** committed to ensuring children develop the skills to challenge bias and discrimination.
- Work to ensure that **our** the Scheme **and its Services are** free of all forms of discrimination through processes that provide all children with the same opportunities and experiences to develop meaningful social relationships and life-long learning skills.
- **display-Display** positive behaviours and **making-make** the environment welcoming to all children and families so that they feel a sense of belonging and trust.
- **being-Be** sensitive, **to** and genuinely encourage**ing** families, to share their values, beliefs and attitudes in contributing to policies and service practices.
- **Acknowledging-Acknowledge** that equal participation does not mean everyone participates in the same way. Participation may be in different forms and there is 'no one way' of being involved.
- Support**ing** children to work together to communicate respectfully, to generate ideas and solve problems.
- Support**ing** children in constructing their knowledge of diversity by being positive role models.
- **Providing-Provide** equipment and resources that reflect positive images of difference, disability and inclusion.
- **Ensuring-Ensure** that programs are reflective of, and responsive to, the values and cultural beliefs of families using the **serviceServices**, and of those within the local community and broader society.

Role-model behaviour and language that describes emotions and feelings, equity and fairness by:

- **model-Modelling** reflective listening and show**ing** empathy towards others ensuring resources and behaviours reflect positive perspectives relating to gender, sexuality and diversity of class, culture and language.
- **actively-Actively intervene-intervening** to assist children to resolve issues and challenge bias, prejudice or stereotypes.
- **respond-Responding** to children's play to help them recognise unfair behaviours.
- **maintain-Maintaining** current knowledge about contemporary research and practice theory.

**Parents/guardians are responsible for -**

- Adhering to the Inclusion and Equity Policy and the Privacy and Confidentiality Policy at all times.
- Communicating with the Educator to ensure awareness of their child's specific needs.
- Raising any issues or concerns regarding their child's participation in the program.
- Responding to requests from Educators to have an assessment on their child (**i.e. eg. a** hearing test).

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CHILDREN WITH A DISABILITY, DELAY OR IMPAIRMENT OR GIFTED CHILDREN

Educators use an inclusive approach ensuring that all children, especially children with special additional needs have the same opportunities to participate in all experiences and all aspects of the program.

To do this, Educators must ensure that they:

- seek-Seek specialised assistance/additional support to successfully include children with high support needs when available.
- maintain-Maintain updated information about particular disabilities, delays or giftedness, relevant to children within their serviceService.
- plan-Plan and work collaboratively with families and other professionals/agencies, including Inclusion Support Agencies, ~~(ISA's)~~
- program-Program based on the child's strengths, interests, talents, likes and dislikes and a family's priorities for their child.
- provide-Provide or seek support/funding to provide any building or environment modifications that may be required.
- provide-Provide or borrow equipment that may be required.
- work-Work collaboratively with other groups, children's services or schools to support the child in the transition to the next learning environment.

CHILDREN FROM A CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUND

Educators value the richness of human diversity and children and families from a wide range of culturally and linguistically diverse backgrounds that make up Australian society.

Educators demonstrate respect for and valuing of diversity by:

- ensuring-Ensuring resources and equipment, that respectfully reflect Australia's indigenous heritage and multi-cultural society, are used as part of daily practice.
- providing-Providing information in other relevant community languages, both those relevant to the individual Educator's: service-Service and/or within the wider community.
- seeking-Seeking and utilising interpreters, as needed.
- ensuring-Ensuring the learning experiences provided and staff behaviours affirm children's identity and cultural heritage.
- discussing-Discussing with families how special occasions can be celebrated in meaningful and respectful ways within the serviceService.
- Understanding and accepting a family's individual beliefs, should they not wish their child to participate.

ABORIGINAL AND TORRES STRAIT ISLANDER PERSPECTIVES

The Mid-Western-Regional-Family-Day-Care Scheme acknowledges the loss of family, cultural identity, land, language and community of Aboriginal and Torres Strait Islander (people) and is

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committed to providing [Aboriginal-indigenous](#) perspectives as an inclusive part of the Educators' programs.

For [Aboriginal-indigenous](#) perspectives to be an inclusive part of [the each program curriculum](#), staff and Educators [must](#):

- [develop-Develop](#) their knowledge and understanding of Aboriginal and Torres Strait culture and [Aboriginal](#) issues within the local and wider community.
- [impart-Impart](#) the importance of all Australians knowing and understanding the histories and current realities of [Indigenous-indigenous](#) people.
- [support-Support](#) children to take pride in their heritage and their cultural identity.
- [reinforce-Reinforce](#) and affirm Aboriginal [and Torres Strait](#) cultural values and identity.
- [learn-Learn](#) and incorporate the learning styles of children, especially active learning and through close personal interaction.
- [value-Value](#) the system of extended family kinship and welcome them in the [centre Services](#), where appropriate.

#### GENDER INCLUSIVE PRACTICES

Educators and [Staff-staff](#) work with children to promote equity, confirming that a person's gender should not be an obstacle for being or doing. Throughout all aspects of the [program curriculum](#), staff and [educator's Educators](#) [must](#):

- [model-Model](#) behaviours and values of gender equity.
- [ensure-Ensure](#) resources, materials, equipment and experience do not reflect gender stereotypes or sexist images or behaviours.
- [expand-Expand](#) children's play options and experiences in a wide range of learning experiences.
- [provide-Provide](#) opportunities for girls and boys to show cleverness, strength and nurturance.
- [observe-Observe](#) children's choices of play and materials and promote non-stereotyped play.
- [use-Use](#) non-sexist language and praise children's attempts and achievements rather than their appearance.

#### CURRICULUM APPROACHES

Educators plan curriculum [and programs](#) that promote children's sense of self and valuing of differences and act to prevent or address bias and prejudice.

When planning and implementing learning experiences, Educators [must](#):

- [encourage-Encourage](#) the different perspectives of children and families and demonstrate that these perspectives are encouraged and valued.
- [talk-Talk](#) regularly about their own values, attitudes and beliefs and how these may be similar or different to each other's and the families using the Service.

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- ~~genuinely~~ Genuinely incorporate these perspectives in the Service and Scheme philosophy, broad goals and policies.
- ~~identify~~ Identify and act on to combat stereotypes and any discriminatory behaviours including racism, sexism, ageism, homophobia and classism.

ACCESSING ADDITIONAL SUPPORT

The Coordination Unit will access specialised advice, appropriate training and additional resources to support inclusion of all children:

- ~~from~~ From culturally and linguistically diverse backgrounds, including refugee children.
- ~~with~~ With ongoing high support needs, including children with a disability.
- ~~of~~ Of Aboriginal and Torres Strait Islander descent.

Australian Government approved Child Care Services can access support through their local Inclusion Support Agency (ISA).

RELEVANT LEGISLATION

- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2010](#)
- [Education and Care Services National Regulations 2014](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)[United Nations Universal Declaration of Human Rights](#)
- [United Nations Convention on the Rights of the Child](#)
- [Equal Opportunity act 2010](#)
- [Disability Discrimination Act 2006-1992 \(CTH\)](#)
- [Racial and Religious Tolerance Act 2001](#)

KEY RESOURCE

- National Quality Standards (ACECQA)
- Early Childhood Australia, Code of Ethics [www.earlychildhood.org.au](http://www.earlychildhood.org.au)
- Belonging Being and Becoming: The Early Years Learning Framework for Australia. [DEEWR](#)[Department of Education](#)
- [Cultural Diversity in Family Day Care](#) [FKA Children's Services](#) [www.fka.com.au](http://www.fka.com.au)

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Early Childhood Australia (ECA) and Early Childhood Intervention Australia's (ECIA) Position Statement on the Inclusion of Children with a Disability in Early Childhood Education and Care – available at [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au) and [www.ecia.org.au](http://www.ecia.org.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Access and Custody](#)  
[Assist Educators](#)  
[Behaviour Guidance](#)  
[Children in Care](#)  
[Child Protection](#)  
[Collaborative Partnerships with Families and Communities](#)  
[Complaints and Feedback](#)  
[Curriculum Development](#)  
[Delivery and Collection of Children](#)  
[Educator Household Members](#)  
[Educator Record Keeping](#)  
[Educator Selection and Registration](#)  
[Enrolment and Orientation](#)  
[Ethical Conduct](#)  
[Excursions](#)  
[Interactions with Children](#)  
[Monitoring, Support and Supervision of Educators](#)  
[National Quality Standards](#)  
[Non-Compliance](#)  
[Nursery, Toy and Equipment Safety](#)  
[Nutrition and Activity](#)  
[Play sessions](#)  
[Photographs and Videos](#)  
[Privacy and Confidentiality](#)  
[Professionalism](#)  
[Protection from Harm and Hazards](#)

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[Relief Educators](#)

[Social Media](#)

[Supervision](#)

[Visitors to a Family Day Care Service](#)

[Work Place Health and Safety](#)

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## INFECTIOUS DISEASE

### BACKGROUND

Children are often infectious before symptoms appear. Therefore, it is important for Educators to operate their business with good hygienic practices at all times. It is also important that Educators and staff act appropriately and with sensitivity when dealing with an infectious child and their family. Educators, Coordination Unit staff and families need to be informed about infectious diseases that are common in early childhood settings.

### POLICY

- [Mid-Western Regional Family Day Care](#) Scheme is committed to maintaining the health and well-being of children and reducing the effect of infectious illnesses in the family day care environment. The Scheme and [individual its services](#) Services will do this by promoting safe and hygienic practices, following recommended guidelines from relevant authorities regarding the prevention of infectious disease and implementing an exclusion policy for those who may be infectious.

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### PROCEDURE

#### Coordination Unit will -

- Maintain current information on infectious illnesses, specifically transmission and exclusion details.
- Provide relevant information and advice to Educators and families regarding any infectious diseases in general, and information regarding any specific infectious illnesses that are suspected or present within [the a service](#) Service.
- Information regarding the prevention of infectious diseases is sourced from a recognised health authority, such as Staying Healthy in Child Care - Preventing Infectious Disease in Child Care, [National Health and Medical Research Council](#) and the NSW [Ministry Department](#) of Health.
- Maintain current information on [the National Immunisation Schedule Program](#) that outlines the timeliness of vaccine coverage in children, and help prevent outbreaks of serious vaccine-preventable diseases.

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The New South Wales [parliament](#) Parliament amended the [Public Health Act 2010](#) Public Health Act 2010 (NSW) 2018, abolishing the right to conscientiously object to vaccination for the purpose of enrolment in early childhood education and care services in [that the state](#) State. The law, in general, prohibits the enrolment of unvaccinated children in early childhood education and care services in New South Wales unless they have a medical exemption (which includes a contraindication or evidence of natural immunity), or are undergoing a catch-up schedule.

Information regarding the Scheme's [Policy](#) policy on infectious illnesses and exclusion practices is documented in the Parent Handbook given to families [on upon](#) registration with the Scheme. Information is also provided to families regarding payment of child care fees in cases of absences due to illness.

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**Educators will**

An Educator must not operate their Family Day Care Service unless they are in good health and free from any medical conditions or dependency on medication or substance which may affect their ability to provide care for children.

Be Educators will be provided with and should be familiar with the current copy of Staying Healthy in Child Care - Preventing Infectious Disease in Child Care – (National Health and Medical Research Council). Educators are required to follow the outlined procedures and guidelines to minimise the spread of infection within the care environment.

Educators will be provided with a copy of the Registration and Authority Form for each child in their care

And will maintain the confidentiality of children and families in relation to medical conditions, and ensure there is no discrimination against them.

Where a child has been unwell overnight, the family are required to telephone contact the Educator prior to attending care. The family will inform the Educator of the child’s symptoms and any treatment given so that a decision can be made regarding the provision of care on that day.

If a child develops symptoms of illness, Educators will notify the parent or guardian or authorised contact and arrange for the child to be collected as soon as practicable.

Educators should not provide care for children who are very ill or are too ill to participate in normal activities, or may require extra supervision to the detriment of the child or other children in care. Care provision is at the discretion of the Educator. In extenuating circumstances, Educators may choose to provide care for an unwell child. This must be done in consultation with any families using the service at the same time and can only take place where no risk is posed to other children in childcare.

Where a child has symptoms of an infectious illness, the service requires a doctor’s certificate for the child to return to care.

Educators will ensure that the appropriate paperwork is completed within 24 hours of the illness occurring; and communicated to the Coordination Unit, other Educators and families while maintaining confidentiality with regards to the individual children.

**EXCLUSION OF INFECTIOUS CHILDREN**

Educators and the Coordination Unit should refer to the conditions that warrant exclusion using the Staying Healthy in Child Care-Preventing Infectious Disease in Child Care – National Health and Medical Research Council.

**ESTABLISH DIAGNOSIS OF INFECTIOUS CONDITION-**

Making a diagnosis should follow the observation that the child is ill. The signs of illness need not indicate an immediate diagnosis to the untrained eye, but the child should then be considered potentially infectious.

In the vast majority of cases, an adequate diagnosis can be accomplished by the Educator or the Coordination Unit staff. Such description diagnoses include high fever, rash with fever, diarrhoea, skin infections and discharging red eyes.

Match the diagnosis against the exclusion list -

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Using [Staying Healthy in Child Care](#) guidelines by the NSW Department of Health and the Department of Family and Community Services and the National Health and Medical Research Council:

- Should the child be determined to have an infectious disease, the parents should be contacted and the exclusion explained to the parents. Other families and Educators will be notified of infectious disease, maintaining confidentiality of people involved.
- If considered appropriate, parents may be requested to present a [Doctor's doctor's Certificate certificate](#) to the Educator, "clearing the child" prior to recommencing care.

#### DECIDING HOW LONG TO EXCLUDE A CHILD

The final step is to determine when the child may return to [the a serviceService](#). Some conditions may only require exclusion as long as the symptoms are evident. For others, particularly the viral infections such as measles, mumps, chickenpox and hepatitis A, for which there is not specific treatment, the duration of exclusion is determined by the known and fixed contagious period and generally requires no further medical opinion.

Where there is an accepted treatment for bacterial infections (such as with impetigo), or for infestations such as head lice, it is usual to allow the child to return the day after appropriate treatment has started.

In a small number of cases, the child's risk to others will depend on the course of the disease. With these conditions - whooping cough and tuberculosis for example - a doctor will need to assess the child.

The Coordination Unit [Staff staff](#) should seek the advice of local public health personnel when difference of opinion between the service and the parents or doctor cannot be resolved.

When an outbreak of a notifiable disease occurs at [the a serviceService](#) the NSW Health [Public Health Division](#) should be notified by the Coordination Unit.

Educators must inform the Nominated Supervisor/[Certified Supervisor](#) as soon as practicable if they have a child in their [serviceService](#) with a provisional diagnoses of: Diphtheria, Measles, Mumps, Pertussis (Whooping Cough), Poliomyelitis, Rubella (German Measles) or Tetanus Meningococcal, Hib (Haemophilus influenza type b), influenza and/or if two or more children or adults at the [serviceService](#) at the same time contract gastroenteritis and any other medical/health condition of concern that affects a number of children and adults.

Educators are required to display a notice of an occurrence of an infectious disease at the [serviceService](#) in a place visible to parents/guardians and visitors. All practicable efforts should be made to notify all other families using the [serviceService](#) of the occurrence.

#### EXCLUSION OF STAFF MEMBERS /EDUCATORS /PERSONS RESIDING AT EDUCATORS HOME

An Educator or member of the Coordination Unit who has or is suspected to have an infectious disease is required to notify the [officeCoordination Unit](#) and cease caring for children in accordance with exclusion guidelines and follow recommended minimum exclusion periods for infectious conditions in the schedule documented in [Staying Healthy in Childcare guidelines \(NHMRC\)](#).

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CRITERIA FOR EXCLUSION MAY DEPEND ON THE EXACT ROLE OF THE STAFF MEMBER.

Educators are required to cease care if a resident of the home of the ~~family day care service~~ ~~Service~~ who is in contact with children, has or is suspected to have an infectious disease. The Educator is required to notify the ~~office~~ ~~Coordination Unit~~ and cease caring for children in accordance with exclusion guidelines. An exception may apply if a medical certificate is provided to verify there is no risk posed to others in the ~~service~~ ~~Service~~.

It is recommended that Educators ~~are encouraged to~~ MAINTAIN THEIR OWN IMMUNISATION STATUS IN REGARDS TO PEOPLE WORKING WITH CHILDREN AS SUGGESTED IN THE ~~STAYING HEALTHY IN CHILD CARE- PREVENTING INFECTIOUS DISEASE IN CHILD CARE – NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL.~~

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [NSW Public Health Act 2018](#) ~~2010~~ (NSW)

KEY RESOURCES

- National Quality Standard [Quality Area 2 and 7 \(ACECQA\)](#)
- Staying Healthy in Child Care-Preventing Infectious Disease in Child Care ([Edition 5 – 2011](#))
- National Health and Medical Research Council [www.health.gov.au/nhmrc/](http://www.health.gov.au/nhmrc/)
- Kidsafe [www.kidsafe.com.au](http://www.kidsafe.com.au) and [www.kidsafe.nsw.org](http://www.kidsafe.nsw.org)

LAST REVIEW DATE: August 2018

RELATED POLICIES

- [Acceptance and Refusal of authorisations](#)
- [Children in Care](#)
- [Child Protection](#)
- [Collaborative Partnerships with Families and Communities](#)
- [Complaints and Feedback](#)
- [Delivery and Collection of Children](#)
- [Educator Household Members](#)

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Educator Record Keeping  
Enrolment and Orientation  
Ethical Conduct  
Excursions  
First Aid  
Childrens Health and Hygiene  
Incidents, Injuries, Trauma and Illness  
Medical Conditions and Medical Administration  
Monitoring, Support and Supervision of Educators  
Nutrition and Activity  
Privacy and Confidentiality  
Professionalism  
Supervision  
Visitors to a Family Day Care Service  
Work Place Health and Safety

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## INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

### BACKGROUND

The ~~Mid-Western Regional Family Day Care~~ Scheme acknowledges that Information and Technology (ICT) usage is an important part of operating a successful business.

### POLICY

- ~~To ensure that all users of Information and Communication Technology (ICT) understand and follow procedures to ensure the safe and appropriate use of ICT.~~
- ~~To ensure ICT facilities enable Educators and staff to effectively manage and operate their services~~ Services.

This policy applies to all aspects of the use of ICT including but not limited to:

- internet usage;
- viewing material electronically;
- printing material;
- electronic mail (email);
- electronic bulletins / newsletters;
- file subscriptions to mailing lists or other like ~~Services~~ services;
- online discussion groups and chat facilities;
- weblogs (blogs);
- social networking;
- file transfer / sharing / storage / copying / saving / distributing;
- portable communication devices including mobiles / Smartphones / iPads / ~~—~~tablets; and
- computers / laptops.

### PROCEDURE

**Coordination Unit staff and Educators are committed to -**

- professional, ethical and responsible use of ICT within ~~their~~ the Scheme and its Services;
- safeguarding the privacy and confidentiality of information received, transmitted and stored electronically;
- ensuring that the use of ICT facilities comply with all Service Scheme and Council policies and relevant government legislation; and

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- providing Coordination Unit [staff](#) and Educators online information, resources and communication tools to support the effective operation of the Service [and Scheme](#).

Computers at the Coordination Unit and individual [Family Day Care](#) Services ([while whilst](#) operating as Family Day Care) may only be used for work relevant to the operation and activities of the Service. For example if these activities include administration, research, programming, observations or professional development.

#### INFORMATION STORED ON COMPUTERS

If Educators choose to use ICT for the purposes of program planning, observations or other relevant documentation, the Educators must have the appropriate skill level.

Educators must ensure –

- all documentation is to be up-to-date and available on request-;
- procedures are in place for the regular backup of critical data and information-;
- the secure storage of the files, especially if it is a device used by other family members-; [and](#)
- that reputable anti-virus and firewall software are installed on the ICT used.

#### ICT AS PART OF THE CURRICULUM

##### COMPUTERS

If relevant to the children's learning, [child-child](#)-appropriate websites may be accessed. Educators must be vigilant when allowing children access to ICT; monitoring that they only have access to appropriate materials and for limited amounts of time. Computer usage must be documented on the Educator's program.

Similarly, music, videos etc may be streamed from the computer if it is relevant to the children's learning or relevant to research or professional development undertaken by Educators. However, streaming of this kind will only take place from websites where this can legally take place such as iTunes or YouTube.

##### TELEVISION AND DVD PLAYER USAGE

Television and DVD use may be an additional tool to enhance curriculum activities; however at no time can it be used as a substitution. Guidelines for use [would-beinclude](#):

- [To-to](#) assist in expanding the content of the daily program and current affairs-; [and](#)
- [Be-be](#) suitable to the needs and development levels of each child watching.

Television programs must be carefully selected with suitable content. Children are to view "G" rated [DVDs-music and/or programs](#) only. Programs depicting violence e.g. [Graphic-graphic](#) news reports, should not be shown.

Educators must sit with the children to monitor and discuss any aspects of the video or television program they are viewing.

##### EDUCATORS' PERSONAL USE ([INCLUDING ASSIST AND RELIEF EDUCATORS](#))

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Educators must ensure their **restricted use of personal mobile calls and internet usage (including social media)** when operating their [service](#) ~~Service~~ to ensure adequate supervision of children at all times.

This policy is also incorporative of state and federal laws regarding computer usage. Should Educators or other relevant individuals use the computer for unlawful purposes they may be liable to criminal or civil legal action. The [Service Scheme](#) will take the appropriate required action (e.g. reporting to the police).

The Educator or individual will ~~face an enquiry held be investigated~~ by the Coordinator and other relevant parties to assess whether ~~this the~~ conduct ~~in question justifies is reason for~~ [Deregistration](#) ~~deregistration~~.

HOUSEHOLD MEMBERS, VISITORS AND STUDENTS PERSONAL USE

Any household members, visitors and students must ensure that any use of technology in front of children in care is appropriate and does not hinder the Educator's ability to perform ~~her~~ duties as an Educator.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

[Copyright Act 1968-1879 \(NSW\)](#)

[Copyright Amendment Act \(2006\)](#)

[Freedom of Information Act \(1982\) \(CTH\)](#)

[Health Records and Information Privacy Act \(2004\)2 \(NSW\)](#)

[Information Privacy Act \(2000\) Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

KEY RESOURCES

National Quality Standards [Quality Area 7 \(ACECQA\)](#)

**LAST REVIEW DATE:** August 2018

RELATED POLICIES

[Mid-Western Regional Council Electronic Telecommunications – Acceptable Use Policy](#)

[Assist Educators](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

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[Complaints and Feedback](#)  
[Critical Incident](#)  
[Deregistration of an Educator](#)  
[Educator Household Members](#)  
[Ethical Conduct](#)  
[Governance and Management of the service](#)  
[Media and Publicity](#)  
[Monitoring, Support and Supervision of Educators](#)  
[National Quality Standards](#)  
[Non-Compliance](#)  
[NSW Ombudsman](#)  
[Photographs and Videos](#)  
[Privacy and Confidentiality](#)  
[Providing a Child with a Safe Environment](#)  
[Professionalism](#)  
[Relief Educators](#)  
[Social Media](#)  
[Visitors to a Family Day Care Service](#)  
[Work Place Health and Safety](#)

#### ATTACHMENT 1 PROCEDURE FOR USE OF ICT

##### EMAIL USAGE

- Content of emails and email addresses must always be checked before sending.
- When sending emails to multiple recipients, care should be taken to avoid the inappropriate disclosure of email addresses to a whole group of recipients; blind copying (BCC) should be used, where appropriate.
- Always include a subject description in the subject line.
- Be cautious about opening files or launching programs that have been received as an attachment via email from the email itself. Instead, save an attachment to disk and scan with anti-virus software before opening, and keep an eye out for unusual filenames.
- Never open emails if unsure of the sender.
- Check email accounts on a regular basis and forward relevant emails to the [Approved Provider Coordination Unit](#) or appropriate committee members/staff.

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- Remove correspondence that is no longer required from the computer quarterly.
- Respond to emails as soon as is practicable.

UNACCEPTABLE / INAPPROPRIATE USE OF ICT FACILITIES

Users of the ICT facilities (and in particular, the internet, email and social media) **must not**:

- Create or exchange messages that are offensive, harassing, obscene or threatening.
- Create, copy, transmit or retransmit chain emails (~~refer to definitions~~), spam (~~refer to definitions~~) or other unauthorised mass communication
- Carry out activities that are illegal, inappropriate or offensive to fellow Educators or the public. Such activities include, but are not limited to, hate speech of material that ridicules/discriminates against others on the basis of race, nationality, creed, religion, ability/disability, gender or sexual orientation, ~~and~~ bullying.
- Use the ICT facilities to access, download, create, store or distribute illegal, offensive, obscene or objectionable material (including pornography and sexually explicit material). It will not be a defence to claim that the recipient was a consenting adult.
- Use the ICT facilities to make any personal communication that could suggest that such communication was made in that person's official capacity as an employee or volunteer of [Council](#).
- Play inappropriate games – non Family Day Care related.
- Exchange any confidential or sensitive information unless authorised as part of their duties.
- Harass, slander, intimidate, embarrass, defame, vilify, seek to offend or make threats against another person or group of people breach copyright laws through making copies of, or transmitting, material or commercial software.
- Further, users of ICT must ensure:
- Computer records containing personal, sensitive and/or health information or photographs of children must be stored securely so that privacy and confidentiality is maintained. This information must not be removed from the Service without authorisation, as security of the information could be at risk (refer to Privacy and Confidentiality Policy).
- Complying with all relevant legislation and Service policies, protocols and procedures.
- Ensuring confidential information is transmitted with password protection or encryption, as required.
- Ensuring-Ensure no illegal material is transmitted at any time via ICT medium.
- Using-Use the Service's email, messaging and social media facilities for service-related and lawful activities only and ensuring that all material stored on an endpoint data storage device is also stored on a backup drive, and that both device and drive are kept in a secure location.
- Restricting the use of mobile phones for personal use.
- Responding only to emergency phone calls when responsible for supervising children to ensure adequate supervision of children at all times (refer to Supervision of Children Policy).

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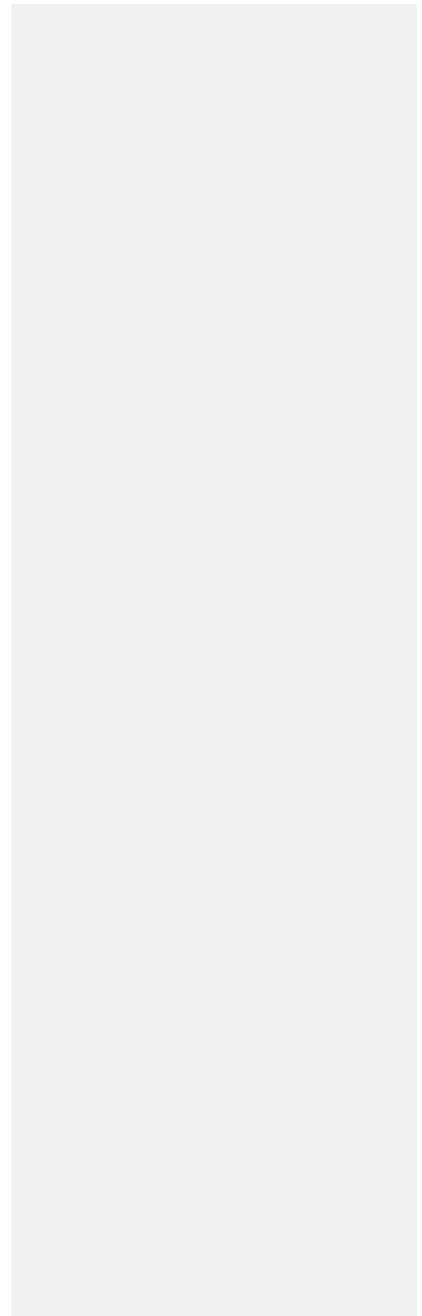
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- ~~Ensuring~~ ~~Ensure~~ electronic files containing information about children and families are kept secure at all times (refer to Privacy and Confidentiality Policy).



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## INTERACTIONS WITH CHILDREN

### BACKGROUND

The United Nations Convention of the Rights of the Child is founded on respect for the dignity and worth of each individual, regardless of race, colour, gender, language, religion, opinions, wealth, birth status or ability.

Quality interactions increase children’s knowledge and understanding of themselves, each other as unique individuals and develop the skills and understandings they need to interact positively with others.

Developing responsive, warm, trusting and respectful relationships with children promote their wellbeing, self-esteem and sense of security.

Positive interactions between ~~educators~~ Educators/adults and children can empower children to feel valued, competent and capable.

Actively engaging in children’s learning and decision-making during play, daily routines and ongoing activities can stimulate children’s thinking, enrich their learning and encourage them to explore and manage their feelings and behaviour.

‘Having supportive relationships enables children to develop confidence in their ability to express themselves, work through differences, learn new things and take calculated risks’.

~~Regulation 155 of the~~ The National Regulations Quality Framework Quality Framework requires Educators to take reasonable steps to ensure that the ~~service~~ Service provides education and care to children in a way that encourages them to express themselves, and develop self-reliance and self-esteem, maintains their dignity and rights, provides positive guidance and encouragement towards acceptable behaviour and respects their cultural and family values.

~~Regulation 156 required~~ The National Quality Framework requires Educators to provide children with opportunities to interact and develop positive relationships with each other and with the Coordination Unit and ~~volunteers~~ other stakeholders at the ~~service~~ Service.

### POLICY

- ~~To provide the children being educated and cared for with opportunities to interact and develop respectful and positive relationships with each other, with other Educators and the~~ Coordination Unit staff.
- ~~Interactions within the setting are greatly enhanced when children’s rights and family and cultural values are given due consideration and respect. Administrative procedures, initial conversations, documentation and ongoing communication with children and families are a reference point for interactions and a foundation for authentic and respectful communication.~~

### PROCEDURE

~~Children should be able to enjoy both indoor and outdoor play and the environments be explored with a sense of discovery.~~

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~~Creative expression and language development should be encouraged through reading and telling stories; music, movement and song; drawing and painting.~~

The way in which meals are presented is as important as eating. It is a very social activity where conversation and table manners can be encouraged, for example making sure everyone is sitting down and waiting until everyone is ready to start and finish their meal.

~~A child should be encouraged to develop self-reliance and competence in a range of areas such as going to the toilet, washing hands, remembering a hat, caring for belongings and participation in household routines.~~

~~Sufficient toys, games and equipment should be provided to appeal to the different age levels of the children. This equipment should be regularly enhanced and varied.~~

**Coordination Unit Staff and Educators when interacting with children in care will ensure -**

- Interactions with each child are warm, responsive and build trusting relationships. This can be done with spoken language, a nod of your head, touch of an arm to show that you are interested.
- Acknowledge each Each child's uniqueness is acknowledged in positive ways.
- They will respond to all All children are responded to in a fair and consistent manner.
- Every child is able to engage in meaningful, open interactions that support the acquisition of skills for life and learning; and encouraged to make choices and decisions.
- Each child is supported to feel secure, confident and included, and to work with, learn from and help others through collaborative learning opportunities.
- They encourage eye Eye contact is encouraged when speaking with the children in their care although not enforced.
- Each child is supported to manage their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.
- Acknowledge children's Children's complex relationships are acknowledged and sensitively intervene intervention is undertaken in ways that promote consideration and alternative perspectives and social inclusion.
- Respond to children's Children's communication is responded to in a just and consistent manner.
- Respond sensitively to children's Children's attempts to initiate interactions and conversations are sensitively responded to.
- Initiate one One to one interactions with children are initiated, particularly babies and toddlers during daily routines and conversation with each child.
- Role model effective Effective communication strategies and child behaviour guidance strategies are role modelled.
- Regularly include goals to extend Goals are regularly extended to include children's relationships, communication and interactions with others in individual plans for children.

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- ~~Be attuned to~~ They are aware of and document changes in children’s interactions and behaviours which may be an indicator of the child’s wellbeing.

An Educator must take reasonable steps to ensure that they provide education and care to children in a way that:

- encourages children to express themselves and their opinions;
- allows children to undertake experiences that develop self-reliance and self-esteem;
- maintains the dignity and rights of each child at all times;
- gives positive guidance and encouragement to each child;
- considers the family and cultural values, age, and physical and intellectual development and abilities of each child.

LISTENING

Educators and staff must use listening as a foundation for interactions. Listening is based on observation and in leaving spaces in conversations and communication, suspending judgement and in giving full attention to children as they communicate. Truly attending to children’s communication promotes a strong culture of listening.

A culture of respectful interaction is promoted when children’s attempts to communicate are valued. Turn taking and regulating children’s conversations promotes active engagement. Respectful communication with families generates greater confidence in interacting.

REFLECTION AND CONSIDERATION

Time is dedicated to reflecting upon interactions within children. Reflections should consider how to spend extended periods engaged in interactions with children that comprise communication and listening.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- ~~Education and Care Services National Law 2010~~
- ~~Education and Care Services National Regulations 2011~~

KEY RESOURCE

- National Quality Standards (ACECQA)
- ~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

- ~~Assist Educators~~

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Behaviour Guidance  
Child Protection  
Collaborative Partnerships with Families and Communities  
Curriculum Development  
Deregistration of an Educator  
Educator Household Members  
Educator Record Keeping  
Enrolment and Orientation  
Ethical Conduct  
Excursions  
Information and Communication Technology  
Inclusion and Equity  
Monitoring, Support and Supervision of Educators  
National Quality Standards  
Non-Compliance  
Pets and Animals  
Play sessions  
Photographs and Videos  
Privacy and Confidentiality  
Professionalism  
Relief Educators  
Supervision  
Work Place Health and Safety

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## MEDIA AND PUBLICITY

### BACKGROUND

The [Mid-Western Regional Family Day Care](#) Scheme recognises that a well-run, competent, ethical and reputable organisation is the best way to promote a favourable [public](#) image and that any public relations program is only as good as the organisation behind it.

The Scheme will take advantage of interest from the media to further its reputation and inform the community about Family Day Care activities.

### POLICY

- To ensure all communication with the media is consistent, balanced, well-informed and the image of the [Mid-Western Regional Family Day Care](#) Scheme is represented consistently and professionally.
- To ensure that the privacy of children and families is maintained.

### PROCEDURE

Written permission is sought from the parent / guardian on the [Registration and Authorisation Form](#) at [Registrationregistration](#), for the child's inclusion in video, photographs, digital media and interviews by media, visiting professionals, staff/ Educators or students where any of the above will be for any form of public display or publication.

If a parent / guardian does not want their child's photo to be used then the relevant Educator will be notified. In some instances, all of the Educators of the town will be notified, to ensure the parent's request is maintained.

Educators should not make public statements to any press or radio personnel without prior approval from the Coordinator. They should direct all enquiries to the [Family Day Care Coordination Unit](#) or [the Mid-Western Regional Council Media Representative](#).

### RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2010](#)
- [Education and Care Services National Regulations 2014](#)

### KEY RESOURCES

Mid-Western Regional Council Media Policy

**LAST REVIEW DATE:** August 2018

### RELATED POLICIES

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Acceptance and Refusal of authorisations  
Access and Custody  
Assist Educators  
Child Protection  
Collaborative Partnerships with Families and Communities  
Complaints and Feedback  
Critical Incident  
Curriculum Development  
Deregistration of an Educator  
Educator Household Members  
Ethical Conduct  
Governance and Management of the service  
Information and Communication Technology  
Incidents, Injuries, Trauma and Illness  
National Quality Standards  
Non-Compliance  
Photographs and Videos  
Privacy and Confidentiality  
Professionalism  
Relief Educators  
Social Media  
Work Place Health and Safety

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## MEDICAL CONDITIONS AND MEDICATION ADMINISTRATION

### BACKGROUND

[Mid-Western Regional Family Day Care](#) The Scheme is committed to providing a safe and healthy environment for all children, Educators, staff and other persons attending the Scheme and individual [services](#) [Services](#).

The Coordination Unit staff and Educators will respond immediately to the needs of a child who is ill while attending the [service](#) [Service](#) and ensure safe and appropriate administration of medication in accordance with legislative and regulatory requirements.

### POLICY

- To ensure that all precautions are taken to provide a safe and healthy environment for the children in care with the [Mid-Western Regional Family Day Care Scheme](#) [and its Services](#).
- To ensure a child receives appropriate care whilst sick and appropriate treatment involving medication.
- To provide procedures to be followed when a child [required](#) [requires](#) medication while attending a [FDC service](#) [Service](#).
- To outline the responsibilities of the Coordination Unit, Educators and parents/guardians to ensure the safe administration of medications.
- To ensure that a child with ongoing medical conditions is not discriminated against in any way.

### PROCEDURE

Medication (including prescription, non-prescription, over the counter and homeopathic medications) must not be administered to a child at [the a service](#) [Service](#) without the authorisation of a parent/guardian or person with the lawful authority to consent to the administration of medical attention to the child.

In the case of an emergency, it is acceptable to obtain verbal consent from a parent/guardian, or to obtain consent from the registered medical practitioner or medical emergency services if the child's parent / guardian cannot be contacted.

In the case of an anaphylaxis or asthma emergency, medication may be administered to a child without authorisation following the direction of the child's medical management plan. In this circumstance, the child's parent/guardian and/or emergency services must be contacted as soon as possible. [\(Regulation 94\(1\)\)](#).

When [educators](#) [Educators](#) are required to administer medication, they must abide by specific regulatory requirements, such as written consent, and must follow the guidelines of this policy and procedures.

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#### MEDICAL CONDITIONS

If an ~~enrolled~~ child ~~enrolled~~ has a specific health care need, allergy or relevant medical condition, parents are to provide a medical management plan from a doctor (~~updated annually~~) at enrolment (~~updated annually~~) or as soon after the diagnosis as possible.

These include, but are not limited to, asthma, diabetes, epilepsy or a diagnosis that a child is at risk of anaphylaxis.

At ~~Registration-registration~~ the parent will ~~be required to complete a Risk Minimization Minimisation Plan and Communication Plan provide a current medical management plan~~. A medical management plan is to be completed by the child's medical practitioner not by the parent. ~~These plans is -are~~ to be followed in the event of an incident relating to the child's specific health care need, allergy or relevant medical condition.

**The Risk Minimisation Plan (eg. Asthma Plan) will eg. Asthma Plan -**

- ensure that the risks relating to the child's specific health care need, allergy or relevant medical condition are assessed and minimised; and
- if relevant, ensure that practices and procedures in relation to the safe handling, preparation, consumption and service of food are developed and implemented; and
- if relevant, ensure that practices and procedures to ensure that ~~the~~ parents are notified of any known allergens that pose a risk to a child and strategies for minimising the risk are developed and implemented; and
- ensure that practices and procedures ensuring that all staff members and volunteers can identify the child, the child's medical management plan and the location of the child's medication are developed and implemented; and
- if relevant, ensure that practices and procedures ensuring that the child does not attend ~~the a service-Service~~ without medication prescribed by the child's medical practitioner in relation to the child's specific health care need, allergy or relevant medical condition are developed and implemented; ~~and~~.

**The Communications Plan will ensure that —**

- ~~ensure that~~ relevant staff members and volunteers are informed about the medical conditions policy and the medical management plan and risk minimisation plan for the child; and
- ~~ensure that~~ a child's parent can communicate any changes to the medical management plan and risk minimisation plan for the child, setting out how that communication can occur.

The medical conditions policy of the ~~education and care service~~ Scheme must set out practices in relation to self-administration of medication by children over preschool age if the ~~service~~ Scheme permits that self-administration.

A copy of the Medical Conditions and Medication Administration Policy is provided to the parent of a child who has a specific health care need, allergy or other relevant medical condition, ~~up~~ on registration.

The ~~relevant Family Day Care~~ Educator who will be caring for the child will be informed about the plans to be followed.

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**Educators and Coordination Unit Staff-staff responsible for the child with a medical condition shall:**

- ensure a copy of the child’s medical management action plan is visible and known to other ~~staff~~ Educators and Coordination Unit staff/volunteers in the ~~service~~ Service and during ~~playsessions~~ playsessions.
- follow the child’s medical management action plan in the event of a reaction / seizure / incident.
- ensure that the medical management action plan signed by the child’s ~~Registered-Medical medical Practitioner-practitioner~~ and in the case of anaphylaxis a complete auto-injection device kit (which must contain a copy the child’s anaphylaxis medical management action plan) is provided by the parent/guardian for the child while at the ~~service~~ Service.
- ensure that the auto-injection device kit is stored in a location that is known to all ~~staff~~ Educators, Coordination Staff and residents at the Educator’s Service, including volunteers; easily accessible to adults (not locked away); inaccessible to children; and away from direct sources of heat.
- ensure that the auto-injection device kit containing a copy of the medical management action plan for each child at risk of anaphylaxis is carried by a staff member or ~~family-day carer~~ Educator accompanying the child when the child is removed from the ~~service-or-the home~~ residence or -venue (e.g. on excursions that this child attends).
- regularly check the adrenaline auto-injection device expiry date. ~~(The manufacturer will only guarantee the effectiveness of the adrenaline auto-injection device to the end of the nominated expiry month).~~
- ~~Epipen~~ The adrenaline auto-injection device is disposed of ~~responsibility~~ responsibility once used or upon redundancy.

**Parents / guardians are responsible for -**

Ensuring that their child’s enrolment details are up to date, and providing current details of persons who have lawful authority to request or permit the administration of medication.

Physically handing the medication to the Educator and informing them of the appropriate storage and administration instructions for the medication provided. Ensuring that prescribed medications to be administered at the ~~service~~ Service are within their expiry date. Taking all medication home at the end of each session/day.

Providing a ~~Fitpack-fitpack~~ to dispose of ~~Diabetes-diabetes~~ needles appropriately.

~~Ensuring that any medication to be administered is recorded in the medication record kept at the service premises.~~

Informing the ~~service~~ Service if any medication has been administered to the child before bringing them to the ~~service~~ Service, and if the administration of that medication is relevant to or may affect the care provided to the child at the ~~service~~ Service.

Providing a current medical management plan when their child requires long term treatment of a condition that includes medication, or their child has been prescribed medication to be used for a diagnosed medical condition in an emergency. This may be, but are not limited to –

- Asthma

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- Anaphylaxis
- Diabetes
- Epilepsy
- ADHD

#### MEDICATION ADMINISTRATION

Any ~~Medication~~ medication is only to be given to a child with the written permission of the parent.

Ensuring that each child's enrolment form provides details of the name, address and telephone number of any person who has lawful authority to request and permit the administration of medication to the child (~~Regulation 160(3)(iv)~~).

There should be one ~~Medication medication Form form form~~ per child. The form must be completed before the medication is administered. Medication Authorities are to be completed by the Educator and parent and kept in the appropriate ~~Family family Filesfiles~~.

Medication is to be clearly labelled and in its original container with pharmacy labels.

Children should not be given medication that is prescribed for another person.

Expired medications will not be administered.

Medication to be stored at safe, prescribed temperatures and inaccessible to children in care. No medications should be left in the child's bag.

Children will be excluded from care for 24 hours from commencing antibiotics to ensure they have no side effects to the medication.

Herbal medications or remedies must be accompanied by a letter from the practitioner detailing the child's name, dosage and expiry date for the medication.

A child over preschool age may self-administer medication with written authorisation from their parents and their doctor.

In the case of an emergency, it is acceptable to obtain verbal consent from a parent, or a registered medical practitioner or medical emergency services if the child's parent cannot be contacted.

In the case of an anaphylaxis or asthma emergency, medication will be administered to a child without authorisation ~~as long as a current medical management plan is in action or in or in the event of an emergency if advised by a medical authority such as a paramedic~~. In this circumstance, the child's parent and emergency services must be contacted as soon as possible. Where emergency services or medical practitioners become involved in the medical needs of a child, the service must consider the requirements for notifying the ~~Regulatory AuthorityScheme~~ of a serious incident. (Incident, Injury, Trauma and Illness Policy).

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

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[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2014](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

[Work Health and Safety Act 2014](#)

[Health \(Infectious Diseases\) Regulations 2004](#)

KEY RESOURCES

National Quality Standard, [Quality Area 2 \(ACECQA\)](#)

Staying Healthy in Childcare (NHMRC) [2016](#)

Anaphylaxis Australia: [www.allergyfacts.org.au](http://www.allergyfacts.org.au)

Asthma Australia: [www.asthmaaustralia.org.au](http://www.asthmaaustralia.org.au)

Diabetes Australia [www.diabetesaustralia.com.au](http://www.diabetesaustralia.com.au)

Epilepsy [Action](#) Australia [www.epilepsy.org.au/about-epilepsy](http://www.epilepsy.org.au/about-epilepsy)

Immunise Australia Program: [www.immunise.health.gov.au](http://www.immunise.health.gov.au)

National Prescribing Service (NPS) [www.nps.org.au](http://www.nps.org.au)

NSW Department of Health [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

**LAST REVIEW DATE:** [August 2018](#)

- Attachment 1** Risk Minimisation Plan Examples – Asthma, Anaphylaxis
- Attachment 2** Examples of Risks and Situations to Consider when Completing Asthma Plan
- Attachment 3** Procedure for Administration of Medication
- Attachment 4** Administration of Medication for Ongoing Medical Conditions
- Attachment 5** Administration of Paracetamol

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Children in Care](#)

[Child Protection](#)

[Children's Health and Hygiene](#)

[Collaborative Partnerships with Families and Communities](#)

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ 31 MAY 2019

- Complaints and Feedback
- Critical Incident
- Delivery and Collection of Children
- Educator Household Members
- Educator Record Keeping
- Emergency and Evacuation
- Ethical Conduct
- Excursions
- Children's Health and Hygiene**
- Incidents, Injuries, Trauma and Illness
- Infectious Diseases
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards
- Supervision
- Visitors to a Family Day Care Service
- Work Place Health and Safety

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

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ATTACHMENT 1 RISK MINIMISATION PLAN EXAMPLES

ASTHMA RISK MINIMISATION PLAN TEMPLATE

CHILDREN'S SERVICE OR SCHOOL NAME:		
PHONE:		
STUDENT'S NAME:		
DATE OF BIRTH:	YEAR LEVEL:	
ASTHMA ACTION PLAN PROVIDED BY PARENT/CARER (PLEASE CIRCLE): YES / NO		
ASTHMA TRIGGERS:		
OTHER HEALTH CONDITIONS:		
MEDICATION AT SCHOOL:		
PARENT/CARER CONTACT:	PARENT/CARER INFORMATION (1)	
	PARENT/CARER INFORMATION (2)	
	NAME:	NAME:
	RELATIONSHIP:	RELATIONSHIP:
	HOME PHONE:	HOME PHONE:
	WORK PHONE:	WORK PHONE:
MOBILE:	MOBILE:	
ADDRESS:	ADDRESS:	
OTHER EMERGENCY CONTACTS (IF PARENT/CARER NOT AVAILABLE):		
MEDICAL PRACTITIONER CONTACT:		
EMERGENCY CARE TO BE PROVIDED AT SCHOOL:		
MEDICATION STORAGE:		

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THE FOLLOWING ASTHMA RISK MINIMISATION PLAN HAS BEEN DEVELOPED WITH MY KNOWLEDGE AND INPUT AND WILL BE REVIEWED ON (RECORD DATE): ..... (INSERT DATE OF PROPOSED REVIEW).	
SIGNATURE OF PARENT/CARER:	DATE:
SIGNATURE OF PRINCIPAL (OR NOMINEE):	DATE:

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

### STRATEGIES TO AVOID ASTHMA TRIGGERS

STUDENT'S NAME:		
DATE OF BIRTH:	YEAR LEVEL:	
PREDOMINANT ASTHMA TRIGGER/S:		
OTHER ASTHMA TRIGGERS:		
RISK (SUGGESTED RISKS LISTED IN ATTACHMENT 2)	STRATEGY	WHO IS RESPONSIBLE?

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ANAPHYLAXIS RISK MANAGEMENT PLAN (TEMPLATE)

Hazards/Risks	Recommended Control Measures	Yes	Detail how this will be implemented and any additional strategies
<b>Equipment/ Materials</b>	Adrenaline auto-injectors (auto-injectors) such as Epi-pen and Anapen are stored in a safe, unlocked and accessible, easy-to-find location.		List location/s of auto-injectors:
	Auto-injectors are stored in a cool place 15-25 degrees ——— (not below 15 degrees or a refrigerator).		
	Auto-injectors & Action Plans are labelled with students' names.		
	Student's Action Plans have up-to-date photos of the students.		
	Expiry dates of adrenaline auto-injectors are checked regularly and parents informed in a timely manner.		
	Staff members know where adrenaline auto-injectors and Action Plans are stored.		
<b>Students</b>	Staff members are aware of which students are at risk of anaphylaxis and the actions required.		
	The school has received a copy of Action Plans for all students at risk of anaphylaxis.		
	Staff members are aware of the protocols for management of a student who is not identified as being at risk of anaphylaxis and experience a first time reaction.		

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	Staff members know how to recognise an anaphylactic reaction.		
	Action Plans are reviewed regularly with parent.		
<b>Emergency Situations</b>	Ambulance will be called for every anaphylactic episode.		List how and by whom:
	A procedure for raising the alarm will be developed by the school and communicated to staff.		Process to follow
	A procedure is in place to collect the generic adrenaline auto-injector when a student experiences an anaphylactic episode in case a second dose is needed or the student's auto-injector fails.		By whom and how?
	Student's auto-injector is kept with the student. Student is assessed to determine where it's appropriate for them to carry their own auto-injector for emergency use or if appropriate staff member/s need to be responsible for this.		
	Staff members have been trained to recognise the symptoms of anaphylaxis. This will include both a theoretical component and practical training to administer an auto-injector.		
	Relief and volunteer staff are not given sole responsibility for students with diagnosed anaphylaxis risk without evidence of appropriate training.		List who will support the student and how this will occur.
<b>Environmental</b>			

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<p><b>- Food Allergies</b></p>	<p>Staff are provided with details of students who are at risk of anaphylaxis.</p>		
	<p>Staff are aware of cross-contamination during storage, preparation and serving of food.</p>		
<p><b>Environmental</b></p>	<p>School grounds are assessed to cater for students with insect allergies (e.g. grass mown regularly to prevent flowering clover, flowering plants identified, insect nests removed, garbage covered, safe eating areas).</p>		

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ATTACHMENT 2 EXAMPLES OF RISKS, SITUATIONS, CONCEPTS TO CONSIDER WHEN COMPLETING THE ASTHMA RISK MINIMISATION PLAN

- Who are the children and what are their asthma triggers (information on their Asthma Action Plan)?
- What are the potential sources of exposure to their asthma triggers?
- Where will the potential source of exposure to their asthma triggers occur?
- Are all staff (including visitors and parent/carer volunteers) aware of which children have asthma?
- Is there age appropriate asthma education for children at the service and are children actively encouraged to seek help if they feel unwell?
- Do you have asthma information available at the service for parents/carers?
- Does the child have an Asthma Action Plan and where is it kept?
- Do all service staff know how to interpret and implement Asthma Action Plans in an emergency?
- Do all children with asthma attend with their blue/grey reliever puffer and a spacer? (a children's face mask is recommended for children unable to use a spacer correctly, consider face mask use in children under 5 years old).
- Where are the Asthma Emergency Kits kept?
- Do all staff and visitors to the service know where Asthma Emergency Kits are kept?
- Who is responsible for the contents of Asthma Emergency Kits? (checking reliever medication expiry dates, replacing spacers and face masks as needed)
- Do you have a second Asthma Emergency Kit for excursions?
- What happens if a child's reliever medication and spacer are not brought to the service?
- Does the child have any other health conditions, such as allergies or anaphylaxis?
- Do they have an Action Plan and Risk Minimisation plan for each health condition?
- Do plants around the service attract bees, wasps or ants?
- Have you considered planting a low-allergen garden?
- Have you considered where food and drink consumption and disposal is occurring? (including food and drink consumed by all staff and visitors)
- Could traces of food allergens be present on craft materials used by the children? (e.g. egg cartons, cereal boxes, milk cartons)
- Do your cleaners use products that leave a strong smell, or do you plan to renovate or paint the centre when children are present?
- Do your staff use heavy perfumes or spray aerosol deodorants while at work?
- Are you in a bushfire-prone area where controlled burning may occur?

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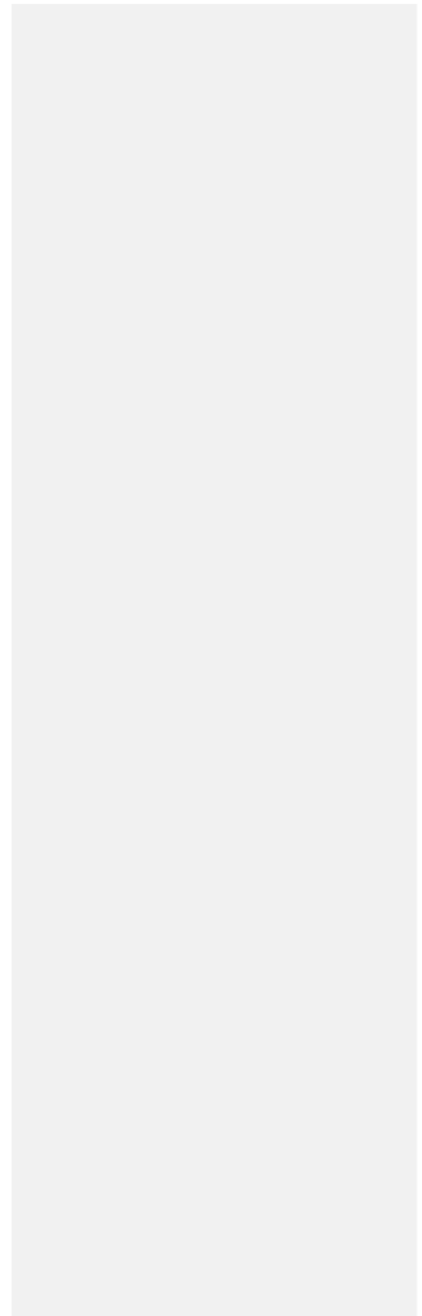
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- What special activities do you have planned that may introduce children to asthma triggers?



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ATTACHMENT 3 PROCEDURE FOR ADMINISTRATION OF MEDICATION

1. Wash and dry hands thoroughly before administering any medication. If appropriate, gloves are recommended wherever possible.
2. Check the medication record to confirm date, time, dosage and the child to whom the medication is to be administered.
3. Check that prescription medication:
  - Is in its original container, bearing the original label and instructions.
  - Is the correct medication, as listed in the medication record.
  - Has the child's name on it (if the medication was prescribed by a registered medical practitioner).
  - Is the required dosage, as listed in the medication record.
  - Has not passed its expiry date.
4. Check that non-prescription medication:
  - Is in the original container, bearing the original label and instructions.
  - Is the correct medication, as listed in the medication record.
  - Has the child's name on it.
  - Is the required dosage, as listed in the medication record.
  - Has not passed its expiry date.
5. When administering the medication, ensure that:
  - The identity of the child is confirmed and matched to the specific medication.
  - The correct dosage is given.
  - The medication is administered in accordance with the instructions attached to the medication, or any written or verbal instructions provided by a registered medical practitioner.
  - The Educator must complete the medication record (Regulation 92(3)(h)) and store any remaining medication appropriately, such as in the refrigerator if required.
  - The Educator must inform the parent/guardian on arrival to collect the child that medication has been administered and ensures that the parent/guardian completes the required details in the medication record.

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#### ATTACHMENT 4 ADMINISTRATION OF MEDICATION FOR ONGOING MEDICAL CONDITIONS

Where a child is diagnosed with a condition that requires ongoing medication or medication to be administered in emergencies, parents/guardians may authorise the administration of the medication for a defined period (up to six months).

In these cases:

A medical management plan completed by the child's doctor should be provided and attached to the child's enrolment form and a copy given to the Educator.

**The medical management plan should define -**

- The name of the medication, dosage and frequency of administration.
- Conditions under which medication should be administered.
- What actions, if any, should be taken following the administration of the medication.
- When medication is required under these circumstances, [educators/Educators](#)/staff should:
  - Follow the procedures listed above.
  - Ensure that the required details are completed in the medication record.
  - Notify the parents as soon as is practicable.

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ATTACHMENT 5 ADMINISTRATION OF PARACETAMOL

There may be times when a child develops a fever while at the a serviceService. When this occurs, there may be a need to administer paracetamol.

A high fever in a young child can be sign of infection and must be investigated to find the cause. However, fever itself is not necessarily an indicator of serious illness. The normal temperature range for a child is up to 38 degrees C. Fevers are common in children and if the child appears happy and well, there is no need to treat a fever, but it is important to watch the child for signs that the fever is a symptom of an illness that may worsen.

In the case of a high fever, parents/guardians will be notified and asked to collect the child as soon as possible, or an ambulance will be called to the serviceService. While the serviceService is waiting for the child to be collected by the parent/guardian, the Educator will use measures, such as removing clothing and encouraging the intake of fluids, to keep the child cool, comfortable and well hydrated.

Paracetamol is not appropriate first aid or emergency treatment, and will be treated as any other medication, including requiring written and signed consent for its administration.

If parents/guardians request that educatorsEducators/staff administer paracetamol, the Educators should:

- Administer only to a child who has a temperature above 38.5 and is in discomfort or pain.
- Administer only one dose of paracetamol in any instance.
- Use preparations that contain paracetamol only, not a cold and flu or combined preparation.
- Be aware that there are numerous dose forms and concentrations in paracetamol for children and administer the most appropriate concentration and dose for the child who is being administered the paracetamol.

**Educators will not -**

- In any circumstance, administer paracetamol to a child under the age of 6 months while in the care of the service (an infant with acute fever must be treated as a medical emergency).
- Administer paracetamol for mild fever (under 38.5), gastroenteritis teething or as a sedative.

Royal Children Hospital Melbourne (2011) Fever in Children:  
[www.rch.org.au/kidsinfo/factsheets.cfm/doc](http://www.rch.org.au/kidsinfo/factsheets.cfm/doc)

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POLICY: FAMILY DAY CARE | 24 NOVEMBER 2018 31 MAY 2019

## MONITORING, SUPPORT AND SUPERVISION OF FAMILY DAY CARE EDUCATORS

### BACKGROUND

The Mid-Western Regional Family Day Care Scheme are-is committed to providing Educators with appropriate support and supervision to achieve high quality care and education for the children in their care; encouraging Educators towards continuous improvement and ensuring that professional standards guide practice, interactions and relationships.

### POLICY

The Coordination Unit Staff visit Educators in their Family Day Care Premises/residences or Venues-venues to –

- Provide ongoing support to the Educators and to ensure effective communication channels are operating with the Coordination Unit.
- Encourage teamwork, mutual respect and professionalism by recognising each other's strengths and skills.
- Monitor the standard of care provided for children; ensuring all Scheme Policies-policies and Procedures-procedures- are being adhered to- and to provide opportunity to discuss understanding and clarification if required.
- Reflect on current practices in light of continuous improvement to provide high quality care and education for children.
- Observe how the service's Scheme's statement of philosophy guides all aspects of the service's Service's operations.
- Provision is made to ensure that a suitably qualified and experienced Educational Leader leads the development of the curriculum and ensures the establishment of clear goals and expectations for teaching and learning.
- To assist-Assist Educators-to with ongoing training and professional development.
- Observe and interact with children, in order to assess their developmental progress and / or any specific or ongoing needs.
- To provide-Provide support to families and children, through liaison with and provision of resources and support to Educators
- Ensure conditions outlined in the Household Members Policy are being met.

### PROCEDURE

- Each Educator visit is planned to ensure quality outcomes for children and Educators. Visits are based on mutual respect and recognition of individual roles and responsibilities.
- Support visits will be primarily offered through individual service-Service support-home visits. Additional support will occur by phone contact, email and written documentation.

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- Visits to Educators will occur on different days and times to assist [Coordination Unit](#) staff in having contact with all children and families using the service. Visits may occur at any time when care is being provided
- ~~The~~ Coordination Unit staff will aim to visit at different times of the day to widen their knowledge of the ~~educator's~~ [Educator's](#) activities. (~~This~~ ~~this~~ ~~can~~ ~~may~~ include weekend care).
- Visits may be unannounced or at a scheduled time.
- New Educators will be given ~~extra~~ [additional](#) support upon commencement until a comprehensive understanding of [Policies](#) ~~policies~~ and [Procedures](#) ~~procedures~~ and appropriate work practices are demonstrated.
- Additional support is provided to Educators when requested or where there are critical instances or extenuating circumstances.
- Visits to play sessions, in-service training, etc. are all valuable interactions, however they are in addition to regular visits.
- The other ways in which ~~coordinators~~ [supports](#) are accessible include:
  - Educators can come into the office to discuss matters between home visits;
  - Phone calls, emails, newsletters, playsession, office visits training or incidental meetings;
  - ~~The~~ ~~the~~ Coordinator ~~of the service~~ is the 'on call' contact for outside normal business hours and weekends.

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PRIOR TO VISITS

**Coordination Unit staff will:**

- Prepare themselves with information and resources required for the visit based from the previous Educator Home Visit Form.
- Plan to visit on an alternate day to previous visit, to endeavour to see all children in care.

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Preplanning of visits may be organised with ~~the~~ [an](#) Educator, if the Educator requires a specific visit on a particular day to discuss such items as; issue of concern or to observe a specific child.

DURING VISITS

- When visiting Educators' ~~homes~~ [Services](#), [Coordination Unit](#) staff acknowledge and respect that the Educator's primary responsibility is to the children in their care.
- Communicate respectfully with the Educator and their family and respect the Educator's workplace.
- Introduce themselves to any visitors and outline ~~their~~ [Coordination Unit staff's](#) role.
- Sign the Visitor's Register.
- Observe childcare practices to monitor compliance with regulatory requirements
- Develop a professional rapport to discuss factors that are impacting on the Educator's Service e.g. relationships with children, their families and the Educator's own family.

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- Support Educator's to reflect on their ~~practise-practice~~ and make any necessary improvements on a regular basis. Address and document any concerns with the Educator.
- Provide resources, in a variety of formats to Educators which enhance ~~Professional-professional Development-development~~ and encourage resourcing to influence childcare ~~practisepractice~~.
- ~~The Coordination Unit staff member is to assist~~ Assist the Educator in ensuring that home safety standards are maintained; to offer suggestions and assistance to the Educators on age / stage appropriate children's experiences ~~and~~ to ensure the children in care are provided with a safe stimulating environment.
- Support Educators ~~are to be supported on with~~ any concerns they may be experiencing; including settling new children into care, children with ~~special~~ additional needs and communicating with parents.
- Procedures are in place to clearly define steps for addressing unsatisfactory performance of an Educator or non-compliance to the Scheme ~~Policy-policy~~ and ~~Procedures-procedures~~ or statutory requirements.
- Coordination Unit ~~Staff-staff~~ and Educators are to maintain 'C~~c~~onfidentiality' and a professional attitude and approach at all times.
- The Coordination Unit staff ~~member is to with~~ will maintain notes in relation to the individual children in care, as well as other aspects of the Service including adherence to Regulations and Policies.

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#### AFTER THE VISIT

- The Coordination Unit staff member will complete Educator Home Visit documentation, outlining any follow up required, sign and forward a copy to the Educator. The Educator then has the opportunity to ~~give-provide~~ feedback on their visit and how ~~we-the Coordination Unit can further~~ assist them. ~~They sign and return to the Office to acknowledge this opportunity.~~
- Complete any follow up as identified on visit.

~~Educators in remote locations – Regulation-169.2.d~~

#### Coordination Unit in addition to the above procedure will -

Consider all Educators' locations, to ensure the individual ~~Family-Day-Care-service-Service~~ can be resourced effectively to ensure quality of service delivered. Phone and email contact may be increased if regular visits cannot occur.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2014](#)

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KEY RESOURCE

National Quality Standards (ACECQA)

~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

~~All Mid-Western Regional Family Day Care Policies and Procedures~~

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## NATIONAL QUALITY STANDARDS

### BACKGROUND

A critical part to the success of the National Quality Framework is to conduct regular assessments of an Approved Services against the [Children \(Education and Care Services\) National Law 2010 \(NSW\) and Education and Care Services National Regulations 2018 \(NSW\) 2014 Education and Care Service Law and Regulations](#) and the National Quality Standards.

### POLICY

- To ensure the Scheme and Educators have an understanding of and strive to achieve the National Quality Standards.

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### PROCEDURE

The National Quality Framework establishes a national assessment and rating system against the National Quality Standard for all education and care services, setting a new national benchmark for the quality of Education and Care Services.

It will also give ~~services~~ [Services](#) and families a better understanding of what constitutes a quality ~~service~~ [Service](#). This will enable families to make informed decisions about the ~~services~~ [Services](#) providing education and care to their children.

The National Quality Standard comprises Quality Areas, Standards and Elements. There are seven Quality Areas, 15 Standards (which are high-level outcome statements) and 40 Elements.

### QUALITY AREAS

- QA1 Educational program and practice
- QA2 Children's health and safety
- QA3 Physical environment
- QA4 Staffing arrangements
- QA5 Relationships with children
- QA6 Collaborative partnerships with families and communities
- QA7 ~~Leadership and service management~~ [Governance and leadership](#)

Under the National Law, each Approved Service will be assessed and rated against the National Quality Standard and the requirements of the National Regulations by the Regulatory Authority in their jurisdiction. Each Approved Service will receive a rating for each Quality Area and an overall rating.

### QUALITY IMPROVEMENT PLANS

An Approved Provider must ensure that a Quality Improvement Plan is prepared for the Scheme and all Educators that:

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- describes a self-assessment of quality practices of the service against the National Quality Standard;
- identifies areas for improvement;
- contains a statement of the services' philosophy.

The Quality Improvement Plan must be:

- updated at least annually or at the direction of the Regulatory Authority;
- available at the [serviceService](#);
- submitted to the Regulatory Authority on request.

PHILOSOPHY

The philosophy of a [Scheme and service Service](#) will describe ~~the services'~~ values, beliefs and understandings about children, families, the role of Educators and the ways children learn.

All Educators will have their own philosophy in relation to their own [serviceService](#).

To meet the National Quality Standard, the statement of philosophy should be used to guide all aspects of the [service's Service's](#) operations.

Regular review of the philosophy against new research, against the approved learning frameworks, and against families' views and expectations will support the [service's Scheme's](#) goals for continuous improvement.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2010](#)
- [Education and Care Services National Regulations 2011](#)

KEY RESOURCES

National Quality Standard ([ACECQA](#))s

~~LAST REVIEW DATE:~~ August 2018

RELATED POLICIES

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

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## NON-COMPLIANCE POLICY

### BACKGROUND

The quality of the [Family Day Care](#) Educators is essential in providing a high quality child care ~~service~~ [Services](#).

The ~~Mid-Western Regional Family Day Care~~ Scheme is committed to ensuring the requirements of the [Education and Care Services National Law 2010](#) and [Education and Care Services National Regulations 2018](#) ~~Education and Care Services Law and Regulations~~ are met at all times to ensure the safety and wellbeing of all children, families and community members, Educators and [Coordination Unit](#) staff.

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### POLICY

- The Coordination Unit is required to ensure Educators meet the requirements of the [2014](#) Education and Care Services Law and Regulations, the Scheme Policies and Procedures, the Australian Government's Child Care ~~Management System Guidelines~~ [Provider Handbook](#), at all times whilst working as an [Registered](#) Educator with the ~~Mid-Western Regional Family Day Care~~ Scheme.

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### PROCEDURE

#### COORDINATION UNIT

- Provide training to inform and assist Educators in their understanding of their responsibilities in relation to the National Quality Framework, Education and Care Services National Law and Regulations, the Australian Government's Child Care ~~Management System Children's Services~~ [Provider Handbook](#), their Educator Registration Agreement and ~~the Mid-Western Regional Family Day Care~~ Scheme ~~and Council Policies~~ [policies](#) and ~~Procedures~~ [procedures](#).
- Have a system in place to monitor current practice and to identify and document any non-compliance.

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#### EDUCATORS

Educators will ensure they have a complete understanding of the requirements of the following documents and refer to them to determine appropriate practices and procedures.

- Education and Care Services National Law 2010 [\(NSW\)](#);
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- ~~Education and Care Services National Regulations 2014~~
- [National Quality Standard](#)
- Early Years Learning Framework [2010](#);
- My Time Our Place [2014](#);

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POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

- NSW [Occupational Work Health and Safety Act 2011](#);
- [Mid-Western Regional Family Day Care Scheme and Council Policies-policies and Proceduresprocedures-](#);
- Educators' Registration Agreements
- Australian Government's Child Care [Management System-Children's ServicesProvider Handbook](#).

NON-COMPLIANCE

The following [guidelines-steps](#) should be followed if an Educator is found to contravene any of the National Quality Framework, Education and Care Services National Law and Regulations, the Australian Government's Child Care [Management System-Children's ServicesProvider Handbook](#), their Educator Registration Agreement and the [Mid-Western Regional Family Day Care Scheme and Council Policies-policies and Proceduresprocedures-](#):

- The Educator will be spoken to about the non-compliance, and depending on the nature of the non-compliance, may be required to rectify the situation as soon as it is brought to their attention.
- The Coordinator ~~may~~will complete a Non-Compliance Report.
- Details of the discussion and / or the report will be documented in the Educators file.
- The Educators will be advised in writing of a first warning from the Coordinator. This will also include a quality improvement plan developed between the Educator and the Coordination Unit based on the nature and severity of the non-compliance, outlining expectations, strategies and a time frame.

If the Educator continues to breach conditions, which could include different non-compliance issues, then consideration will be given to [De-registering-registering](#) the Educator from the Scheme.

An Educator, depending on the nature and severity of the non-compliance, may be suspended until evidence has been provided to the Coordination Unit that any identified non-compliances have been rectified.

Depending on the nature of the non-compliance - instant de-registration may be considered if behaviour on the part of the Educator, Assist Educator or [Household-household Member-member](#) has put the children's well-being at risk or their behaviour ~~;~~; threatens to harm, frighten or humiliate a child~~;~~;, or if the Coordinator is concerned about the Educator's ability to provide adequate [Duty duty of Carecare](#).

APPEAL BY AN EDUCATOR

Refer to Complaints and Feedback Policy or they are able to involve the NSW Ombudsman.

RELATED POLICIES

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

RELEVANT LEGISLATION:

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POLICY: FAMILY DAY CARE | ~~24 NOVEMBER 2018~~ 31 MAY 2019

~~[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)~~

~~[Education and Care Services National Regulations 2018 \(NSW\)](#)~~

~~[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)~~

~~[Education and Care Services National Law 2010](#)~~

~~[Education and Care Services National Regulations 2011 Clause 168](#)~~

~~[Work Health and Safety Act 2011 \(NSW\)](#)~~

~~[Work Health and Safety Regulation 2017 \(NSW\)](#)~~

~~[NSW Occupational Health and Safety Act 2000](#)~~

~~[NSW Occupational Health and Safety Regulations 2001](#)~~

KEY RESOURCES:

~~[National Quality Standards 2011 \(ACECQA\)](#)~~

~~[Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)~~

~~LAST REVIEW DATE: August 2018~~

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

NON COMPLIANCE REPORT

EDUCATOR'S NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

CHILDREN IN CARE: 1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_

6. \_\_\_\_\_ 7. \_\_\_\_\_

AREA OF CONCERN:

SAFETY    HYGIENE    REGULATIONS    ADMINISTRATION    POLICY

COMMENT: \_\_\_\_\_

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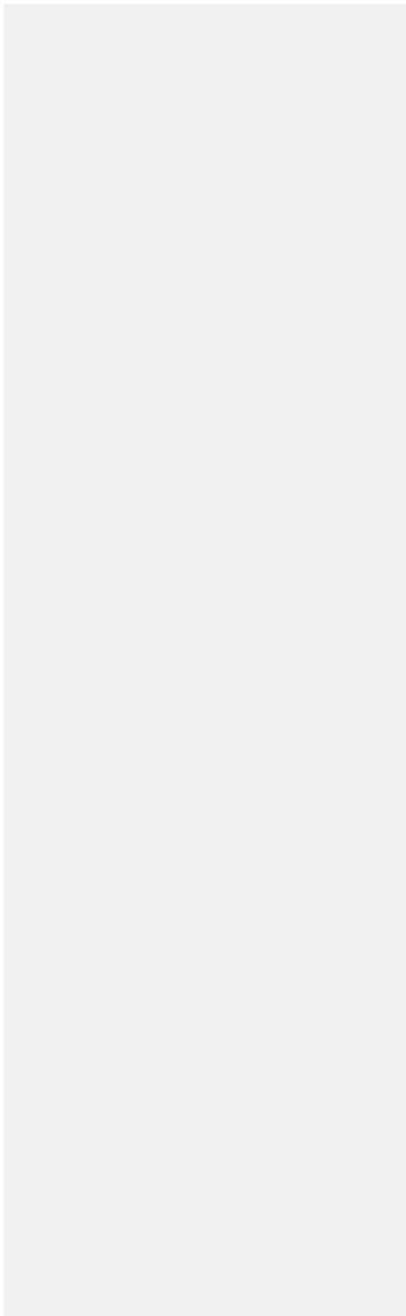
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\_\_\_\_\_  
EDUCATORS SIGNATURE DATE

**ACTION TAKEN:** \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
COORDINATOR'S SIGNATURE DATE



POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

## NON PAYMENT OF FEES

### BACKGROUND

~~Family Day Care~~ Educators operate their own businesses in providing quality child care to their community. Payment of fees for this service is expected in a timely manner from the families that use their care. It is a legal requirement of accepting Child Care ~~Benefit Subsidy~~ payments, that families abide by the guidelines set out in the Australian Government's Child Care Management System.

### POLICY

- ~~In regards to debt management, all ~~educators~~ Educators have a right to be paid as negotiated in a timely manner by both parents and the ~~service~~ Service.~~
- ~~The Coordination Unit and Educators will follow the guidelines stated in the Australian Government's Child Care ~~Management System~~ Childrens Services' Provider Handbook.~~

### PROCEDURE

The Coordination Unit recommends Educators charge families a bond to cover themselves of any losses if a family leaves their ~~service~~ Service without notice.

It is an Educator's responsibility to ensure that all families are up to date with their fees. ~~The Coordination Unit recommends Educators have families pay for the week of care each week.~~

Educators should verbally and in writing advise every family during the initial interview/ enrolment of their individual ~~Fee fee Schedules~~ ~~schedules~~; what their fees are and when payments are expected.

All families should sign a Parent/ Educator Agreement with their Educator ~~(complying written arrangement)~~ prior to starting care stating what days and times they have booked for care, and to acknowledge the conditions of payment.

If a family falls behind in fees, the Educator should set a time frame in writing stipulating when the outstanding fees need to be paid by; however Educators must remember that processing attendance records information without parents being up to date with fees is considered fraudulent. ~~The child should cease care until the fees are up to date. The Coordination Unit will stop processing attendance records of a family who is not up to date with fees.~~

The Coordination Unit is not responsible for assisting Educators in recovering money lost through bad debts.

An Educator however should inform the Coordination Unit if / when a parent leaves their care with fees outstanding, as an alternative Educator may not be offered to families who have debts with another ~~---~~

Educator in the Scheme. ~~Under exceptional circumstances the Coordinator will determine whether or not fees need to be paid before the family can start with another Educator.~~

### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

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[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

#### KEY RESOURCE

[National Quality Standards \(ACECQA\)](#)

[Australian Governments Child Care Management System Childrens Services' Provider Handbook \(Department of Education and Training\)](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Access and Custody](#)

[Assist Educators](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Delivery and Collection of Children](#)

[Educator Leave and Resignation](#)

[Educator Record Keeping](#)

[Ethical Conduct](#)

[Fees and Charges](#)

[Non-Compliance](#)

[Privacy and Confidentiality](#)

[Professionalism](#)

[Relief Educators](#)

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## NSW OMBUDSMAN AMENDMENT ACT (CHILD PROTECTION AND COMMUNITY SERVICES)

### BACKGROUND

The NSW Ombudsman is an independent and impartial watchdog who watches over most public sector and many private sector agencies and their staff. Their role is to make sure these agencies and their staff do their jobs properly, meeting their responsibilities to the community.

### POLICY

- To ensure the safety and wellbeing of children in care within the [Mid-Western-Regional Family Day Care Scheme](#).
- To complement the [Mid-Western-Regional Council's policy-policies, codes and employment conditions from time to time](#) where allegations or convictions of child abuse are made against an employee of the Council ([also refer to clause 36 of the NSW Local Government Award 2017](#)).

### PROCEDURE

The NSW Ombudsman is to be notified when the alleged perpetrator is an employee of the [Mid-Western-Regional Family Day Care Scheme](#).

~~Whereby~~ ~~whereby~~ an allegation of child abuse identifies the alleged perpetrator as an 'employee' of the [service Scheme](#) is defined as; a member of [Council](#) staff, an [Family Day Care](#) Educator, an [Assist or Relief](#) Educator, a student on placement or a volunteer. (Section [5.25 \(125A\(1\)\)](#) of the NSW Ombudsman's Act 1974).

Child Protection Notification Form (NSW Ombudsman) to be completed and must be sent to the NSW Ombudsman within 30 days of [the Licensee of the service Council](#) becoming aware of the offence and / or of a current or past conviction.

Adhere to the NSW Department of Family and Community Services 'Interagency Guidelines ~~on-for~~ Child Protection Intervention' in respect to the investigation of the child protection matter and liaise with other appropriate bodies as per these [Guidelines guidelines](#).

Advise the ~~ombudsman-Ombudsman~~ whether or not disciplinary or other action in relation to the employee will be implemented and the reason for taking or not taking any action.

Inform the [NSW-Ombudsman](#) of progress and/or outcome of investigation.

Depending on the case, the [NSW-Ombudsman](#) will make a decision regarding the role they take; that is being active or monitoring.

The Coordinator is to liaise directly with [the Licensee / or his delegate Council](#) at all times throughout the investigation.

### DEFINITIONS

For the purposes of dealing with the Ombudsman Act the following terms mean:

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**Allegation** – An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency.

**Child** – A child or young person under the age of 18 years.

**Reportable conduct** –

- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- (b) any assault, ill-treatment or neglect of a child, or
- (c) any behaviour that causes psychological harm to a child.

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#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2018](#)

[NSW Ombudsman's Act \(1974\) \(NSW\) \[www.ombo.nsw.gov.au\]\(http://www.ombo.nsw.gov.au\)](#)

[NSW Ombudsman Amendment \(Child Protection and Community Services\) 1999](#)

#### KEY SOURCES

[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Governance and Management of the service](#)

[Media and Publicity](#)

[Professionalism](#)

[Staffing](#)

[Work Place Health and Safety](#)

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## NURSERY FURNITURE, TOY AND EQUIPMENT SAFETY

### BACKGROUND

Unsafe nursery furniture, equipment and toys are responsible for a high number of injuries to children and the majority of these injuries are preventable. Choosing safe items, checking furniture and equipment regularly, and providing proper supervision are crucial in ensuring the health and safety of children.

### POLICY

- Educators will endeavour to minimise the risk of child accidents and injuries involving nursery furniture and equipment, toys and play equipment.

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### PROCEDURE

#### NURSERY FURNITURE AND EQUIPMENT

##### When purchasing nursery furniture and equipment for children, Educators should -

- Always use furniture and equipment that has been made in accordance with Australian Standards. Educators must have written verification of this available to sight.
- Always use furniture and equipment that is free of rough surfaces, sharp edges, points, projections and small pieces that can break off, is easy to clean and age appropriate.
- Regularly test locking devices to ensure they work correctly and regularly check furniture and equipment for stability, wear and tear.
- Look for entrapment hazards, it is easy for small fingers and limbs to get caught in gaps between 30-50 mm in size, head and upper body entrapments can cause death by asphyxiation with gaps over 85mm.
- Be aware that most injuries related to nursery furniture are due to falls from equipment, ensure appropriate supervision of children at all times.
- Ensure cleanliness of all nursery furniture and equipment.
- Educators should conduct and record an audit of the furniture and equipment used for at their Family Day Care service at least once a year.

#### COTS AND SLEEPING FACILITIES

##### Educators will -

- Provide an adequate number of cots, beds, stretchers or sleeping mats or other culturally appropriate forms of bedding for all children who sleep while in care e.g. one child per bed / cot
- Ensure every cot used for in your Family Day Care the Service does require verification that it meets Australian Standards. AS/NZS 2172 – Cots for household use – Safety requirements. This information needs to be readily accessible by the Coordination Unit or regulatory authorities.

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- Ensure that mattresses and other bedding are clean and comfortable.
- Ensure that bed clothing is appropriate to the climate.
- Ensure that all bed linen is kept clean and in good repair.
- Ensure that there is individual bed linen and blankets for each child that are stored hygienically between uses.
- Arrange and position cots, beds, stretchers, mattresses and other bedding so as:
  - To reduce the risk of a child having access to dangerous or hazardous materials or equipment (eg. curtain cords, cosmetics, heaters, power points, objects hanging on the wall, etc.) according to the age and abilities of individual children;
  - To be in an area that has natural light;
  - To allow easy access to any child and
  - To reduce the risk of cross infection between children.
- Maintain all cots, beds, stretchers, mattresses and other bedding in a safe, clean and hygienic condition and in good repair at all times.
- Regularly testing locking devices to ensure they work correctly and regularly checking for stability, wear and tear.
- Ensure cots do not contain any lead. This is most likely to occur with second hand furniture.
- **Sleeping** - Ensure sleeping arrangements need to comply with current regulations, while also respecting the needs of the child, and the wishes of the family. Educators also play an important role in providing an atmosphere that is relaxing and promotes good sleep/rest routines.

The Coordination Unit will:

- Maintain a policy relating to the selection and use of cots, beds and bedding that is based on current advice from recognised safety authorities.
- Ask to see written verification that all cots used in an Educator's Family Day Care Service have Australian Standards verification.

TOYS AND PLAY EQUIPMENT

Children should only be provided with toys that can be used safely, are age appropriate, stable, durable and easy to clean. It is important for Educators to be aware that some unsafe toys have caused serious child injuries and deaths.

**When purchasing toys for children in care, Educators should -**

- Check all toys for poor design and manufacture ensure they are non-flammable and there are no choking hazards such as cords; do not contain lead, thread / ribbons or small pieces that can break off. If in doubt, do not use.
- Regularly check for sharp edges, rough surfaces or brittle plastic as they can cause cuts and splinters, buy washable, non-breakable, non toxic toys; check for ventilation before buying masks, helmets and tents.

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- Ensure that all toys are age appropriate for the children they have in care and are regularly checked and maintained.
- When setting up, packing away or washing toys check toys regularly for loose, detachable or broken parts that are choking hazards. Remove broken toys until ~~their~~ they can be fixed, discard broken toys if not repairable.
- Encourage the safe and correct use of toys; supervise activities and arrange play areas where toys can be used safely, away from electrical equipment, heating and cooling systems.
- Be aware that it is safer to use toy crates without lids or with lightweight removable lids rather than toy chests. Only use toy chests and boxes that are designed not to close on top of children, cannot be locked, and ensure there are ventilation holes in case a child crawls inside the box. Ensure that toy boxes with hinges are fitted with a hinge type that closes slowly to avoid trapped fingers and head injuries.
- All play equipment should also be safe and in good repair at all times.
- Outdoor play equipment needs to be checked for the effects of weathering--(eg, plastic becoming brittle).
- Educators should conduct a written audit of the toys used ~~for~~ in their Family Day Care service ~~Service~~ at least once a year.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

#### KEY RESOURCES

National Quality Standards [Areas 2 and 3 \(ACECQA\)](#)

[Keeping Baby Safe, Ministerial Council on Consumer Affairs, 2000 www.consumer.gov.au](#)

Toy Safety Checklist, NSW Department of Fair Trade, [2007-2019](#) [www.fairtrading.nsw.gov.au](#)

Staying Healthy in Child Care, NHMRC, [2006](#): [www.healthnhmrc.gov.au](#)

SIDS and Kids 'Sids and Kids Safe Sleeping' brochure. [www.sidsandkids.org](#)[www.rednose.org.au](#)

Kidsafe NSW [www.kidsafe.com.au](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

- Assessment of Family Day Care Venues
- Children in Care
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Educator Household Members
- Educator Record Keeping
- Ethical Conduct
- Excursions
- Childrens Health and Hygiene
- Incidents, Injuries, Trauma and Illness
- Monitoring, Support and Supervision of Educators
- Non-Compliance
- Privacy and Confidentiality
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards
- Relief Educators
- Safe Sleep and Rest
- Supervision
- Toy, Equipment and Resource Library
- Visitors to a Family Day Care Service
- Vehicle Safety
- Water Safety
- Work Place Health and Safety

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## NUTRITION AND ACTIVE PLAY

### BACKGROUND

There are many benefits to promoting a healthy lifestyle in early childhood education and care settings, including the positive impact this has on each child's learning and development. Being made aware of positive eating behaviour and the importance of physical activity from an early age can instil good habits that will remain throughout a person's life. Educators are well placed to build awareness among children and their families, while respecting lifestyle choices and cultural and religious values.

The foods we eat provide our body with the nutrients we need to stay healthy. Good nutrition involves the balanced eating of a variety of foods, and is especially important for children as they require a large amount of nutrients for growth and development. Research has shown that, when offered a variety of healthy foods, children can and do make good choices. Education and care settings provide many opportunities for children to experience a range of healthy food, and to learn about food choices from Educators and other children (Early Years Learning Framework).

Active play (play that involves using the large muscles in the body) develops a strong and healthy body, builds motor and co-ordination skills, creates a sense of wellbeing and helps protect from disease. Active play is about moving, being and doing.

A strong sense of health and wellbeing, supported by good nutrition and an active lifestyle, can provide children with confidence, energy and optimism that will contribute to their ability to concentrate, co-operate and learn (Early Years Learning Framework).

### POLICY

The Mid-Western Regional Family Day Care Scheme promotes healthy eating in childhood by -

- Helping to educate children, Educators and families about healthy food and nutrition, and its importance in the early years of a child's life and development.
- Encouraging both families and Educators to provide children with ample, nutritious food and drinks for their time in care.
- Consulting and working collaboratively with families in regard to their child's nutrition and dietary requirements, including responding appropriately to food allergies and recognising cultural and religious practices, and lifestyle choices as well as individual children's needs eg through observation of what the children bring from home – not enough food/too much/suggestions for healthier options.
- Endeavouring to take into account the culture, religion and overall health status of individual children.
- Providing an eating environment that encourages children to be calm, aids communication and social skills, and develops independence in eating habits.
- Encouraging physical activity by providing a range of active play experiences for all children every day at the service.

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PROCEDURE

**The Coordination Unit is responsible for -**

- ~~Provide~~ Providing information and resources to Educators and families on healthy choices for eating and active play, food preparation and storage.
- Collecting and recording relevant information about individual special dietary requirements of children that will be in care if required (i.e. allergies, medical conditions, cultural, etc) and ensure ensuring the Educators is-are well informed.
- ~~Encourage~~ Encouraging families to provide adequate and nutritious meals for their children when they are in care.
- ~~Provide~~ Providing advice and support to Educators and families on matters relating to food and nutrition.
- ~~Include~~ Including Nutrition Professional Development and a food safety component into new Educator's induction.
- ~~Provide~~ Providing nutrition and food safety ~~Professional-professional Development-development~~ on a regular basis through emails, newsletters, Facebook etc.

**Educators are responsible for -**

- Implementing adequate health and hygiene procedures, and safe practices for handling, preparing and storing food, to minimise risks to children.
- ~~Discussing Children's-children's~~ eating habits, food allergies and/or medical conditions are-to-be discussed-between-with parents and-Educators before care commences.
- ~~Encouraging Mothers-mothers are-encouraged-to~~ continue breastfeeding ing, if possible, or families are to provide infant formula.
- Implementing measures to prevent cross-contamination of any food given to children with diagnosed food allergies and/or diabetes
- Ensuring that the ~~service-Service~~ environment and the educational program support children and families to made-make healthy choices for eating and food awareness activities. Including exploring and discussing diverse cultural, religious, social and family lifestyles.
- ~~Encouraging Children-children will-be-encouraged-to~~ get hands on experience and awareness in food preparation, through cooking and food activities.
- Discussing healthy eating choices with children, introducing the concept of 'sometime' foods and drinks and role modelling positive behaviours. Unhealthy foods high in sugar and / or fat content are to be strongly discouraged.
- ~~Educators-will-further-Furthering~~ their professional knowledge with the latest information on food and nutrition through journals, resource agencies and in-service courses. This information will be shared with families and children.
- Considering this policy when organising excursions and ~~service~~ events.
- Keeping families informed of current information relating to healthy eating and active play.

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- Ensuring that fresh drinking water is readily available at all times, and reminding children to drink regularly throughout the day. Ensuring that children can readily access their own clearly labelled drink containers.
- Providing food and drinks at regular intervals, and encouraging children to actively participate in, and enjoy, snack / meal times without feeling rushed.
- Providing adequate supervision for all children during meal/snack times.
- Encouraging children to be independent at snack/meal times e.g. opening lunchboxes, pouring drinks, self-feeding, serving and using utensils in a culturally sensitive way.
- Ensure parents/guardians maintain a "no nut" rule if required and if food is brought in for sharing eg birthday cake – communicate with parents/guardians that ingredients need to be listed and displayed to identify any allergy foods for individual children.
- Provide each child with food and drinks provided by the family, unless the Educator feels it does not meet the nutritional guidelines outlined in the Regulations. If the family fails to provide either nutritious and / or enough food and drink for their child, the Educator may provide the child with appropriate food and drink. The cost of the food provided will be charged as per the Educator Fee Schedule.
- Planning and providing outdoor, active play that is stimulating, promotes skill development, considers safety issues and provides adequate supervision.
- Acting as positive role models by engaging in physical activity.
- ~~Providing age appropriate traffic safety educations, including pedestrian and passenger safety to both children and parents/guardians at the service~~
- Considering opportunities for children to be physically active indoors, particularly in adverse weather conditions

**For Educators who choose to provide food for the children in their care:**

- Educators must undertake a Food Handling Course that is recognised by a relevant [Health Authority](#) and [ACECQA](#), in accordance with the Food Act 2003.
- Educators must ensure all food and drinks provided are consistent with the recommendations of the Australian Government's Healthy Eating Guidelines for Early Childhood settings. That is, they are adequate in quantity and take into account dietary requirements of each child's growth and developmental needs, any specific cultural, religious or health requirements.
- Educators should follow the nutritional guidelines as set out in Caring for Kids Cookbook (NSW Health). That is providing a hot / cooked midday meal, and the appropriate amounts of fruit and dairy that children require while in care.
- Educators must display an accurate menu of the food they are providing to the children each day.

**Parents/Guardians are responsible for -**

- Providing details of specific nutritional/dietary requirements, including the need to accommodate cultural or religious practices or food allergies, on their child's enrolment form, and discussing these with the [Educator and the](#) Coordination Unit prior to the child's commencement at the

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service, and if requirements change over time (refer to Medical Conditions and Medication Administration Policy).

- Communicating regularly with [educators-Educators](#) regarding children’s specific nutritional requirements and dietary needs, including food preferences.
- ~~Families are to ensure~~ [Ensuring](#) that they supply their Educator with ample, nutritious food and water/ drinks for their child for the time they are in care. If the family fails to provide either nutritious and / or enough food and drink for their child, the Educator may provide the child with appropriate food and drink. The cost of the food provided will be charged as per the Educator Fee Schedule.
- Providing nutritious food and drinks for celebrations, fundraising activities and [service-Service](#) events, consistent with [service-Service](#) policy.
- Follow the service “no nut” if required rule and if food is brought in for sharing eg birthday cake – that ingredients need to be listed and displayed to identify any allergy foods for individual children
- [Keep](#)ing lunchboxes and drink bottles clean and hygienic.
  - Following repeated requests both written and verbal to parents for nutritious foods, the Educators may contact the Coordination Unit for guidance. Note: Regulations 79 and 80 do not apply to food and beverages provided by a parent/ guardian for consumption by their child.
- Encouraging children to exercises by engaging in active play, and walking or riding a bike to the [service-Service](#), where appropriate.
- ~~Discussing appropriate road safety and car safety practices, and role modelling this behaviour.~~

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RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011 Child Wellbeing and Safety Act 2005](#)
- [Equal Opportunity Act 2010 \(Vic\) Food Act 1984 \(Vic\) as amended 2012 Food Act 2003 \(NSW\)](#)
- [Workplace Health and Safety Act 2011](#)
- LAST REVIEW DATE:** August 2018

KEY RESOURCES

- National Quality Standard (ACECQA)
- Nutrition Australia [www.nutritionaustralia.org](http://www.nutritionaustralia.org)
- Australian Breastfeeding Association [www.breastfeeding.asn.au](http://www.breastfeeding.asn.au)
- NSW Multicultural Communications Service [www.mhcs.health.nsw.gov.au](http://www.mhcs.health.nsw.gov.au)



POLICY: FAMILY DAY CARE | 24 NOVEMBER 2018 | 31 MAY 2019

Fact sheets on health topics Get Up and Grow: Healthy Eating/ Physical Activity for Early Childhood: [www.health.gov.au/internet/main/publishing.nsf/content/phd-early-childhood-nutrition-resources](http://www.health.gov.au/internet/main/publishing.nsf/content/phd-early-childhood-nutrition-resources)

[Kids and Traffic—Early Childhood Road Safety Education Program www.kidsandtraffic.mg.edu.au](http://www.kidsandtraffic.mg.edu.au)

NSW Food Authority – [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Food Standards Australia – [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

National Health and Medical Research Council – [www.nhmrc.gov.au](http://www.nhmrc.gov.au)

NSW Department of Health – [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

Munch and Move [www.healthykids.nsw.gov.au/campaigns-programs/about-munch-move.aspx](http://www.healthykids.nsw.gov.au/campaigns-programs/about-munch-move.aspx)

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Curriculum Development](#)

[Dental and Oral Health](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

[Excursions](#)

[Fees and Charges](#)

[Food Handling](#)

[Children's Health and Hygiene](#)

[Incidents, Injuries, Trauma and Illness](#)

[Inclusion and Equity](#)

[Interactions with Children](#)

[Medical Conditions and Medical Administration](#)

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

Monitoring, Support and Supervision of Educators

Nursery, Toy and Equipment Safety

Privacy and Confidentiality

Providing a Child with a Safe Environment

Professionalism

Relief Educators

Sun Protection

Supervision

Visitors to a Family Day Care Service

Water Safety

Work Place Health and Safety

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## PETS AND ANIMALS

### BACKGROUND

The [Mid-Western Regional Family Day Care Scheme](#) acknowledges the importance of keeping children safe at all times. While pets and other animals can prove an effective inclusion into the child's experiences in care, they are also a risk to children. A child's safety must be maintained at all times.

### POLICY

- To ensure the practices of the service meet the [Education and Care Services National Regulations 2014](#) [Education and Care Services National Regulations](#) and National Quality Standards in regard to pets and other animals in [Family Day Care](#).
- To minimise the risk of injury and safeguard the health of children, families and staff at all times.
- To ensure that Educators exercise their Duty of Care in relation to supervising interactions between their pets and the children in care.

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### PROCEDURE

#### Coordination Unit

Provide [Professional Development](#) and/or resources to Educators and families on health and safety practices for pets and other animals [in the child services sector](#).

Monitor the compliance of the policy and help Educators develop Risk Management plans for animals.

#### Educators

An Educator must ensure that any animal (including livestock) or domesticated bird that enters or is kept on the premises of their [Family Day Care Service](#), does not constitute a health or safety risk to children in care. For example; by causing an allergic response or infection or in any way having a detrimental effect on the well-being of children provided by the service.

Every domestic pet or farm animal is to be kept in an area separate to and apart from the areas used by children, unless involved in a specific activity that is directly supervised by the Educator, staff member or other adult (e.g. brushing the dog, bottle feeding a lamb, or providing food or water).

An Educator should inform families if they intend the children to have access to their pets / animals.

Educators should have Pet Authorities signed by the parents, to cover the supervised 'pet interactions' they may have with the child/ren in their care.

Pet food and water bowls should be inaccessible to children.

Animal droppings should be cleared away daily. Kitty litter trays should be inaccessible to children.

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Educators should ensure that there are no bones/ food or holes dug by dogs in the play areas.

There should be ongoing worming and immunisation programs, especially for dogs and cats.

Bird aviaries and rabbit/ guinea pig hutches are to be cleaned regularly. Children should not be allowed within these enclosures.

Children should only enter a chicken coop as a supervised activity.

Animals are not to have access to children's bedding, toys or play equipment, food preparation areas, eating surfaces or utensils.

No animal is to travel in a motor vehicle with children in care, unless the animal is restrained in the car (for example: by a fixed barrier, harnessed away from the children or in a cage).

Children are to be protected by a hygiene program eg washing hands after handling pets, pets not licking children's faces, checking for droppings in the yard etc.

~~Research has indicated that dogs are a high-risk with children, experiences involving dogs need to be discussed with Coordination Unit before the experience occurs.~~

**Families**

Families must inform Educators if their child has any allergies or any fears relating to animals before commencing care with that Educator.

Families should notify the Coordination Unit if they are concerned with any pet / animal interactions occurring at the Educators service.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

[Work Health and Safety regulation 2011 \(NSW\)](#)

KEY RESOURCES

[National Quality Standards 2011 \(ACECQA\) Quality Area 2](#)

[Childcare Service Handbook \(DEEWR\) Child Care Provider Handbook \(Department of Education and Training\)](#)

Kidsafe <http://www.kidsafensw.org/>

[Staying Healthy in Child Care, NHMRC: www.nhmrc.gov.au](#)

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Staying Healthy in Childcare NHMRC 2006 [www.health.gov.au/nhmrc](http://www.health.gov.au/nhmrc)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

Acceptance and Refusal of authorisations

Assessment of Family Day Care Venues

Assist Educators

Behaviour Guidance

Children in Care

Collaborative Partnerships with Families and Communities

Complaints and Feedback

Curriculum Development

Educator Household Members

Educator Record Keeping

Enrolment and Orientation

Ethical Conduct

Excursions

Fees and Charges

Childrens Health and Hygiene

Incidents, Injuries, Trauma and Illness

Inclusion and Equity

Interactions with Children

Medical Conditions and Medical Administration

Monitoring, Support and Supervision of Educators

Playsessions

Photographs and Videos

Privacy and Confidentiality

Providing a Child with a Safe Environment

Professionalism

Relief Educators

Sun Protection

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Supervision

Sustainability

Visitors to a Family Day Care Service

Work Place Health and Safety

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## PHOTOGRAPHS / VIDEOS

### BACKGROUND

Photographs and videos are now classified as 'personal information' under the [Information Privacy and Personal Information Protection Act 1998](#).

### POLICY

- To ensure the privacy of children and families is respected at all times also including when any individual who is not an Educator or Coordination Unit ~~member-staff~~ is taking photographs or videos within an Educator's Service, a playsession or a community event.

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### PROCEDURE

#### COORDINATION UNIT

Written permission is sought from the parent / guardian on the [Registration and Authorisation Form](#) at the initial [Registration-registration](#) of the child /family with the [Mid-Western Regional Family Day Care Scheme](#). This outlines the child's inclusion in video, photographs, digital media and interviews by media, staff/ Educators or students, where any of the above will be for any form of public display, used in the [Scheme-Scheme](#) or individual service promotional material or publications.

If a parent / guardian does not want their child's photograph to be used then the Coordination Unit writes this information in red on the outside of the [families-family's](#) file and the prospective Educator is notified.

The Scheme accepts that families may want to display photographs of their own child on the internet; ~~however we do not~~. The Scheme ~~also does not~~ condone the display of photographs taken of other families' children whilst in the care environment.

#### INDIVIDUAL EDUCATOR SERVICES

In relation to any parent/ family member, student or visitor to the Service with the intentions to take photographs, the Educator will ensure:

- All families are notified in advance of when, why and by whom photographs may be taken.
- All families are given the opportunity to object to their child being involved in any photographs, and that these wishes will be respected.
- Any parent or family member may only photograph their own child unless given permission by another child's parent in writing.

The Educator will respect the wishes of all families who do not wish their child to be photographed and will be responsible for ensuring the child is not photographed while in attendance at the Service. This may mean, however that the child may be removed from group situations where photos will be taken.

If a parent has given permission for their child to be photographed by anyone other than a staff member, Educator or student, the [Service Scheme](#) does not accept responsibility for the distribution or use of any photograph once taken.

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ANY OTHER INDIVIDUAL

The Service does not allow any other individual visiting an individual service (such as tradesmen) to take photographs of any child.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law 2010](#)
- [Education and Care Services National Regulations 2011 Clause 144](#)
- [Information and Privacy Act \(2009\) Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

KEY RESOURCES

- National Quality Standards Quality Area 4, 5 and 7 (ACECQA)
- ~~LAST REVIEW DATE:~~ August 2018

RELATED POLICIES

- ~~Acceptance and Refusal of authorisations~~
- ~~Access and Custody~~
- ~~Child Protection~~
- ~~Collaborative Partnerships with Families and Communities~~
- ~~Curriculum Development~~
- ~~Excursions~~
- ~~Information and Communication Technology~~
- ~~Media and Publicity~~
- ~~Play sessions~~
- ~~Privacy and Confidentiality~~
- ~~Professionalism~~
- ~~Visitors to a Family Day Care Service~~

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## PLAYSESSIONS

### BACKGROUND

Playsession is an opportunity for children to experience larger groups, explore play and participate in learning opportunities that may differ from those offered by their own Educator. Children enjoy both planned and spontaneous play experiences revolving around children's interests and suggestions.

### POLICY

- To provide opportunities for Educators and Coordination Unit staff to socialise and network with each other and to strengthen their identification with the Scheme.
- To allow children the opportunity to mix with other children in care and to become familiar with other Educators and the Coordination Unit staff.
- To provide experiences for children in care that encourages growth in physical, emotional and social development.
- To observe and interact with Educators and children in a large group setting.
- To provide opportunity for participating Educators and children to contribute to the planning and evaluation of the playsession program
- To provide an informal training opportunity where Coordination Unit [Staff-staff](#) can model and share their early childhood knowledge, experience and skills.
- To be consistent with the Scheme's [Privacy and Confidentiality Policies/policies](#).

### PROCEDURE

Playsessions are to be held during school terms and weather permitting.

Playsessions [will also](#) operate from facilities located at the rear of the Mudgee Coordination Unit Office, and when possible designated venues at Gulgong, Kandos, Rylstone, [and](#) Wellington.

Playsessions may be held at an Educator's [Family Day Care](#) residence or [venue or](#) may consist of excursions to public places. For example: a park within the local community or the library.

Educators are to maintain primary responsibility for their children [in care](#) during playsessions. Educators should advise Coordination Unit staff of the need for them to work away from their children for a short period of time to ensure safe child / Educator ratios. For example; in the preparation of food, looking at the toy library resources, toileting a child.

For [Scheme Scheme](#)-organised [Playsessions playsessions](#) the Coordination Unit [Staff-staff](#) are to develop a program of activities [for playsessions](#), which enable the children to socialise as well as engage in a variety of experiences and celebrate diversity.

[The](#) Coordination Unit staff responsible for the provision of play-sessions should plan each session carefully to ensure that it provides a positive experience for all the children [\(and Educators\)](#) who will attend, taking into account:

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- The number of, different interests and ages of children;
- The venue and the indoor and outdoor spaces available;
- The available equipment and learning materials.

Educators must ensure they have completed a Risk Assessment that has been sent to the Coordination Unit on how they will safely get to and from playsession [venue](#) before they attend. Parents are to sign the approved Risk Assessment before they sign the excursion form.

Educators are to ensure they have parents' written permission [for children](#) to attend a playsession either on a Routine or Non Routine Excursion permission form.

Where possible, parents are to be advised of their local playsessions, and are encouraged to attend.

Parents should be notified on the morning of a playsession as per the Excursion Policy.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2018](#)

KEY RESOURCES

National Quality Standards: [Quality Area 1, 2, 3 & 5 \(ACECQA\)](#)

LAST REVIEW DATE: August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Educator Record Keeping](#)

[Emergency and Evacuation](#)

[Enrolment and Orientation](#)

[Excursions](#)

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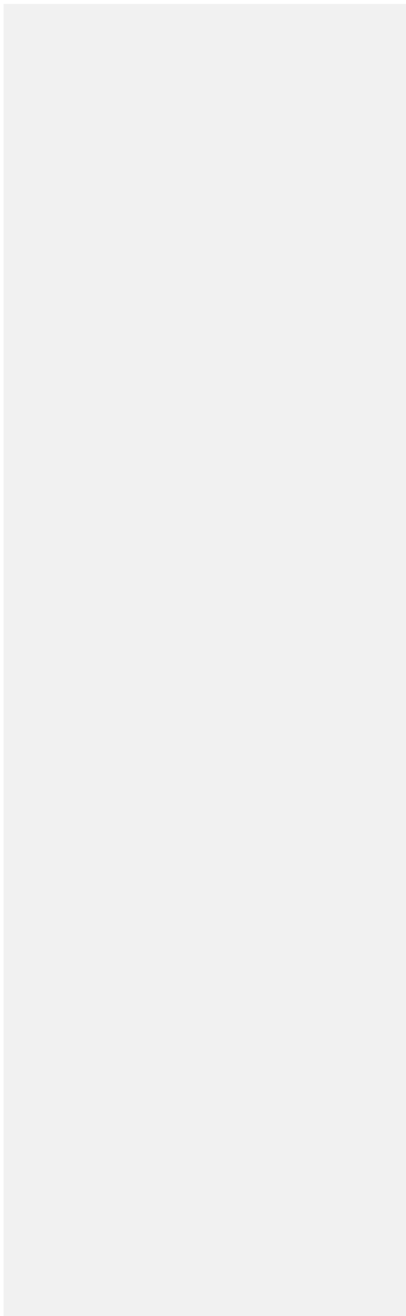
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- Children's Health and Hygiene
- Incidents, Injuries, Trauma and Illness
- Inclusion and Equity
- Interactions with Children
- Media and Publicity
- Nutrition and Activity
- Photographs and Videos
- Privacy and Confidentiality
- Professionalism
- Protection from Harm and Hazards
- Sun Protection
- Supervision
- Vehicle Safety
- Work Place Health and Safety



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## PRIVACY AND CONFIDENTIALITY POLICY

### BACKGROUND

Early Childhood Services are obligated by law, service agreements and licensing requirements to comply with the privacy and health records legislation when collecting personal and health information about individuals.

The Health Records and Privacy Act 2001 (Part 1.7.1) and the Privacy and Personal Information Privacy-Protection Act (Part 1.6.1) include a clause that overrides the requirements of these Acts if they conflict with other Acts or Regulations already in place. For example, if there is a requirement under the Children (Education and Care Services) National Law 2010 (NSW) Education and Care Services National Law Act 2010 or the Education and Care Services National Regulations 2014 Education and Care Services National Regulations 2018 that is inconsistent with the requirements of the privacy legislation, services are required to abide by the Children (Education and Care Services) National Law 2010 (NSW) Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2018 (NSW).

~~Education and Care Services National Regulations 2014.~~

### POLICY

- The need for confidentiality is fundamental in providing a Quality-quality Child-child Care care Service-service and the service-Services will endeavour to protect the privacy of personal and sensitive information collected by our-the Scheme.
- The Scheme will follow the standards of the National Privacy Principles to regulate the way in which we-manage personal and sensitive information is managed.
- The Scheme will collect certain information in accordance with the regulatory framework of operating a Children’s children’s Service service with respect to the Children (Education and Care Services) National Law 2010 and Education and Care Services National Regulations 2018.

~~2014 Education and Care Services Regulations.~~

### PROCEDURE

#### COLLECTING INFORMATION

Personal information will be collected and used specifically for the purpose of the Mid-Western Regional-Family-Day-Care Scheme. Personal information should be collected in a fair and unobtrusive way.

Collection of information is limited to only the amount of information that is necessary for the Scheme’s operational procedures.

#### USE AND DISCLOSURE

Disclosure of information should only be for the purpose for which it was collected.

The Mid-Western-Regional-Family-Day-Care Scheme will obtain parent/guardian written permission before disclosing a child’s personal and sensitive information to another professional.

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For example: Early intervention teachers, speech therapists, occupational therapists, doctors or counsellors.

Personal information collected about children is regularly disclosed to their own parents or guardians. On occasion, information such as children's personal achievements, child works and photos are displayed within the boundaries of the [Family Day Care Coordination Unit](#) Office and Educator's [home Service](#).

The [Mid-Western Regional Family Day Care](#) Scheme will disclose specific information, including the child's name, age and specific needs to the Educator(s) for the child including emergency contact and medical/health information.

Information will be kept secure and may be requested and viewed by the child's parents/guardians and representatives of [DEEWR Department of Education](#) during an inspection visit

#### DATA QUALITY

The [Mid-Western Regional Family Day Care](#) Scheme takes all reasonable precautions to ensure personal information that [we is collected](#), [used](#) and [disclosed](#) is accurate, complete and up-to-date. ~~However, the~~ [The](#) accuracy of that information, [however](#), depends to a large extent on the information that is provided by the parents/guardians.

Parents/guardians will be required to advise the Coordination Unit of any changes that may affect the initial information provided.

Information that is collected will be maintained in accordance with the [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#) ~~2011~~ [Education and Care Services National Law and Regulations](#), and the [Mid-Western Regional Council's Records Management Policy](#).

#### DATA SECURITY

The [Mid-Western Regional Family Day Care](#) Scheme will:

- ~~always endeavour~~ [Endeavour](#) to protect personal information from misuse, loss, change, and unauthorised access/disclosure.
- Ensure all records and documents are maintained and stored in accordance with [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#) ~~Regulations 181 and 183 of the Education and Care Services National Regulations 2011.~~
- ~~Ensuring~~ the [service Service](#) complies with the requirements of the Privacy Principles as outlined in the Health Records Act 2011, the [Privacy and Personal Information Protection Act](#) ~~Information Privacy Act 2000~~.

#### OPENNESS, ACCESS AND CORRECTION

Parents/~~Guardians~~ [guardians](#) may seek access to the personal information collected about them and their children by contacting the Coordination Unit [and in accordance with Council's Access to Information Policy](#). ~~However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the Service's Duty of Care to the child or where children have provided information in confidence.~~

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SENSITIVE INFORMATION

The ~~Mid-Western Regional Family Day Care~~ Scheme respects the rights of individual's sensitive information. A higher level of privacy protection applies to sensitive information.

Sensitive information relates to information about an individual's religious beliefs, racial or ethnic origin, philosophical beliefs, political opinions, membership of a political association, membership of a trade union, sexual preference or practices, criminal records or health information.

Parents/guardians are responsible for -

- ~~Completing all authorisation forms and returning them to the Coordination Unit or Educators in a timely manner.~~
- ~~Providing accurate information and updating it immediately when changes occur.~~

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RELATED POLICIES

~~All Mid-Western Regional Family Day Care policies and Procedures~~

RELEVANT LEGISLATION

~~Children (Education and Care Services) National Law 2010 (NSW)~~

~~Education and Care Services National Regulations 2018 (NSW)~~

~~Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)~~

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

~~Health Records and Information Privacy Act 2002 (NSW) Health Records Act 2001~~

~~Privacy Act 1988 (Cth)~~

~~Privacy and Personal Information Protection Act 1998 (NSW) Privacy and Personal Information Protection Regulation 2014~~

~~Public Records Act 1973 (Vic)~~

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KEY RESOURCES

National Quality Standards ~~(ACECQA)~~

Child Care ~~Service Provider Handbook (DEEWR) (Department of Education and Training)~~

~~Guidelines to the Information Privacy Principles [www.privacy.gov.au/law/apply/guidance](http://www.privacy.gov.au/law/apply/guidance) Office of the Australian Information Commissioner [www.oaic.gov.au](http://www.oaic.gov.au)~~

Field Code Changed

~~LAST REVIEW DATE: August 2018~~

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## PROFESSIONAL DEVELOPMENT

### BACKGROUND

The knowledge and skills of the Coordination Unit staff and Educators are reflected in the quality of the service. While a comprehensive and structured induction program is essential to ensure new Educators' and Coordination Unit Staff staff feel confident and well prepared for their respective roles in Family Day Care, ongoing professional development plays an integral part in ensuring knowledge and skills are maintained, extended and kept up to date.

Ongoing Professional development is extremely important in helping early childhood educators Educators provide developmentally appropriate learning activities in a safe and educationally stimulating environment that addresses the needs of all children

Where appropriate, the service Scheme will offer opportunities to families and other children's services within the community to attend Professional Development development that is organised by the service Coordination Unit.

### POLICY

- To promote the Mid-Western Regional Family Day Care Scheme as a professional child care service that endeavours to stay abreast with current best practices in the early childhood educational field.
- To present a comprehensive training module and orientation program to prospective Educators.
- To enhance all Educators' personal and professional development by identifying individual training needs and implementing training accordingly.
- To build on the Educators' skills and knowledge base to guarantee the quality of service provision to children and families and to ensure Educators meet the requirements of the Quality Assurance Process
- To provide training which is accessible to all Educators and which caters to different learning styles and backgrounds.
- To ensure Coordination Unit staff and Educators participate in Professional Development development on a regular basis.

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### PROCEDURE

#### COORDINATION UNIT STAFF

Provide effective leadership to enable the establishment and maintenance of a professional workplace with open communication, respectful debate and further professional learning. A positive organisation culture is promoted and a professional learning community is built.

Work collaboratively with Educators and affirm, challenge, support and learn from each other to further develop their skills and to improve best practice and relationships.

Provision is made to ensure that a suitably qualified Educational Leader leads the development of the curriculum and ensures the establishment of clear goals and expectations.

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Provide information about all requirements of orientation training to prospective Educators and deliver specific training about the [service Scheme](#) to Educators before registration. Provide an added level of support for new Educators and work with them through their probation period.

Provide formal and informal training opportunities through home visits, playground and small group training including Educators who may be rurally isolated.

Provide videos, books, websites and resources which Educators may access to increase their knowledge and provide recognition for informal learning.

Document and evaluate Educators' training provided by the Coordination Unit and completed by Educators and kept on file with any other relevant training undertaken.

Provide opportunities for all stakeholders to provide feedback relating to [Professional-professional Development-development](#) requirements of the [serviceScheme](#).

The Coordination Unit will notify Educators and families of local training opportunities, engage external professionals for the delivery of training as well as deliver it themselves.

Training programs will include accredited courses, non-accredited courses, specialised workshops and informal forums. Training opportunities should include, but not be limited to –

- Learning about current trends and issues.
- Enhancement of knowledge and understanding of children's thinking skills, communication skills, social, emotional and physical needs.
- Finding ways to respond to the needs of families and young children in a complex and changing society.
- Engaging with early childhood peers and establishing support and professional networks.
- Opportunities that cover key business areas.
- Encourage Educators to build on existing formal qualifications.
- Encourage Educators to attend conferences, seminars and workshops.

The performance of the Coordination Unit staff is evaluated annually by [the Mid-Western Regional Council](#) and individual development plans are in place to support performance improvement.

EDUCATORS

As per the [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#)~~Education and Care Services Regulations 2014~~, all [Family Day Care](#) Educators must already have a minimum early childhood qualification of a Certificate III in Children's Services before they are registered with a Scheme.

Educators agree upon Registration with the Scheme, to be involved in ongoing [Professional professional Development-development](#) and must show their commitment to continuous improvement to develop their skills in the education of children.

It is the Educator's responsibility to complete an approved Child Protection Course within 12 months [\(if required\)](#) of starting their [service-Service](#) and to maintain their current First Aid Certificates (including annual CPR and first aid, asthma and anaphylactic management training every 3 years).

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It is expected that Educators attend at least 4 or more ~~Professional~~ [professional Development development](#) opportunities each year (not including their first aid updates or Child Protection). These may be offered by the Coordination Unit or other early childhood services. Documentation ([certificates, statements of attainment, etc](#)) of attending professional development other than the ones offered by the Coordination Unit must be sent into the Coordination Unit to be filed ~~(copy of certificate)~~.

Educators are to participate in mandatory training as outlined by the Coordination Unit.

The performance of Educators is evaluated annually (Annual Review) and individual development plans are in place to support performance improvement (Continuous Improvement Plans).

If the Coordination Unit ~~identify~~ [identifies](#) areas that need to be addressed the Educator must follow up [to ensure continued registration within the Scheme](#).

#### FAMILIES

Support the Educators in their endeavours to attend ~~Professional~~ [professional Developmentdevelopment](#).

Provide feedback to the Coordination Unit on any future requests for Educator / family professional development requirements.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2014~~

Local Government Act 1993 [\(NSW\)](#)

#### KEY RESOURCES

National Quality Standards ~~2014~~ (ACECQA) ~~– Quality Area 7~~

Belonging Being Becoming – The Early Years Learning Framework (~~DEEWR 2014~~ [Department of Education](#))

My Time, Our Place – The Framework for School Age Care in Australia (~~2014~~)

~~LAST REVIEW DATE:~~ August 2018

#### RELATED POLICIES

~~ALL Mid-Western Regional Family Day Care Policies and Procedures~~

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

## PROFESSIONALISM

### BACKGROUND

Professionalism is built upon individual integrity, responsibility, and ethical practices that demonstrate a profound respect for all children and their families.

Early childhood professionals make decisions based upon knowledge of early childhood theories and practices that recognize-diversity of ability, developmental level, and family characteristics.

Early childhood professionals advocate for excellence in early childhood programs and participate in on-going professional development to enhance their knowledge and skills.

### POLICY

- To ensure all Coordination Unit staff and Educators conduct themselves in a professional manner at all times in relation to all aspects of operating a Family Day Care Service and being a part of the Mid-Western Regional Family Day Care Scheme.

### PROCEDURE

The Mid-Western Regional Family Day Care Scheme strives to show the community that Family Day Care is a quality choice for child care.

Although Educators run their own service, everything they do as an individual service reflects on the whole Scheme.

The Mid-Western Regional Family Day Care Scheme expects all Coordination Unit staff and Educators to behave in a professional manner at all times when conducting any duties involved with their individual service or the Coordination Unit.

- Demonstrate knowledge and understanding of and compliance with, the Education and Care Services National Law and Regulations, the Mid-Western Regional Family Day Care Scheme and Council's Policies and Procedures and the Australian Government's Child Care Management System Children's Services Provider Handbook.
- Adhere to early childhood professional codes of ethical conduct and issues-matters of confidentiality.
- Demonstrate knowledge, understanding and implementation of the national Quality Standards and the Early Years Learning Framework, My Time Our Place and Munch and Move Guidelines.
- Demonstrate critical reflection of one's own professional and educational practices.
- Demonstrate knowledge in technology resources to engage in ongoing professional development.
- Engage in critical reflection and ongoing professional learning.

### RELEVANT LEGISLATION

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[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

~~[Education and Care Services National Law 2010](#)~~

~~[Education and Care Services National Regulations 2011](#)~~

#### KEY RESOURCES

[National Quality Standards \(ACECQA\)](#)

[Child Care Provider Handbook \(Department of Education and Training\)](#)

[Early Years Learning Framework](#)

[My Time Our Place](#)

[Munch and Move Guidelines](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

~~[All Mid-Western Regional Family Day Care Policies and Procedures](#)~~

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## PROTECTION FROM HARM OR HAZARDS STORAGE OF DANGEROUS SUBSTANCES AND EQUIPMENT

### BACKGROUND

The ~~Mid-Western Regional Family Day Care~~ Scheme has a duty of care to provide all persons with a safe and healthy environment. The Scheme defines a dangerous product as any chemical, substance, material or equipment that can cause potential harm, injury or illness to a person. It is recognised the importance of Educators and Coordination Unit staff adhering to the [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#) ~~Education and Care Services National Regulations 2011~~, the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011.

### POLICY

- To reduce the risk of harm to children, families, staff, Educators and visitors from risks associated with chemical products, medicines and other potentially dangerous substances and / or equipment potentially used in ~~Family-family Day-day Care-care~~ environments.

### PROCEDURE

The National Law does not require ~~services-Services~~ to eliminate all risk and challenge from children’s play or environments; however every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.

The Work Health and Safety Act 2011 states clearly that a workplace must not place people or children at risk due to hazardous substances.

Chemical products routinely used in the home are potentially dangerous and hazardous. Common examples, that are hazardous either by ingestion, inhalation or skin contact are; bleach, cleaning agents, detergents, pesticides, solvents, medicines, and materials used for building, gardening and hobbies. Pesticides and volatile chemicals, such as solvents, are easily inhaled.

Information on chemical products can be obtained from manufacturers on [Material Safety Data Sheets \('SDS'\)](#) that provide information on chemical toxicity, health effects, safe handling and storage together with first aid instructions. There will be a phone number on the product container ~~which you can to~~ call to obtain the [Material Safety Data Sheets SDS forms](#). Educators should have [MSDS forms](#) for all chemicals they use while children are in care.

[NSW Poisons Information Centre](#), 13 11 26

#### The Coordination Unit will -

Provide information to Educators relating to identifying hazards and assessing the levels of risk in the Educators’ ~~Family-Day-Care-Services~~.

Ensure the ~~Playsession-playsession~~ venue stores any dangerous chemicals, substance and equipment in a place that is secure and inaccessible to children.

Obtain ~~Material Safety Data~~ [SDS forms](#) for all hazardous substances at ~~Playsession~~ [the Coordination Unit](#).

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Educators and Coordination Unit staff need to be aware of the Work Health and Safety legislation and safe storage practices relating to hazardous substances.

A hazardous substance may include:

- Poisons
- Medicine
- Gas / petrol
- Toiletries
- Household cleaners
- Gardening chemicals e.g. fertilizers, weed killer, pesticides
- Substances that may trigger an allergic reaction e.g. dust, fumes, peanut butter.

A substance may become hazardous if it is not managed correctly. This may include the way a substance is:

- Handled
- Used
- Stored
- Transported
- Disposed of

**Educators will:**

At all times be aware of their environment and potential safety hazards that could cause harm to the children in their care.

Under the Work Health and Safety Act 2011, it is the Educator's responsibility to:

1. Identify hazards in the home.
2. Assess the level of risk of the hazard.
3. Eliminate or control the risk.

Reasonable precautions include:

- Daily ~~Safety~~ safety Checks of the environment and equipment;
- Secure storage of hazardous products including chemicals;
- An equipment and toy maintenance schedule. All broken or dangerous equipment must be immediately removed from children's access;
- ~~Risk~~ Undertaking risk assessments ~~the Service residence or venue and~~ for all excursions outside the ~~Family Day Care~~ residence or venue and for the implementation of ~~Emergency~~ emergency Evacuation ~~evacuations~~;

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- Follow procedures for releasing children only into the care of authorised persons.
- Choose chemicals or medicines with child resistant lids or caps, otherwise ensure the chemical or medicine is stored in a locked place, which is secure and inaccessible to children.
- Ensure the dangerous chemicals, substances and equipment at their home are kept in secure storage and are not accessible to children. It is the Educator's responsibility to eliminate or manage the risk. These items include but are not limited to:
  - All cleaning materials, including detergents.
  - Poisonous and other dangerous substances.
  - Toiletries.
  - First aid equipment.
  - Medications. These should be stored in their original labelled container and not transferred to any other container. Follow the use, storage and first aid instructions on the label for a substance. For medication that requires refrigeration, (eg eye drops, antibiotics, syrups) store at the back of the top shelf ~~ideally in a childproof~~ in a locked container.
- Educators should have [Material Data Safety Sheets \(MSDS\)](#), [SDS forms](#) for all products used in their ~~service~~ Service. They must ensure these are up to date. ~~It is recommended they are kept in your Work Health and Safety Folder and easily accessible.~~
- Have storage facilities that are secure and inaccessible to children for any tool or equipment that is operated by an engine or any tool or equipment that poses a possible hazard to children or Educators.

This list is not exhaustive and Educators should conduct regular risk assessments to identify potential hazards relevant to their own service, and strategies to protect children.

Educators should always have a complete first aid kit available at all times, kept out of children's reach but easily recognisable and identifiable.

They should also have easily accessible to the emergency numbers of ambulance, fire brigade and police, children's family contact numbers.

Seek medical advice immediately if poisoning has occurred or call the **Poisons Information Line on 131126**, or call an **ambulance, dial 000**.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010 Section 167](#)

[Education and Care Services National Regulations 2011](#)

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Regulation 2011 (NSW)

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KEY RESOURCES:

National Quality Standard – [Quality Area 2 \(ACECQA\)](#)  
Standards Australia Limited [www.standards.org.au](http://www.standards.org.au)  
FDC Safety guidelines 2008 [Kidsafe](http://Kidsafe), [www.kidsafe.com.au](http://www.kidsafe.com.au)  
Safework Australia, 2014 [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)  
~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

~~Assessment of Family Day Care Venues~~  
~~Collaborative Partnerships with Families and Communities~~  
~~Critical Incident~~  
~~Deregistration of an Educator~~  
~~Educator Household Members~~  
~~Educator Record Keeping~~  
~~Emergency and Evacuation~~  
~~Incidents, Injuries, Trauma and Illness~~  
~~Monitoring, Support and Supervision of Educators~~  
~~Nursery, Toy and Equipment Safety~~  
~~Pets and Animals~~  
~~Providing a Child with a Safe Environment~~  
~~Sun Protection~~  
~~Supervision~~  
~~Visitors to a Family Day Care Service~~  
~~Vehicle Safety~~  
~~Water Safety~~  
~~Work Place Health and Safety~~

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## PROVIDING A CHILD SAFE ENVIRONMENT

### BACKGROUND

The ~~Mid-Western Regional Family Day Care Schemes~~ ~~Schemes~~ is committed to providing a safe environment for the children who are in care within ~~our the service~~ ~~Services~~.

The Scheme has a responsibility to advocate for the wellbeing of children and young people in a holistic and community context.

The Scheme recognises the vulnerability of children of all ages and the need to exercise vigilance ~~and screen all adults with unsupervised access to children.~~ ~~in~~ regard to their wellbeing.

### POLICY

- ~~The Scheme will aim to provide safe, respectful and ethical environments and pay careful consideration, preparation and attention to the potential dangers posed to children and young people in a childcare setting.~~
- ~~The Scheme will actively play a role in informing and supporting families and communities. The service Scheme will, in addition, facilitate and maintain community liaison with partners who exist to support families and children.~~
- ~~Educators will facilitate nurturing emotional environments and monitor each child's overall wellbeing and care.~~

### PROCEDURE

The Coordination Unit and Educators will:

- ~~within~~ ~~Within~~ the limits of ~~its~~ ~~their~~ obligations, ensure that children are protected from child abuse and facilitate wellbeing as defined in the Children and Young Persons (Care and Protection Act) ~~1988-1998~~ and UNICEF Convention on the Rights of the Child 1989.
- ~~facilitate~~ ~~Facilitate~~ a culture of commitment to child protection through a range of policies, procedures and practices.
- ~~ensure~~ ~~Ensure~~ all children are adequately supervised at all times by establishing and maintaining procedures to ensure all those with unsupervised access to children are screened to ensure they are not prohibited persons and to ensure only suitably qualified and able persons have responsibility for children.
- ~~facilitate~~ ~~Facilitate~~ the reporting of children and young person's at risk of harm
- ~~provide~~ ~~Provide~~ a system of reporting of any allegations of reportable offences in compliance of the Ombudsman ~~Amendment Act 1998~~ ~~1974~~.
- ~~ensure~~ ~~Ensure~~ the prompt notification and investigation of allegations of risk of harm where allegations involve Educators their family or staff where there is an obligation to notify, irrespective of supporting evidence.
- ~~ensure~~ ~~Ensure~~ every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury through undertaking routine safety checks, home and premises risk assessments ~~audits~~ and educating children and Educators in safety awareness.

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- ~~to deal~~ Deal with injury, trauma and illness, as effectively as possible, when they happen.
- Apply preventative measures, appropriate training, adhering to ~~service~~ Scheme procedures, regulatory requirements and forward planning will ensure the ~~service~~ Service aims are met.
- ~~The service will ensure~~ Ensure comprehensive and current knowledge about the health and special requirements of every child in the ~~service~~ Services is obtained and documented.
- ~~adhere~~ Adhere to the ~~services~~ Scheme's adopted Code of Ethics, Code of Conduct and Child Protection Policies.

#### RELEVANT LEGISLATION

~~Children (Education and Care Services) National Law 2010 (NSW)~~

~~Education and Care Services National Regulations 2018 (NSW)~~

~~Children (Education and Care Services) Supplementary Provisions Regulation 2019 (NSW)~~

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2018~~

~~Children and Young Persons (Care and Protection) Act 1998 (NSW)~~

~~NSW the Children and Young Persons Care and Protection Act 1998~~

~~Children and Young Persons (Care and Protection) Act 1998 (NSW)~~

~~NSW Commission for Children and Young People Act 1998~~

~~NSW Child Protection (Working with Children) Act 1998~~ ~~2012 (NSW)~~

~~Ombudsman Amendment Act 1998~~ ~~1974 (NSW)~~

~~NSW Public Interest Disclosures Act 1994 (NSW)~~

#### KEY RESOURCES

National Quality Standards ~~2014~~ (ACECQA)

~~Australian Government Child Care Services Provider Handbook (Department of Education and Training)~~

~~Early Childhood Australia ECA Code of Ethics~~ [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

UNICEF Convention on the Rights of the Child 1989

~~LAST REVIEW DATE: August 2018~~

#### RELEVANT POLICIES

~~Acceptance and Refusal of authorisations~~

~~Access and Custody~~

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

- Assessment of Family Day Care Venues
- Assist Educators
- Children in Care
- Child Protection
- Collaborative Partnerships with Families and Communities
- Complaints and Feedback
- Delivery and Collection of Children
- Educator Household Members
- Educator Record Keeping
- Emergency and Evacuation
- Ethical Conduct
- Childrens Health and Hygiene
- Information and Communication Technology
- Incidents, Injuries, Trauma and Illness
- Inclusion and Equity
- Infectious Diseases
- Interactions with Children
- Medical Conditions and Medical Administration
- Monitoring, Support and Supervision of Educators
- Non-Compliance
- Nursery, Toy and Equipment Safety
- Nutrition and Activity
- Pets and Animals
- Priority of Access
- Privacy and Confidentiality
- Professionalism
- Protection from Harm and Hazards
- Safe Sleep and Rest
- Sun Protection
- Supervision
- Visitors to a Family Day Care Service

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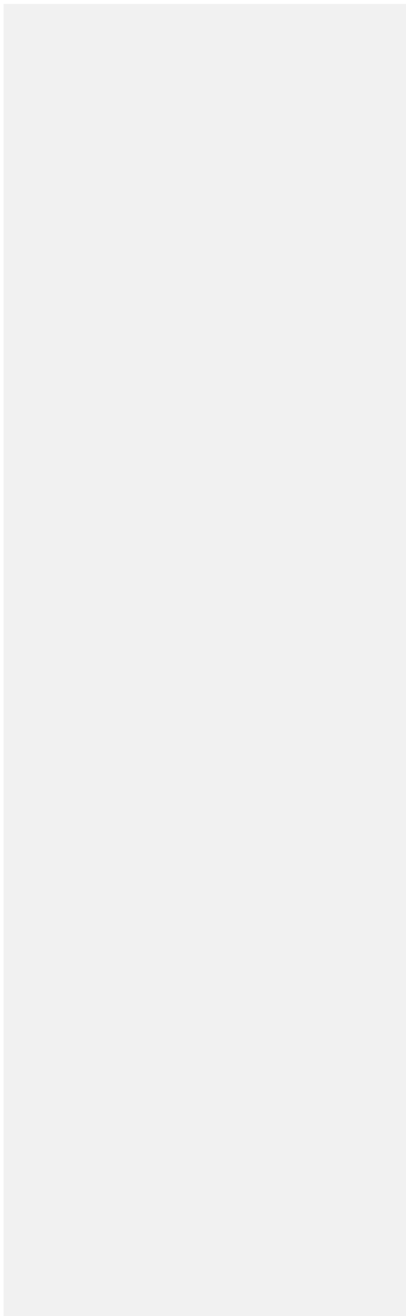
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[Vehicle Safety](#)

[Water Safety](#)

[Work Place Health and Safety](#)



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## RELIEF EDUCATOR

### BACKGROUND

High quality childcare, and trusting relationships between families and the [service](#), is achieved when there is consistency and continuity of care. The [Education and Care Services National Regulations 2014 National Quality Framework](#) provides scope for the role of a Relief Educator to provide continuity of care for families and children.

### POLICY

- To allow Educators time to attend to important appointments, events or take time away from work, and to minimise disruption to children in care during these times.

### PROCEDURE

All Relief Educators must be Registered with the [Mid-Western Regional Family Day Care Scheme](#), have a Working with Children Check, National Police Records Check, have a minimum Early Childhood Qualification of a Certificate III Children's Services and have current first aid certificates (including First Aid, Asthma and Anaphylactic Management and CPR).

A Relief Educator when working for one Primary Educator can be added to that Primary Educator's [Public-public Liability-liability Insurance](#). If the Relief Educator is working more than 50% of the Primary Educator's service hours, or working for two or more Educators, they are to take out their own [Public-public Liability-liability Insurance](#).

Parents should be informed as soon as possible before the event about the relief arrangements. If an Educator has a regular Relief Educator they should notify the parents of this when the Parent / Educator [Contracts/Agreements/Written Arrangements](#) are signed (when children first start care, at the beginning of each year or when an Educator's [or family's](#) circumstances [may](#) change).

Educators may arrange for another Educator to provide Relief Care in their [Family Day Care](#) residence [or venue](#) but the Coordination Unit should be notified before the relief care commences, and [prescribed](#) child ratios must be maintained.

The Primary Educator must inform the Relief Educator of the safety procedures for their [home/residence or venue](#), showing the location of the fire extinguisher and fire blanket, smoke alarm, the emergency evacuation procedure and drill, the location of the first aid kit, emergency contact list, CPR chart and [house/facility](#) key.

The Primary Educator must inform the Relief Educator of the children's anticipated needs over the period of relief care, including their needs for food requirements, sleep, medication, medical conditions and activities.

Should the Relief Educator need to transport the children in care, the Coordination Unit should have a copy of their [White-white Slip-slip](#) for their car and a [Risk-risk Assessment-assessment](#) for the excursion.

~~It is the Schemes belief that if~~ a family chooses to make other arrangements other than using ~~the a~~ Relief Educator, ~~then~~ they should not be charged for the period of care.

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The Primary and Relief Educators will discuss what fees will be charged before the care is provided. This is a business decision between the Primary and Relief Educator, not the Coordination Unit.

The Relief Educator is to submit their own individual Attendance Records for children they care for, not the Educator's Attendance Records of the educator they are relieving.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY RESOURCES

National Quality Standards: [Quality Area 7 & 2 \(ACECQA\)](#)

National Family Day Care Association Public Liability Insurance [www.fdca.com.au](http://www.fdca.com.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

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## RETENTION AND CONFIDENTIALITY OF RECORDS

### BACKGROUND

Regulatory, licensing and funding bodies require the retention and maintenance of records in relation to [service-Scheme](#) stakeholders and children. All records are required to be kept up to date, stored confidentially in a safe and secure area with access by authorised persons only. This includes both electronic and hardcopy format. Carefully organised storage systems are required in order to easily access records which are required by legislation to be kept in some cases up to [24 25](#) years.

### POLICY

- To ensure the Approved Provider, Nominated Supervisor, [Co-ordination-Coordination](#) Unit and Educators maintain and securely store all records required under the legislation, ensuring confidentiality and easy access by authorised persons.

### PROCEDURE

#### RETENTION OF RECORDS

Under the Education and Care Services National Law and Regulations enrolment and other documents must be kept (to the extent practicable) at the [education-and-care-service-Service](#) premises if they relate to the operation of the [serviceService](#), any staff member or child for the previous 12 months. If not kept on the premises, they must be kept at a place readily accessible by an authorised officer; for example, the records are available online from [the-service-premisesCouncil's Records Management System](#).

The Coordination Unit must keep evidence of the current insurance at the education and care service premises, or for a Family Day Care service, at the principal office.

An [Family-Day-Care](#) Educator must keep evidence of their [Educator's-Service's](#) current public liability insurance at the [Family-Day-CareService](#) residence [or venue](#).

#### CONFIDENTIALITY OF RECORDS

Records must be kept in a safe and secure place. They must be kept for the [maximum](#) period of time specified in the Education and Care Services Regulations (see Appendix 1) [and in the State Records Act 1998](#).

Records may be kept in hard copy or electronic form, provided that they are accessible as required.

Records must not be communicated (either directly or indirectly) with anyone other than:

- [To the extent necessary for the education and care to whom the information relates](#).
- Educators who require the information for the education and care of [the-a child](#).
- Medical personnel who require the information for medical treatment of [the-a child](#) with permission granted from the parent/guardian [\(if possible\)](#).
- The parent of [the-a child](#) that the record relates to (except for a staff record), or the Regulatory Authority or an authorised officer.

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- [The Approved Provider or Nominated Supervisor of the Scheme or authorised staff of the Coordination Unit.](#)

For access to documentation a parent must be on the birth certificate or have some other official documentation that relates them to the child.

They may also be communicated if authorised or required under any [Act or Law](#) legislation, or if the person who provided the information gives written permission. For example, a parent may give written permission for [the any service](#) Service to share information about their child with a support agency, such as [Inclusion Support](#) [Barnardos](#) or a [speech therapist](#).

#### STORAGE OF RECORDS

Educators' and Coordination Unit [Records](#) records are to be stored in a secure manner when not in use. Educators have a legal obligation to forward all completed forms and authorisations to the Coordination Unit for [the retention of such records](#) after a child has ceased care with them.

#### RECORDS RELATING TO PARTICIPANTS OF THE FAMILY DAY CARE SCHEME

All matters relating to staff, families / children and Educators are to remain confidential; including information about:

- Staff and/or their families;
- Children Registered in the Scheme;
- Families of the Scheme;
- Educators and/or their families

**LAST REVIEW DATE:** August 2018

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulation 2011](#)

Local Government Act [Retention of Records for Community Services](#) 1993 (NSW)

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Regulation [2011-2017 \(NSW\)](#)

Health Records and Information Privacy Act 2002 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

Government Information (Public Access) Act 2009 (NSW)

Freedom of Information Amendment (Reform) Act 2010 Act [48 of 1977](#) 2010 (NSW)

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[Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#)

~~NSW the Children and Young Persons Care and Protection Act 1998~~

~~Ombudsman Amendment (Child Protection and Community Services) Act 1998~~

~~NSW Public Interest Disclosures Act 1994 (NSW)~~

KEY RESOURCES

National Quality Standards 2011 (ACECQA) – [Quality Area 7](#)

~~Australian Governments~~ Child Care [Service Provider Handbook](#) ([Department of Education and Training](#))

[Early Childhood Australia ECA](#) Code of Ethics [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

RELEVANT POLICIES

~~All Mid-Western Regional Family Day Care Policies~~

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APPENDIX 1 RECORDS AND DOCUMENTS REQUIRED TO BE KEPT

Records and documents required to be kept

Records and documents required to be kept at the service (National Regulations 183)			
Type of record	Responsibility	Timeframe	Reference
Evidence of current public liability insurance Note: Does not apply if the insurance is provided by a state or territory government.	Approved Provider Family day care educator	Available for inspection at service premises or family day care office	Regulations 29, 30, 180
Quality Improvement Plan	Approved Provider	Current plan is to be kept	Regulations 31, 55
Child assessments	Approved Provider Family day care educator	Until the end of 3 years after the child's last attendance	Regulations 74, 183
Incident, injury, trauma and illness record	Approved Provider Family day care educator	Until the child is 25 years old	Regulations 87, 183
Medication record	Approved Provider Family day care educator	Until the end of 3 years after the child's last attendance	Regulations 92, 183
Child attendance	Approved Provider Family day care educator	Until the end of 3 years after the record was made	Regulations 158–159, 183
Child enrolment	Approved Provider Family day care educator	Until the end of 3 years after the child's last attendance	Regulations 160, 183
Death of a child while being educated and cared for by the service	Approved Provider	Until the end of 7 years after the death	Regulations 12, 183
Record of service's compliance history	Approved Provider	Until the end of 3 years after the Approved Provider operated the service	Regulation 167
For Family day care services only			
Assessment of family day care residences and approved family day care venues	Approved Provider	Until the end of 3 years after the record was made	Regulation 116
Record of family day care staff (including educators, co-ordinators and assistants)	Approved Provider	Until the end of 3 years after the staff member works for the service	Regulation 154
Record of visitors to family day care residence or approved family day care venue	Family day care educator	Until the end of 3 years after the record was made	Regulation 165

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## SAFE SLEEPING AND REST

### BACKGROUND

Sleep and rest are vital to children’s healthy development. “Children who get enough sleep are more engaged and less prone to behavioural problems and moodiness. Sleep also promotes alertness, memory and performance ... effective rest and sleep strategies are important to ensure that children feel secure and safe, and ECEC settings have a duty of care to ensure that all children are provided with a high level of safety and comfort when resting or sleeping and to maintain adequate supervision” (Childcare and Children’s Health, vol 14, no2, June 2011).

### POLICY

- Educators are to take all reasonable steps to ensure that the children’s physical needs for rest and relaxation is acknowledged and provided for during care, according to the individual child’s age and developmental needs.
- Educators are to be aware of, and to understand their individual Family Day Care Services’ obligations to comply with all legislative requirements, standards and current best practice, including following practices recommended by safety authorities.

### PROCEDURE

The Early Years Learning Framework (EYLF) includes a focus on social, emotional, spiritual and physical wellbeing and health. Outcome 3 refers to a child’s ability to take increasing responsibility for their own wellbeing. One of the indicators for this capacity is that children “recognise and communicate their bodily needs (for example thirst, hunger, rest comfort, physical activity).

The EYLF suggest that to promote this, ~~educators~~ Educators should:

- Consider the pace of the day within the context of the community.
- Provide a range of active and restful experiences throughout the day, and support children to make appropriate decisions regarding participation.

#### The Coordination Unit will -

Regularly provide information about current safe sleeping guidelines from relevant authorities.

#### Educators are responsible for -

Discussing the children’s usual settling routines and sleeping patterns with families and accommodate these as far as practicable within the daily routine; ~~parenting beliefs, values, practices and requirements.~~

~~Educators are n~~ot to ~~insisting~~ or ~~denying~~ a child sleep or rest against the child’s wishes or needs.

Rest time should be non-threatening and non-stressful for both the ~~children and~~ Educator ~~and~~ children.

**Taking reasonable steps to ensure the sleep/rest needs of children at the ~~service~~ Service are met, with regard to the age of children, developmental stages and individual needs, (~~Regulation Clause 84~~).**

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Providing a positive and nurturing environment for all children attending the [service/Service](#).

Recognising that children have different requirements for relaxation and sleep, and being responsive to those needs to ensure that children feel safe and secure at the [service/Service](#), [having regard to -](#)

- The length of time each child spends at the [service/Service](#);
- Circumstance or events occurring at a child's home;
- Consistency of practice between home and the [service/Service](#);
- A child's general health and wellbeing.

#### MINIMISING DISTRESS OR DISCOMFORT FOR THE CHILDREN IN THEIR CARE

Children who do not require a daytime rest will, after a brief quiet time be allowed to participate in passive activities (such as reading, writing and drawing, solving puzzles or playing board games), either on their bed or at tables.

Children participating in such activities will be encouraged to understand that other children in care need and have the right to undisturbed rest.

All children between the ages of 3-5 years are required to participate in a quiet rest/sleep time.

These children will be encouraged to rest their bodies and minds for 20-30 minutes. If children are awake after this time, they will be provided quiet activities for the duration of rest time.

#### **Ensuring adequate supervision of children at the [service/Service](#) at all times, including during relaxation/sleep.**

Ensure that resting or sleeping children are supervised according to the child's age, their abilities and needs, and the context of care (e.g. day or overnight care).

Ensure that no child who is of or above 7 years of age sleeps in the same room as another child of the opposite sex who is not a relative.

Ensure that no child who is of or above the age of 2 years sleeps in a room in which an adult is sleeping.

Ensure that no child who is under the age of 2 years sleeps in a room in which an adult is sleeping, except with the written consent of the parent of the child.

#### BED CLOTHES

Children will be encouraged to dress appropriately for the room temperature when resting or sleeping. Lighter clothing is preferable, with children encouraged to remove shoes, jumpers, jackets and bulky clothing. The room temperature will be considered to ensure maximum comfort for the children.

All blankets and sheets are appropriate for the season and are to be clearly marked with the child's name and washed at regular intervals to prevent the spread of cross infection.

Beds and / or mattresses will be in good repair and [able to](#) be easily cleaned between uses.

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~~Ensuring cots-Cots~~ provided at the ~~service-Service~~ comply with the most current Australian/New Zealand Standards ~~Conducting and~~ regular safety checks ~~be conducted~~ of equipment used for sleeping/resting such as cots and mattresses.

No alterations should be made to purchased cots under any circumstance, as this may have serious implications.

~~Ensure that children-Children~~ do not share the same bed at the same time.

Children should not sleep on cushions or couches that cannot be cleaned in between uses.

SUDDEN INFANT DEATH SYNDROME

Complying with the recommendations of Red Nose (previously SIDS and Kids) and Kidsafe in relation to safe sleeping practices for children that reduce the risk of SIDS (Sudden Infant Death Syndrome).

<https://rednose.com.au/section/safe-sleeping>

PHYSICAL ENVIRONMENT

The physical environment, including room temperature, lighting, airflow and noise levels should be conducive to rest time.

~~Ensuring that any hanging-Hanging~~ cords, mobiles, curtains and blinds ~~and are to be~~ inaccessible to children who are resting or sleeping.

Educators will give children bottles before the children go to bed.

Children will not be put in cots or in beds with bottles as per the Dental Health Policy.

COMMUNICATION WITH FAMILIES

Developing communication strategies to inform parents/guardians about their child's rest and sleep patterns, including times and length of sleep.

Parents will -

At enrolment and from time to time discuss with their Educator their wishes in regard to settling and sleeping arrangements for their child/ren.

Discussing their child's relaxation and sleep requirements and practices prior to commencing at the ~~service-Service~~, and when these requirements change.

Providing information on the child's enrolment form if the child requires special items while resting or sleeping e.g. a comforter or soft toy.

Providing a written medical report if their baby/child is not to be placed on their back during sleep. Parents/guardians must communicate alternative resting practices to staff.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

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[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011 Clause 81](#)

#### KEY RESOURCES

National Quality Standards [\(ACECQA\)](#)

Red Nose [www.rednose.com.au/section/safe-sleeping](http://www.rednose.com.au/section/safe-sleeping) [www.rednose.org.au](http://www.rednose.org.au)

Standards Australia – [www.standards.com.au](http://www.standards.com.au)

The Children's Hospital Westmead – [www.chw.edu.au](http://www.chw.edu.au)

Australian/New Zealand Standard – Cots for household use Safety Requirements [9AS\(AS/NZS 2172:2010/2013\)](#) Services can check current standards on the SAI Global website at: [www.saiglobal.com](http://www.saiglobal.com)

Belonging, Being and Becoming – the Early Years Learning Framework for Australia (EYLF) [www.deewr.gov.au/earlychildhoodpolicy\\_agenda/quality/pages](http://www.deewr.gov.au/earlychildhoodpolicy_agenda/quality/pages)

Kidsafe Fact Sheets at [www.kidssafevic.com.au/resources](http://www.kidssafevic.com.au/resources) [www.kidsafe.com.au](http://www.kidsafe.com.au)

Health Direct [www.healthdirect.gov.au/sudden-infant-death-syndrome-sids](http://www.healthdirect.gov.au/sudden-infant-death-syndrome-sids)

[Product Safety: a guide for businesses and legal practitioners](#)  
[www.consumer.vic.gov.au/businesses/fair-trading/product-safety](http://www.consumer.vic.gov.au/businesses/fair-trading/product-safety)

Appendix 1 SIDS Sleeping Information

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Emergency and Evacuation](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

[Children's Health and Hygiene](#)

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[Incidents, Injuries, Trauma and Illness](#)

[Interactions with Children](#)

[Monitoring, Support and Supervision of Educators](#)

[Nursery, Toy and Equipment Safety](#)

[Providing a Child with a Safe Environment](#)

[Protection from Harm and Hazards](#)

[Supervision](#)

[Work Place Health and Safety](#)

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## APPENDIX 1 SIDS SLEEPING INFORMATION

To minimize the risk of SIDS and other sleeping accidents in infants and babies during overnight and daytime care, Educators should:

### UTILISE THE SIDS AND KIDS SAFE SLEEPING GUIDELINES ON REDUCING THE RISK OF SIDS

#### 1. Put baby on their back to sleep from birth

Sleeping on the back reduces the risk of SIDS. The chance of babies dying from SIDS is greater if they sleep on their tummies or sides.

There is an increased risk of SIDS for first time tummy sleepers. Put baby on back to sleep, from birth, unless advised in writing to do otherwise by the baby's doctor. Healthy babies placed to sleep on the back are less likely to choke on vomit than tummy sleeping babies.

Tummy play is safe and good for babies when they are awake and an adult is present, but don't put baby on tummy to sleep.

Older babies can turn over and move around the cot. Put them on their back but let them find their own sleeping position. The risk of SIDS in babies over six months is very low, but it can still happen.

#### 2. Sleep baby with face uncovered

Be careful that the baby's face and head stay uncovered during sleep as this decreases the risk of SIDS.

A good way to do this is to put baby's feet at the bottom of the cot so that baby can't slip down under the blankets.

When baby is put to sleep, check that:

- Baby is tucked in securely (or is in a safe sleeping bag);
- Cot bedding is not loose;
- There are no quilts, doonas, duvets, pillows or cot bumpers in the cot.

#### 3. Cigarette smoke is bad for babies

Babies exposed to cigarette smoke increases the risk of SIDS. Ensure that babies have a smoke free environment at all times whilst in care, in vehicles or while on excursions at any other location.

#### 4. A Safe Place to Sleep

Be aware and avoid these hazards in the baby's sleeping environment:

- Remove dangling cords or string as these could get caught around baby's neck.
- Always do up the restraints when baby is in pram, stroller or bouncer or any other baby/toddler equipment. It can be dangerous if baby becomes tangled in loose restraints.
- Make sure that the footrest on the stroller is strong and secure. A weak footrest may give way and cause baby to become trapped.

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- Remember the routine of "feed, play and sleep".
- At no time are babies to have bottles in bed. This is due to risk of choking, dental hygiene and the risk of fluid entering the middle ear causing infection.
- Whilst it is not recommended practice for toddlers and children to have a bottle to go to bed, if this is a care requirement, parents must provide a written consent and be supplied with information about best practice. There needs to be strict adult supervision whilst they have the bottle.
- Educators ensure that sleeping children remain within hearing range of the Educator and are regularly monitored.

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## SERVICE POLICIES

### BACKGROUND

The National Education and Care Services Regulations require Family Day Care Schemes to have particular [Policies-policies](#) and [Procedures-procedures](#) which are readily accessible to Educators, staff, volunteers, families and Regulatory Authority staff.

In addition, The National Quality Standards outlines criteria for [scheme-Scheme](#) operations which could result in the development of additional policies to improve the quality of the [service-Services](#) offered to families.

### POLICY

- To ensure the Mid-Western Regional Family Day Care Scheme has all the compulsory Policies and Procedures that are outlined in the [Children \(Education and Care Services\) National Law and Regulations 2014](#), [Education and Care Services Regulations](#), the National Quality Standards, the Workplace Health and Safety Act, the Australian Government's Child Care [Management System Children's Services Provider](#) Handbook and any other regulatory authority.

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### PROCEDURE

Policies should be informed by the [Service's-Scheme's](#) philosophy statement, Early Childhood Australia's Code of Ethics and current advice from recognised authorities.

The Coordination Unit must also give 14 days' notice to parents of children enrolled [at-within](#) the [service-Services](#) before making any change to a policy or procedure that would have a significant impact on any enrolled child; affect the family's ability to utilise the [service-Service](#), or affect the fees charged or the way fees are collected.

All stakeholders are encouraged to participate in the review process of policies and procedures.

The notice period is not required if the change to a policy or procedure is to address an issue in relation to the safety, health or wellbeing of any child enrolled [at-the-within](#) the [service-Services](#).

The Coordination Unit must take all reasonable steps to ensure that the written policies and procedures are followed.

The approved provider of an education and care service must ensure that a copy of the [Children \(Education and Care Services\) National Law 2014](#) and [Education and Care Services National Regulations 2018](#) [2014 Education and Care Services Law and Regulations](#) and Scheme [Policies-policies](#) and [Procedures-procedures](#) are accessible at each education and care service at all times for use by the Coordination Unit staff, parents of children enrolled at the [service-Service](#) and any person seeking to make use of the [service-Service](#).

### RELATED POLICIES

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

### RELEVANT LEGISLATION

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 ~~VERSION 1.1, 1.2 ETC~~ ~~VERSION 1.1, 1.2 ETC~~, ~~INSERT DATE~~ ~~INSERT DATE~~

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2018](#)

KEY RESOURCES

National Quality Standards: [Quality Area 7 \(ACECQA\)](#)

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## SOCIAL MEDIA

### BACKGROUND

Social [Media-media](#) is defined as a social networking site to socialise or communicate with others. These include but are not limited to Facebook, Twitter, Snapchat, Instagram, and YouTube and includes usage on any device that connects to the internet, such as but not limited to, a mobile phone, telephone, tablet or computer.

### POLICY

- This policy encompasses the Coordination Unit [Staffstaff](#), Educators, parents and guardians, children, students and volunteers who are involved with the [Mid-Western Regional Family Day Care](#) Scheme.
- To ensure that the [Mid-Western Regional Family Day Care](#) Scheme, Educators, children and families are not compromised on any form of social networking or related website.
- To ensure the image of [Family family Day-day Care care](#) in general is represented consistently, positively and professionally at all times.
- To ensure privacy, confidentiality and professionalism are adhered to at all times.
- To be used in conjunction with Council's Acceptable Use of ICT Policy.
- This policy also complies with State and National [Laws-legislation](#) regarding social networking websites.

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### PROCEDURE

Social networking sites can be accessed by the public and therefore no private information about your Service, other Educators or the families and children that use [your-the Services](#) should be shared on them.

Social media also allows Educators to share information with existing families on the operation of their [serviceService](#), recognising they can do this fitting in with families' busy lives and helping to build partnerships.

The Scheme also encourages Educators to network which can be facilitated through internet opportunities such as social media.

### COORDINATION UNIT

The [Mid-Western Regional Family Day Care](#) Scheme has a private Facebook page to enable the Educators and Coordination Unit to communicate and network with each other. Privacy and confidentiality should be adhered to at all times with no negative or sensitive issues discussed.

The Coordination Unit [staff are to be](#) the administrators of the site and reserves the right, should any post be deemed inappropriate, to remove it and the Educator may also be removed from the page.

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Educators must ensure log-on details for any private or [Mid-Western Regional Family Day Care](#) Scheme social networking or related websites are kept confidential and respects the rules for usage and distribution of the material that is accessible.

The [Mid-Western Regional Family Day Care](#) Scheme endeavours to have a public Facebook page to engage families who use the [service](#) [Services, as well as](#)and the broader community.

INDIVIDUAL EDUCATOR SERVICES

If an Educator wishes to have a social media format for their Service (Facebook, website etc), whether private or public, the Coordination Unit must be informed prior to it being set up, and written approval given.

Educators must ensure that the Coordination Unit can access this site at all times.

Educators must gain written permission from all parents / guardians of the children using their [Service](#), outlining what information / photographs can / will be shared on the site. Should written permission not be given / received the Educator is not to include those child/ren under any circumstances.

To ensure [Privacy-privacy](#) and [Confidentiality-confidentiality](#), the [Mid-Western Regional Family Day Care](#) Scheme [states-instructs](#) that the following strategies should be used and maintained –

- no names are to be used. Instead a single initial (Mr R) or age (Miss 4) is used if required to describe an activity.
- photos are to have no distinguishing faces – that is taken from the back of the children, not including their faces.

The Educators must ensure the content on the site is professional and a positive reflection of their Service, the [Mid-Western Regional Family Day Care](#) Scheme and [Family-family Day-day Care care](#) in general.

Educators must not imply that [Mid-Western Regional Family Day Care](#) [the](#) Scheme endorses their personal views.

The Educator must understand what constitutes illegal or inappropriate use and avoid such activities.

Educators must be aware and obey the laws covering libel, defamation, privacy and the protection of intellectual property.

Non-compliance with this Social Media [and Internet-Use](#) Policy may have the potential to damage the reputation, image, competitive or financial position of [Mid-Western Regional Family Day Care](#) [the](#) Scheme [or-and](#) [Mid-Western Regional](#) Council, and consequently, may result in disciplinary action.

HARASSMENT / DEFAMATION

Should harassment, defamation of any kind take place on a social networking site, the Educator involved will face an inquiry into their actions and depending on the severity of the situation may face [possible](#) ---

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[De](#)-registration from the Scheme. This also applies to any actions of an Educator's [Household household membersmember](#).

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Should a member of a family registered with the [Mid-Western Regional Family Day Care Scheme](#) harass or defame an Educator or the Scheme via a social networking website, the Coordinator will conduct an inquiry into their actions and depending on the severity of the situation they may face possible termination of their child's place within the Scheme.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY RESOURCES

Mid-Western Regional Council Media Policy

Mid-Western Regional Council Electronic Telecommunications – [Acceptable Use Policy](#)

Mid-Western Regional Council Code of [conductConduct](#)

Privacy and Personal Information Protection Act 1998 ([NSW](#))

National Quality Standards [Quality Area 4, 5, 6, and 7 \(ACECQA\)](#)

[Code of Ethics](#), Early Childhood Australia [Code of Ethics 2016](#) [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Mid-Western Regional Council Social Media Policy](#)

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

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## STAFFING

### BACKGROUND

Research has demonstrated that the employment of appropriately qualified staff in early childhood services is a key contributor to the delivery of quality programs and better learning outcomes for children.

An education and care service operates most effectively when there is open communication and information is shared. Effective communication and problem solving between the adults in the [Scheme and service Services](#) also models successful working relationships for children.

Teamwork and collaboration, where others' viewpoints are respected and contributions are acknowledged, are fundamental to the development of trusting relationships.

Diversity within the team in terms of skills, experiences and backgrounds enhances the team and ultimately leads to more effective and responsive programs for children.

### POLICY

- The Quality Area 4: Staffing arrangements of the National Quality Standard require [services Schemes](#) to ensure they are meeting adequate staffing arrangements as required under the National Quality Framework. This means the provision of qualified and experienced staff who are able to develop warm, respectful relationships with children, create safe and predictable environments and encourage children's active engagement in the learning program.
- The [Mid-Western Regional Family Day Care](#) Scheme will meet [their-its](#) duty of care obligations for the staffing requirements of the National Education and Care Services Law and Regulations.

### PROCEDURE

#### COORDINATION UNIT QUALIFICATIONS

Family Day Care Coordinators must have at least an approved [diploma-Diploma](#) level education and care qualification ([Regulation 4.4](#)).

A Qualified and experienced Coordinators [train-trains, support supports and monitor-monitors](#) Educators in their education and care role with children.

[Support-Child Development](#) Officers must have an approved Diploma level [Early-early Childhood childhood Education-education](#) qualification.

A current list of approved qualifications is available on the ACECQA website. Applications can also be made to ACECQA to determine if other qualifications can be recognised.

The Coordination Unit must ensure that the following people have been appointed and are known throughout the service.

#### RESPONSIBLE PERSON

- Ensuring that a person eligible to be nominated as a Responsible Person [holds-a is the Nominated](#) Supervisor [Certificate](#) and has appropriate skill level, experience, qualifications and approval to work with children, as required under the National Law and National Regulations

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- Ensuring that the name and position of the Responsible Person in charge of the [service Scheme](#) is displayed and easily visible from the main entrance of the [service Scheme](#) (National Law: Section 172)
- Ensuring that the [service Scheme](#) does not operate without a Nominated Supervisor, and that this person has given written consent [and holds a Supervisor Certificate](#)
- Ensuring that the name of the Nominated Supervisor is displayed prominently at the service
- Ensuring that information about the Nominated Supervisor, including name, address, date of birth, evidence of qualifications and approved training, and [National Police History and a Working with Children Check clearances](#) [is are](#) kept on the staff record [\(Regulation 146\)](#).
- Notifying the Regulatory Authority in writing if there is a change of person in the role of Nominated Supervisor [\(Section 56, Regulation 35\)](#).

Assistance from the Coordination Unit to the [Family Day Care](#) Educators must be available at all times the [Family Care](#) Services operates. Assistance can be provided by the Approved Provider or a Nominated Supervisor.

#### NOMINATED SUPERVISOR

A 'Nominated Supervisor' is a person who has been nominated by the Approved Provider and has consented to that nomination. Ensuring that the Nominated Supervisor have a sound understanding of the role of Responsible Person.

#### EDUCATIONAL LEADER

The Coordinator or [Support Child Development](#) Officer who is suitably qualified and experienced must be appointed to lead the development and implementation of the educational curriculum within the Scheme. This person may have suitable qualifications and experience, as well as a thorough understanding of the Early Years Learning Framework and/or the Framework for School Age Care to be able to guide other Educators in their planning and reflection, and mentor colleagues in their implementation practices.

#### FAMILY DAY CARE EDUCATOR QUALIFICATIONS

[Family Day Care](#) Educators must have a minimum early Childhood Qualification of a Certificate III in Children's Services. Current legislation also requires all [educators Educators](#) to have current approved first aid qualifications, anaphylaxis and asthma management training [as well as child protection training](#).

#### REGISTER OF FAMILY DAY CARE EDUCATORS

The Approved Provider of a Family Day Care [Service Scheme](#) must keep a register of each [Family Day Care](#) Educators / Assist Educators / Relief Educators registered with the [service Scheme](#).

#### EDUCATOR TO CHILD RATIOS

The [Children \(Education and Care Services\) National Law 2010 and Education and Care Services National Regulations 2018](#) [National Law and National Regulations \(clause 124\)](#) require that [services Services](#) maintain the required educator-to-child ratios at all times based on the ages and number of children being educated and cared for at the [service Service](#). An [Family Day Care](#) Educator must not

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educate and care for more than seven children at any one time. A maximum of four of these children can be preschool age or under.

If the Educator’s own children or any other children are at the [Family Day Care](#) residence or venue while the [service](#) is operating, they are to be counted in the overall total of children if they are under 13 years of age and there is no other adult present and caring for the children.

EXCEPTIONAL CIRCUMSTANCES [CLAUSE 124](#)

In exceptional circumstances, a Coordinator may approve an Educator to care for more than seven children, or more than four children who are preschool age or under, if:

- all the children are siblings in the same family,
- a child is in need of protection under child protection law, or
- the [Family Day Care](#) residence or venue is in a rural or remote location and no alternative care is available.

COORDINATOR TO EDUCATOR RATIOS

The Approved Provider of a [Family Day Care Service Scheme](#) must have a person employed to monitor and support the [its Family Day Care](#) Educators. The following ratio applies 1 full time Coordinator to every 25-15 Educators. [“Coordinators”, in this instance, is the terminology applied the Department of Education and is synonymous with staff employed by Council as “Child Development Officers”.](#)

LIMIT OF NUMBER OF EDUCATORS IN A FAMILY DAY CARE SERVICE

Conditions of a [Family Day Care service Scheme](#) will specify the maximum number of Educators who may be registered with that [service Scheme](#). [The prescribed number of Educators by the Department of Education as at the date of endorsement of this policy is 30 Educators.](#)

REGISTER OF EDUCATORS, EDUCATOR ASSISTANTS, RELIEF EDUCATORS

The Approved Provider of a [Family Day Care Service Scheme](#) must keep an accurate register of each Register of Educators, Educator Assistants and Relief Educators. The register must include the information prescribed in the National Regulations.

The register must include evidence that each [educator-Educator](#) is receiving adequate monitoring and support from a [coordinator Coordinator \(Council employed Child Development Officers\)](#), such as evidence of phone calls, email and visits.

The information must be kept on the register for three years after an [educator-Educator](#) ceases to be registered with the [service Service](#).

VOLUNTEERS AND STUDENTS

If an Educator is to have a volunteer or student at their [service Service](#), they must notify the Coordination Unit and have written approval from the Coordination Unit prior to the volunteer or student beginning.

The Coordination Unit and Educators must be aware of the protocols and guidance supplied by Universities, [Tafes-TAFEs](#) or RTOs in relation to participating students.

RELEVANT LEGISLATION:

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[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2011](#)

[Department of Education, Employment and Workplace Regulations www.deewr.gov.au](#)

[Child Protection \(Working with Children Act\) 2005-2012 \(NSW\)](#)

#### KEY RESOURCES

National Quality Standard, Quality Area 4: Staffing Arrangements ([ACECQA](#))

ACECQA [Staffing arrangements](#) [www.acecqa.gov.au/staffing-arrangements#sthash.N7FyUJJE.dpuf](http://www.acecqa.gov.au/staffing-arrangements#sthash.N7FyUJJE.dpuf)

[Department of Education and Training www.education.gov.au](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[All Mid-Western Regional Family Day Care Policies and Procedures](#)

POLICY: FAMILY DAY CARE | 21 NOVEMBER 2018 [VERSION 1.1, 1.2 ETC] [VERSION 1.1, 1.2 ETC], [INSERT DATE] [INSERT DATE]

## SUN PROTECTION POLICY

### BACKGROUND

Australia has the highest rate of skin cancer in the world. Research has indicated that young children and babies have sensitive skin that places them at particular risk of sunburn and skin damage. Exposure during the first 15 years of life can greatly increase the risk of developing skin cancer in later life. Early childhood services play a major role in minimising a child’s UV exposure as children attend during times when UV radiation levels are highest.

### POLICY

- [Mid-Western Regional Family Day Care The Scheme and its Services](#) will follow best practice guidelines to protect children, family members, Educators and Coordination Unit staff from the damaging effects of sun exposure.

### PROCEDURE

Our Sun Protection strategies [are include:](#)

#### OUTDOOR ACTIVITIES

All adults and children will use a combination of sun protection measures whenever UV Index levels reach 3 and above. These will include:

- From October to March sun protection is required at all times. Extra sun protection is needed between 11am and 3pm and during this period outdoor activities should be minimised. Minimising outdoor activities includes reducing both the number of times (frequency) and the length of time (duration) children are outside.
- From April to September (excluding June and July when the UV index is mostly below 3) outdoor activity can take place at any time. However, from 10am – 2pm sun protection is required.
- In June and July, when the UV Index is mostly below 3, sun protection is not required. However best practice would be for children and Educators to wear hats when outdoors. Extra care is needed for [schemes Services](#) in the far west and north of NSW and for all children who have very fair skin.

All sun protection measures (including recommended outdoor times, shade, hat, clothing and sunscreen) will be considered when planning excursions and playsessions.

#### UV RATINGS

The sun’s Ultra Violet (UV) is both a major cause of skin cancer and a great source of vitamin D. ~~You cannot see or feel UV.~~ UV levels can be high even on a cool, cloudy day so do not rely on the temperature as a guide for when to use sun protection.

Low – 1, 2

Medium – 3, 4, 5

High – 6, 7

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Very High – 8, 9, 10

Extreme – 11+

Educators and children are required to be indoors when the rating reaches a level of High (6) and above.

Educators may use approved 'Apps' such as the Cancer Council Sun Smart to determine the daily UV. Other 'Apps' may be approved by the Coordination Unit if [necessary/suitable](#).

#### SHADE

All outdoor activities will be planned to occur in shaded areas for outdoor play. Play activities will be moved throughout the day to take advantage of shade patterns.

Staff and Educators will provide and maintain adequate shade. Shade options can include a combination of portable, natural and built shade. Regular shade assessments should be conducted to monitor existing shade structures and assist in planning additional shade requirements.

#### HATS

Adults and children are required to wear sun safe hats that protect their face, neck and ears. A recommended sun safe hat include:

- Legionnaire hat;
- Bucket hat with a deep crown and brim size of at least 5cm (adults 6cm);
- Broad-brimmed hat with a brim size of at least 6cm (adults 7.5cm).

Please note: Baseball caps or visors do not provide enough sun protection and therefore are not recommended.

Children without a sun safe hat will be asked to play in an area protected from the sun or may be provided with a spare hat.

#### CLOTHING

When outdoors, adults and children will wear sun safe clothing that covers as much of the skin as possible (especially the shoulders, back and stomach). This would include wearing:

- Loose-fitting shirts and dresses with sleeves and collars or covered neckline;
- Longer-style skirts, shorts and trousers.

Children who are not wearing sun safe clothing may be provided with spare clothing or encouraged to play in the shade. Midriff, crop or singlet tops do not provide enough sun protection & and are therefore, not recommended for Educators and children.

#### SUNSCREEN

SPF 30+ broad spectrum water resistant sunscreen is to be applied to all children (over 12 months) in the amount according to instructions on the bottle, before exposure to the sun. Those unable to wear sunscreen must be encouraged to play in the shade. (The Cancer Council recommends that sunscreen be applied ideally 20 minutes before going outside and reapplied every 2 hours). Sunscreen should be stored in a cool, dry place and the use-by date monitored.

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BABIES

Babies under 12 months should not be exposed to direct sunlight and are to remain in the shade when outside. They should also wear sun safe hats and clothing, and small amounts of SPF30+ broad-spectrum sunscreen may be applied with parents' prior consent.

ROLE MODELLING

All Educators and Coordination Unit staff must wear a sun smart hat when outside. The Scheme also recommends that all Educators and parents will positively role model sun protection behaviour and attitudes by also wearing a combination of sun protection clothing, hat, sunglasses and SPF 30+ sunscreen when outdoors.

EDUCATION AND INFORMATION

Sun protection will be incorporated into Educator learning programs and information communicated to families, staff and Educators by newsletters, meetings and notice boards.

The ~~sun~~ ~~Sun protection~~ ~~Protection~~ ~~policy~~ ~~Policy~~ (including updates) will be provided to all Coordination Unit staff, families and Educators.

Coordination Unit staff and Educators will regularly monitor and review the effectiveness of the Sun Protection Policy and procedures.

Further information is available on the NSW Cancer Council website [www.cancercouncil.com.au/sunsmart](http://www.cancercouncil.com.au/sunsmart)

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

KEY RESOURCES

National Quality Standard~~s~~ (ACECQA)

The Cancer Council NSW SunSmart: A policy guide for service providers [www.sunsmart.com.au/](http://www.sunsmart.com.au/)

~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

[Assessment of Family Day Care Venues](#)

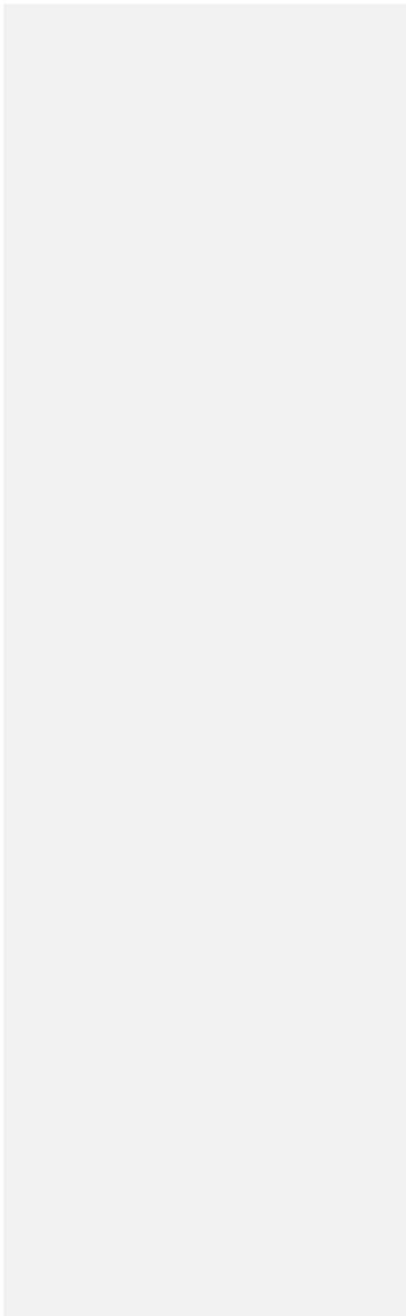
[Children in Care](#)

[Collaborative Partnerships with Families and Communities](#)

[Curriculum Development](#)

POLICY: FAMILY DAY CARE | [24 NOVEMBER 2018](#) | [31 MAY 2019](#)

- Educator Household Members
- Enrolment and Orientation
- Excursions
- Children's Health and Hygiene
- Monitoring, Support and Supervision of Educators
- Play sessions
- Providing a Child with a Safe Environment
- Professionalism
- Supervision
- Water Safety
- Work Place Health and Safety



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## SUPERVISION

### BACKGROUND

A duty of care exists at all times a child is attending an Educator's [Family Day Care service](#).

Supervision is an integral part of the care and education of children and requires Educators to make ongoing assessments of the child and the activities in which they are engaged. Active supervision assists in the development of positive relationships between [educators](#), children and their families, and informs ongoing assessment and future planning.

### POLICY

- To ensure the safety and wellbeing of children in care at all times.
- Ensuring there is an understanding of the legal responsibility and accountability to implement the procedures and practices outlined in this policy.

### PROCEDURE

#### ADEQUATE SUPERVISION

All children must be adequately supervised at all times the children are being educated and cared for at a [Family Day Care Service](#).

Supervision is critical to the safety of children. At its most basic level, supervision helps to protect children from harm or hazards that may arise in their play and daily routines.

Adequate supervision means that an Educator can respond immediately, including when a child is distressed or in a hazardous situation.

Effective supervision also requires an Educator to be actively involved with children. It is not the intention of this requirement that Educators merely 'stand back and watch'.

Every child should always be monitored actively and diligently. This means knowing where children are at all times. Children of different ages and abilities will need different levels of supervision. In general, the younger children are, the more they may need an adult to be physically present and close by to support and help them.

In a [Family Day Care Service](#), some children may be playing in different parts of the [Family Day Care service](#) and the Educator will need to consider how these children will be supervised.

The adequacy of supervision should be determined by a range of factors, including:

- number, ages and abilities of children;
- each child's current activity;
- areas where children are playing, in particular the visibility and accessibility of these areas;
- risks in the environment and experiences provided to children;
- the Educator's knowledge of each child and each group of children;
- the experience, knowledge and skill of the Educator.

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#### SLEEPING CHILDREN

When considering the supervision requirements of sleeping children, an assessment of each child's circumstance and needs should be undertaken to determine any risk factors. For example, because a higher risk may be associated with small babies or children with colds or chronic lung disorders, they might require a higher level of supervision while sleeping.

Sleeping children should always be within sight and hearing distance so that Educators can assess the child's breathing and colour of their skin to ensure their safety and wellbeing. Rooms that are very dark may not provide adequate supervision of sleeping children.

#### NAPPY CHANGE

Preparing for a nappy change is fundamental to maintaining an adequate level of supervision of children. Educators should ensure that all of the required equipment is available and within reach prior to beginning a nappy change. During a nappy change, a child should never be left alone on the change table and physical contact should always be maintained with the child.

#### VISITORS TO THE SERVICE

Educators must ensure that all children are fully supervised when a visitor arrives, is at, and departs from their [service](#).

#### END OF DAY

Educators must ensure that their end of day duties, such as cleaning and securing premises, do not compromise adequate supervision of the children in care.

#### EXCURSIONS

Undertaking a risk assessment is part of planning a routine or non-routine excursion. The risk assessment will need to take into account the level of supervision needed for the entire time the children are out of the registered [Family Day Care service residence or venue](#).

All aspects of supervision need to be addressed for an excursion. For example: Toileting on excursions.

Adult to child ratios need to be adhered to at all times. If an Educator is alone on an excursion then they would take all children to the bathroom. However, even when there are two or more Educators on an excursion, the Primary Educator must always take full responsibility of all the children in her care and, therefore, also take all children with them. It is not acceptable for one Educator to take one child to the bathroom and leave one Educator with seven children.

#### VEHICLES

Children must never be left alone in a vehicle for any reason at any time.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

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[Education and Care Services Law 2010](#)

[Education and Care Services Regulations 2014](#)

KEY RESOURCES

National Quality Standards: [Quality Area 2 \(ACECQA\)](#)

**LAST REVIEW DATE:** August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Assessment of Family Day Care Venues](#)

[Behaviour Guidance](#)

[Children in Care](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Critical Incident](#)

[Curriculum Development](#)

[Delivery and Collection of Children](#)

[Educator Household Members](#)

[Emergency and Evacuation](#)

[Excursions](#)

[Incidents, Injuries, Trauma and Illness](#)

[Interactions with Children](#)

[Medical Conditions and Medical Administration](#)

[Monitoring, Support and Supervision of Educators](#)

[Non-Compliance](#)

[Nursery, Toy and Equipment Safety](#)

[Pets and Animals](#)

[Playsessions](#)

[Providing a Child with a Safe Environment](#)

[Professionalism](#)

[Protection from Harm and Hazards](#)

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[Safe Sleep and Rest](#)

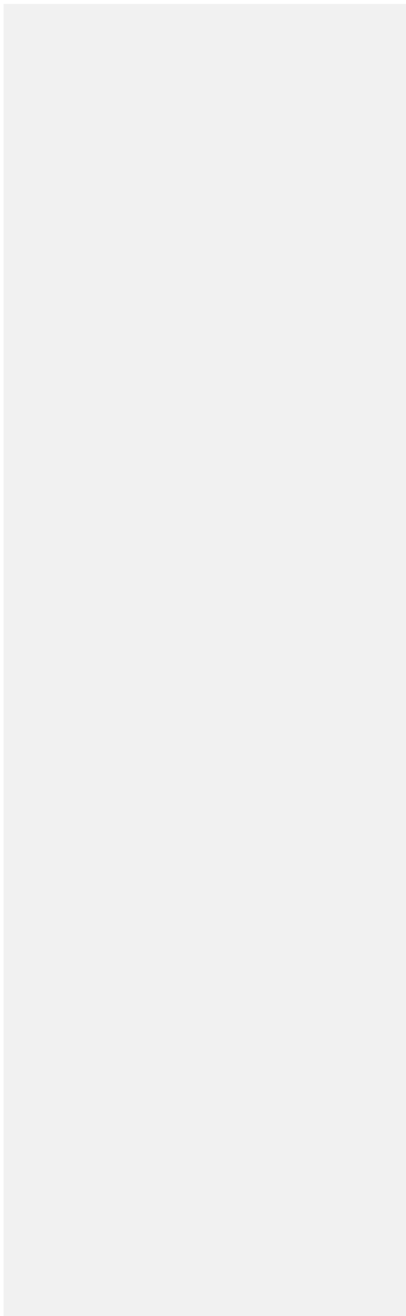
[Sun Protection](#)

[Visitors to a Family Day Care Service](#)

[Vehicle Safety](#)

[Water Safety](#)

[Work Place Health and Safety](#)



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## SUSTAINABILITY

### BACKGROUND

As a community, it is vital that we take increased environmentally sustainable actions to reduce our impact on the planet. Educating and engaging very young children in environmentally sensitive practices has the power to create lasting and meaningful change, with positive knock on effects back to families and the wider community. Importantly, empowering very young people about environmental sustainability issues positively counters the often 'powerless' feelings that older children and adults can have when reflecting on a future in which they feel they have no control or active role to play.

### POLICY

- This policy will provide guidelines to assist Mid-Western Regional Family Day Care Coordination Unit staff and Educators to take an active role in caring for the environment, and promoting and contributing to a sustainable future.
- To promote an education curriculum that encourages a holistic approach to promoting sustainability. The aim of education for sustainability is to promote a sense of respect and responsibility, skills and active participation, empowerment, enquiry and social change.

### PROCEDURES

Environmental education and sustainable practices are embedded into the philosophy and curriculum; where there is a celebration of learning which enables children to develop knowledge and awareness of being part of our environment and community.

#### The Coordination unit Unit is responsible for -

- Ensuring environmental education and practices are being incorporated into the curriculum.
- Providing Educators with information about environmentally sustainable practices e.g. through displays, fact sheets and local community resources.
- Making recommendations about green and sustainable options.
- Keeping up to date with current research, resources and best practice through newsletters, journals and support agencies such as Environmental Education in Early Childhood (EEEC).

#### Educators are responsible for -

- Implementing identified strategies and engaging in activities that support the service to become more environmentally sustainable (e.g. recycling, water wise, promote natural products).
- Incorporating environmental education and sustainable practices within the curriculum.
- Planning opportunities for children to connect with nature and the natural world at the service, including on excursions and at other service events.
- Incorporating celebrations of environmental awareness into the program e.g. National Tree Day, National Recycling Week, Clean Up Australia Day and Walk to Work Day.

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- Keeping up to date with current research, resources and best practice through newsletters, journals and support agencies such as Environmental Education in Early Childhood (EEEC).

**Parents/guardians are responsible for -**

- Acknowledging and where possible following the strategies identified and outlined in this [Environmental Sustainability Policy](#)
- Encouraging their children to adopt [environmentally](#)-sustainable practices at both the [service](#) [Service](#) and at home.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

~~[Education and Care Services National Law Act 2010](#)~~

~~[Education and Care Services National Regulations 2011](#)~~

KEY RESOURCES

National Quality Standard, [Quality Area 3 \(ACECQA\)](#)

The Early Years Learning Framework for Australia

Environmental Education in Early Childhood (EEEC) [www.eeec.org.au](http://www.eeec.org.au)

**LAST REVIEW DATE:** ~~August 2018~~

RELATED POLICIES

[Assessment of Family Day Care Venues](#)

[Children in Care](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Curriculum Development](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Educator Selection and Registration](#)

[Enrolment and Orientation](#)

[Ethical Conduct](#)

[Excursions](#)

[Information and Communication Technology](#)

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- Inclusion and Equity
- Interactions with Children
- Monitoring, Support and Supervision of Educators
- National Quality Standards
- Non-Compliance
- Nursery, Toy and Equipment Safety
- Play sessions
- Privacy and Confidentiality
- Professional Development
- Professionalism
- Relief Educators
- Social Media
- Sun Protection
- Supervision
- Visitors to a Family Day Care Service
- Water Safety
- Work Place Health and Safety

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## TOBACCO, DRUG AND ALCOHOL FREE ENVIRONMENT

### BACKGROUND

The [Mid-Western Regional Family Day Care](#) Scheme acknowledges the importance of ensuring all children are cared for in an environment free from tobacco, drugs and alcohol.

### POLICY

- To follow the 2011 Education and Care Services Regulations where it applies to children being cared for in a [Family Day Care](#) Service or on an [Family Day Care](#) excursion.

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### PROCEDURE

Exposure to tobacco smoke poses major health risks for both children and adults.

All prospective Educators should be made aware of the tobacco, drug and alcohol free environment during recruitment procedures.

Educators should not smoke at any time, whilst providing their [Family Day Care service](#).

All areas of the Educator's home, which are accessed by children being cared for, should be smoke-free while any children are present in the [Family Day Care Service residence or venue](#).

In [Family Day Care](#) where the [service](#) is also a family home, strategies should be developed to ensure that the Educator's home is a safe place for children, while recognising the rights of the Educator's family. For example, Educators might suggest a space outside the [Family Day Care Service](#) premises where other household members and visitors may smoke. If tobacco is smoked in the [Family Day Care](#) residence when the [service](#) is not operating, consideration should be given to issues such as ventilation, hygiene and safe storage of items including cigarettes, ashtrays matches and lighters.

Educators are to ensure that children are cared for in a smoke-free environment, even in the event of parents having no objections to children being exposed to smoke or the example of smoking.

Educators who do not ensure the protection of children by implementing the non-smoking [Policy](#) of the [Family Day Care](#) Scheme will be advised that their [Registration](#) as an Educator may be relinquished should the policy not be adhered to.

Educators, staff and volunteers must not consume alcohol or be affected by alcohol or drugs (including prescription medications) that may impair their capacity to provide education and care to children at their [Family Day Care](#) Service.

This does not mean that Educators, staff or volunteers who require prescription medication must be excluded, but rather that consideration be given as to whether that medication affects the person's capacity to provide education and care to children. A [Doctor's Certificate](#) may be requested at the discretion of the [Coordination Unit](#).

### EXCURSIONS / OUTINGS

There should be no smoking in any vehicle while it is being used to transport [Family Day Care](#) children.

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The Coordination Unit Staff, parents and any volunteers while caring / supervising children on excursions should not smoke or consume alcohol.

Children should not be taken to any venue which is inside a building where smoking is permitted, as the children would be exposed to the risk of passive smoking.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

Public Health Act 2010 (NSW)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

[Work Health & Safety Act and Regulations 2011](#)

Public Health (Tobacco Act) 2008 [\(NSW\)](#)

KEY RESOURCES

National Quality Standards 2011 (ACECQA)

Staying Healthy in Child Care [www.nhmrc.gov.au](http://www.nhmrc.gov.au)

**LAST REVIEW DATE:** August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Child Protection](#)

[Collaborative Partnerships with Families and Communities](#)

[Complaints and Feedback](#)

[Delivery and Collection of Children](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Emergency and Evacuation](#)

[Enrolment and Orientation](#)

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- Ethical Conduct
- Excursions
- Childrens Health and Hygiene
- Incidents, Injuries, Trauma and Illness
- Medical Conditions and Medical Administration
- Monitoring, Support and Supervision of Educators
- Playsessions
- Providing a Child with a Safe Environment
- Professionalism
- Protection from Harm and Hazards
- Relief Educators
- Safe Sleep and Rest
- Supervision
- Visitors to a Family Day Care Service
- Work Place Health and Safety

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## TOY, EQUIPMENT AND RESOURCE LIBRARY

### BACKGROUND

Play is how children learn and making it fun is nature’s way of ensuring children get lots and lots of practice. The games children play are directly linked to the needs of the growing body and mind. If play is a child’s work then they must also have the tools for their trade. Toys are tools that help a child to enjoy play.

### POLICY

- To provide Educators within the Scheme access to a variety of toys, equipment and other resources that will enhance their learning environments for the children in their care.

### PROCEDURE

#### TOYS

Educators are encouraged to borrow toys, puzzles, books, craft accessories, puppets, games and other resources in the [Scheme’s Toy-toy Library-library](#) for one month at a time.

The Scheme is aware that these resources are being used with children and that pieces of puzzles may go missing, pages in books may be ripped or toys may be broken.

Educators are encouraged to ensure that items are returned in the condition they would like to take them out. If a page has been ripped or something broken, Educators are requested to let the Scheme know on return so it can fix them before putting them back into the toy library. Educators should wipe down puzzles and board books, wash dress up clothes and puppets and also ensure they are in their correct packaging.

If the Scheme knows that all reasonable care has been taken with a borrowed item then it understands [any damage caused](#). However, if on visits to Educator services, [Scheme Coordination Unit](#) staff feels that care has not been taken then a small replacement fee [will may](#) be charged. The cost will be determined by the cost and age of the item.

If toys are returned dirty, a cleaning fee [will may also](#) be charged.

Battery toys will be lent out without batteries, so Educators can use their own for the duration of the loan.

Some limits of the amount of equipment and toys may be enforced.

#### EQUIPMENT

When starting up a [Family Day Care service-Service](#), the Scheme likes to be able to assist with providing new Educators with some of the larger items. ~~however,~~ after After 3-6 months, ~~however,~~ ~~the-that~~ Educator should know whether or not this profession is for them and start to purchase these items themselves [if they intend to proceed](#).

Often when an Educator has a baby in care an extra cot or pram may be necessary which again may be borrowed from the Scheme, if available.

Equipment such as cots, [prams and highchairs and sleep mats](#) can be borrowed for 3 months at a time.

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If equipment is returned in an unappropriated state, a cleaning fee or replacement fee will be charged depending on the cost and age of the item.

#### RESOURCES

The Coordination Unit has a wide variety of resource books on many varied topics available for Educators to borrow.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2011](#)

#### KEY SOURCES

National Quality Standards: [Quality Area 1 & 3 \(ACECQA\)](#)

**LAST REVIEW DATE:** August 2018

#### RELATED POLICIES

[Assessment of Family Day Care Venues](#)

[Children in Care](#)

[Collaborative Partnerships with Families and Communities](#)

[Curriculum Development](#)

[Inclusion and Equity](#)

[Interactions with Children](#)

[Monitoring, Support and Supervision of Educators](#)

[National Quality Standards](#)

[Nursery, Toy and Equipment Safety](#)

[Nutrition and Activity](#)

[Pets and Animals](#)

[Play sessions](#)

[Professional Development](#)

[Professionalism](#)

[Relief Educators](#)

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Sustainability

Work-Place-Health-and-Safety

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## VEHICLE SAFETY

### BACKGROUND

A duty of care exists at all times the child is attending a children's service. Supervision is an integral part of the care and education of children and requires Educators to make ongoing assessments of the child and the activities in which they are engaged.

### POLICY

- To meet 2011 Education and Care Services Regulations, Australian Standards and comply with the Roads Traffic Authority of NSW 'Guidelines in the use of Child Restraints.'
- For Educators ~~are~~ to ensure each child's physical safety whilst being conveyed in a private vehicle.

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### PROCEDURE

All drivers must hold an [full 1A-Open C class](#) current licence and have current [Car-car Registration](#), including [Third-third Party-party Insurance](#).

~~An~~ To ensure correct and safe installation of restraints, Educators must have their [child-seat anchorage points and fittings-restraints](#) checked and certified by an Authorised Restraint Fitting Inspector ([White slip](#)) Station annually.

Children must not be transported in a vehicle that has not undergone a safety check and obtained an [white slip](#) Authorised Restraint Fitting Station service receipt, of which the Coordination Unit has [to be provided with](#) a copy.

All [Family-family Day-day Care-care](#) children must be appropriately restrained at all times. For guidelines on appropriate restraints for children of various ages and weights see [Roads and-Traffic Authorities-'Choosing a restraint'](#) the [Transport for NSW Centre for Road Safety website](#).

Child restraints, including capsules, child car seats and boosters must be installed according to the instructions of the restraint manufacturer and the vehicle manufacturer.

Child restraints should be checked by the Educator for appropriate fitting whilst being used by a child.

The child safety seat should display one of the Standards Australia symbols (AS1754) indicating that it has passed official laboratory crash tests.

Second-hand car seats are not to be used if there are cracks in the frame, the buckle is inoperative, if the straps are frayed or if the Australian Standard symbol is not visible. Car seats can only be used for up to ten years after the date of manufacture.

All back seats should be filled first, and no adult should be seated in the back while a child occupies the front seat.

Educators should not refuel their vehicle while children are in care

**Children must never be left alone in vehicles for any reason.**

### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

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[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

[Education and Care Services National Regulations 2014](#)

KEY RESOURCES

National Quality Standards: [Quality Area 2](#) (ACECQA)

[Roads and Traffic Guidelines www.rta.nsw.gov.au](#) [Transport for NSW Centre for Road Safety website: www.roadsafety.transport.nsw.gov.au](#)

LAST REVIEW DATE: August 2018

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Assist Educators](#)

[Children in Care](#)

[Child Protection](#)

[Complaints and Feedback](#)

[Critical Incident](#)

[Delivery and Collection of Children](#)

[Emergency and Evacuation](#)

[Excursions](#)

[Incidents, Injuries, Trauma and Illness](#)

[Interactions with Children](#)

[Non-Compliance](#)

[Playsessions](#)

[Privacy and Confidentiality](#)

[Providing a Child with a Safe Environment](#)

[Professionalism](#)

[Protection from Harm and Hazards](#)

[Supervision](#)

[Work Place Health and Safety](#)

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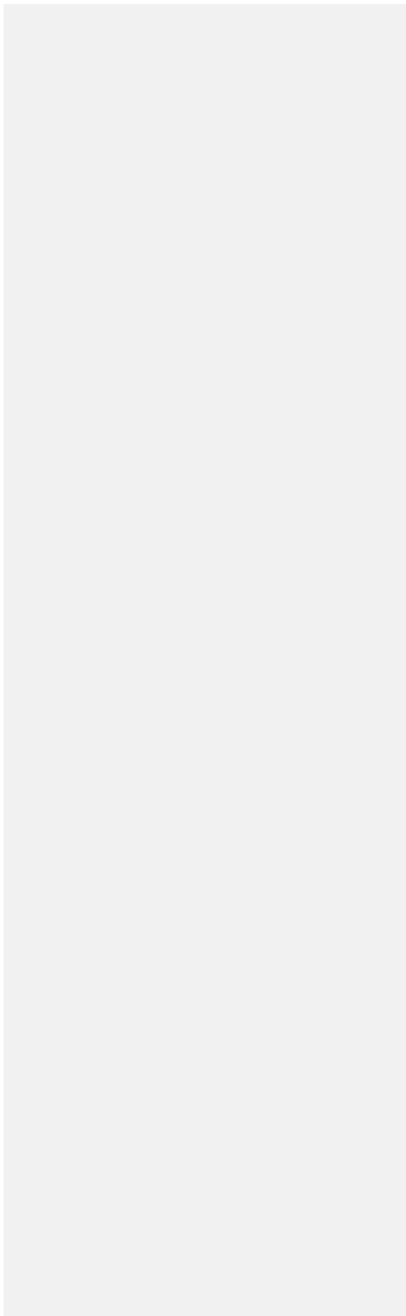
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## VISITORS TO THE FAMILY DAY CARE RESIDENCE

### BACKGROUND

The ~~Mid-Western Regional Family Day Care Schemes~~ is committed to providing a safe environment for the children in care within ~~our-its service~~ ~~Services~~.

The Scheme recognises the vulnerability of children of all ages and the need to exercise vigilance and screen all adults who have access to children.

### POLICY

- ~~To ensure children are safe at all times and parents are informed of people visiting the Education and Care Service.~~
- ~~To ensure Educators meet the regulatory requirements of recording "visitors" to their premises-residence or venue whilst providing childcare and education.~~

### PROCEDURE

An ~~Family Day Care~~ Educator must not leave a child or children alone with a visitor to a ~~Family Day Care~~ residence or ~~approved~~ venue, while providing care and education to that child.

All approved Educators who have visitors attend a ~~Family Day Care~~ residence or ~~approved~~ venue during hours of operation must have all the visitors sign the Visitors Register.

The definition of a visitor for the purposes of the ~~Education and Care Services National Regulations 2014~~ ~~Education and Care Services National Regulations~~ is – any person at the Educator's premises that is not permanently living at the premises.

Visitors include:

- ~~Coordination Unit staff;~~
- ~~Work placement students;~~
- ~~Trades persons;~~
- ~~Other people that may come into the Educator's premises with the family;~~
- ~~Friends that drop in during the day, including other Educators;~~
- ~~Families that are at the Educator's premises-residence or venue for a family interview whilst children are in care-; and~~
- ~~People that are staying with you-the Educator short-term – not permanently residing with-you at the residence or venue.~~

Visitors do not include:

- ~~Families that are signing the children in and out on the attendance record-;~~
- ~~Educators own family, who reside with them, and permanent residents.~~
- The Coordination Unit will provide forms for Educators to use for visitors to sign in and out.

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Visitor's registers must be kept for a minimum 3 years after the record was made.

The Visitor's register will also be completed at [Playsessionplaysession](#).

#### SHORT TERM VISITORS' RECORD

A record must be kept which records all visitors to a [Family Day Care service Service](#) during the Service's hours of operation.

The record must include the name and signature of the visitor, their exact arrival and departure time, and the reason for their visit.

Visitor records (old and new) must be kept in an accessible place at all times so they can be viewed by Coordination Unit staff or other officials.

All visitor records must be handed in to the [Mid-Western Family Day Care Scheme Coordination Unit](#) at the end of each calendar year, to be filed in the Educator's file.

#### LONG TERM VISITORS' RECORD

An [Family Day Care](#) Educator must notify the Coordination Unit in writing if a person is to visit/ stay at their [service residence or venue](#) for longer than a day [at the Family Day Care residence](#). Notification must include the full details of the person visiting, the reason for their visit and the length of time they are staying.

If the person is over 18 years and will be living at the residence for a [extended periods of time \(anything longer than 14 consecutive days\) 4 weeks or more](#), they ~~will be~~ [are](#) required to [undergo obtain](#) a Working with Children Check [clearance](#) before their stay can begin. [It is important to note that Working with Children Checks can, at times, take in excess of four weeks to be processed by the NSW Office of Children's Guardian.](#)

#### NEW PERSON TO LIVE AT THE ~~FDC SERVICE~~ RESIDENCE OR VENUE

An [Family Day Care](#) Educator must notify the Coordination Unit in writing if a new person intends to live at the [Family Day Care](#) residence. Notification must include the full details of the person who will be living at the residence and the proposed length of time they are staying.

If the person is over 18 years and will be living at the residence for a [extended periods of time \(anything longer than 14 consecutive days\) 4 weeks or more](#) they ~~will be~~ [are](#) required to [undergo obtain](#) a Working with Children Check [clearance](#) before their stay can begin. [It is important to note that Working with Children Checks can, at times, take in excess of four weeks to be processed by the NSW Office of Children's Guardian.](#)

The [Family Day Care](#) Educator must also notify the Coordination Unit in writing if any circumstances change which may affect the fitness and propriety of a person living at or visiting their residence [or venue](#) who has previously been assessed as fit and proper.

#### RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

[Education and Care Services National Law 2010](#)

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[Education and Care Services National Regulations 2014](#)

KEY RESOURCES

National Quality Standards 2011 (ACECQA)

~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

[Acceptance and Refusal of authorisations](#)

[Access and Custody](#)

[Assessment of Family Day Care Venues](#)

[Assist Educators](#)

[Child Protection](#)

[Delivery and Collection of Children](#)

[Educator Household Members](#)

[Educator Record Keeping](#)

[Emergency and Evacuation](#)

[Excursions](#)

[Incidents, Injuries, Trauma and Illness](#)

[Monitoring, Support and Supervision of Educators](#)

[Photographs and Videos](#)

[Privacy and Confidentiality](#)

[Providing a Child with a Safe Environment](#)

[Professionalism](#)

[Protection from Harm and Hazards](#)

[Relief Educators](#)

[Social Media](#)

[Supervision](#)

[Work Place Health and Safety](#)

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## WATER SAFETY

### BACKGROUND

Learning spaces and environments should offer an array of possibilities and connect children with natural materials. Water is one experience that offers children sensory rich, open ended experiences that engage children's curiosity and imagination. Children may encounter these resources in the [service-Service](#) environment and/or when on excursions. These experiences, especially those conducted with and near water, must be carefully supervised ensuring the safety of children and adults.

Water safety relates to access to water in the building, the playground or on excursions, and also to the availability of drinking water for children.

It is imperative that Educators remain vigilant in their supervision of children in and around water, and are alert to potential risks in everyday practice in the learning environment.

### POLICY

This policy will outline the procedures that apply to managing water safety, including safety during any water based activities at a [Family-Day-Care-Service](#).

The [Mid-Western-Regional-Family-Day-Care](#) Scheme is committed to:

- Providing opportunities for children to explore their natural environment including through water play.
- Ensuring that information provided to Educators, parents/guardians and curriculum planning incorporates water safety awareness and water sustainability practices.

### PROCEDURE

#### AT THE EDUCATOR'S FAMILY DAY CARE SERVICE

Through daily safety checks, Educators must clean up any water hazards within their [service-Service](#) environments before the children arrive.

Children may have access to sprinklers, hoses, wading pools, water troughs:

- with the parents' written permission (water activity permission form);
- with direct and constant adult supervision.

Educators need to program for and educate children about staying safe in and around water.

Wading pools, water troughs and containers for water play are filled to a safe level. Any equipment that holds water should be emptied immediately after use, cleaned and stored to prevent the collection of water. Children will be discouraged from drinking from these water activities.

#### SWIMMING POOLS

Fencing of a pool at the Educators [Family-Day-Care-Service-residence or venue](#) must meet requirements of the [NSW](#) Swimming Pool Act 1992 and Local Government requirements.

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The Educator must ensure that no child enrolled in their ~~service~~ Service swims in a swimming pool at the home of the Educator, unless the Educator has obtained written authorisation for the child to do so from a parent/ guardian of the child, and that adult: child ratios are ~~met~~ maintained.

If children are to swim at any pool situated at an Educator's ~~home~~ residence or venue, there must be present within the fenced area of the pool at least one adult for each child. If the children cannot swim the Educator should be in the pool with the child.

IN THE COMMUNITY

Excursions to the local pool with Family Day Care children are discouraged. They are allowed if a child is directly involved in swimming lessons, and the parents have given written permission. The adult to child ratio of participants in the excursion is one adult for each child.

A Risk-risk Assessment-assessment must be completed before the excursion and sent through to the Coordination Unit for approval.

OTHER BODIES OF WATER

Excursions to areas that have access to a river, dam, or other places that have a significant water hazard such as a river, pond or fountain are discouraged.

The minimum adult to child ratio of persons participating in the excursion is:

- (a) 1 adult for every 1 child under 3 years of age.
- (b) 1 adult for every 2 children 3 years to children attending school.
- (c) 1 adult for every 5 children who normally attend school.

Educators must be aware of the potential danger of all bodies of water.

RELEVANT LEGISLATION

- [Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)
- [Education and Care Services National Regulations 2018 \(NSW\)](#)
- [Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)
- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [Child Wellbeing and Safety Act 2005](#)

KEY RESOURCES

- National Quality Standard - [Quality Area 2 \(ACECQa\)](#)
- Royal Life Saving Society [www.royallifesaving.com.au](http://www.royallifesaving.com.au)
- Kidsafe [www.kidsafe.com.au](http://www.kidsafe.com.au)

**LAST REVIEW DATE:** August 2018

RELATED POLICIES

POLICY: FAMILY DAY CARE | [24 NOVEMBER 2018](#) | [31 MAY 2019](#)

Acceptance and Refusal of authorisations  
Assessment of Family Day Care Venues  
Children in Care  
Curriculum Development  
Educator Household Members  
Excursions  
Children's Health and Hygiene  
Interactions with Children  
Monitoring, Support and Supervision of Educators  
Nursery, Toy and Equipment Safety  
Providing a Child with a Safe Environment  
Protection from Harm and Hazards  
Relief Educators  
Sun Protection  
Supervision  
Work Health and Safety

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## WORK HEALTH AND SAFETY

### BACKGROUND

The Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulation 2011-2017 (NSW) aims to protect the health, safety and welfare of people [at work within a work environment](#). It lays down general requirements for health, safety and welfare, which must be met at all places of work in New South Wales. The Act covers self-employed people, as well as employees and employers.

Self-employed people ([Family Day Care including](#) Educators) must ensure the health and safety of people visiting or working at their places of work (their [homes residences or venues](#)), who are not their employees, by not exposing them to risk.

For Educators, this includes people that come into an Educator's home on [Family family Day day Care care](#) business e.g. the children in care, the people dropping off and picking up the children, the Coordination Unit staff that visit and any workers paid to do a job for the Educator.

In [WHS work health and safety](#) terms, risk management is the process of recognising situations that have the potential to cause harm to people or property, and doing something to prevent the hazardous situation occurring or the person being harmed.

### POLICY

- The [Workplace work Health health](#) and [Safety safety](#) of all Educators registered with the Scheme, staff, children and those visitors to [the Family Day Care offices and playgrounds residences, venues and excursion locations](#) is considered to be of utmost importance.
- To ensure Educators and Co-ordination Unit staff comply with the Work Health and Safety Act 2011 ([NSW](#)) and the Work Health and Safety Regulation [2011-2017 \(NSW\)](#)

### PROCEDURE

#### Coordination Unit Staff staff will -

Develop policies and practices on [Workplace work Health health](#) and [Safety safety](#) matters in consultation with stakeholders of the [Mid-Western Regional Family Day Care](#) Scheme.

Resources, practices and policies on health and safety issues will be developed and circulated to Coordination Unit [Staff staff](#), Educators and parents in an effort to ensure that all participants of the Scheme enjoy a healthy and safe environment

To provide appropriate and adequate [Workplace work Health health](#) and [Safety safety](#) and accident prevention education and training to Educators and Coordination Unit [Staff staff](#).

To be aware of current updated information from leading [Health health](#) and [Safety safety](#) [Authorities authorities](#).

The [Mid-Western Regional Family Day Care](#) Scheme recognises and has a commitment to its [Duty duty](#) of [Care care](#) for all stakeholders, complying with legislation, Australian standards, best [practices practices](#) and maintains public liability insurance.

[Our Council's Workplace work Health health](#) and [Safety safety](#) management system takes into account the requirements of relevant legislation, regulations and codes of practice, advisory standard,

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and Australian Standards where they apply. All Coordination Unit staff, Educators, Assist Educators and Relief Educators registered with the Scheme should observe health and safety practices and policies at all times when the ~~service~~ ~~Services is-are~~ operating.

Provide information to Educators on health, hygiene and safety matters in education and care service as the information is made known to staff. This may be through newsletters, fact sheets, Professional Development sessions, Educator meetings or on Home Visits.

Monitor the compliance of Educators to ensure safety at their ~~Family Day Care services~~ ~~Services~~ by checking that Educators complete their Daily Safety Checks, Quarterly Safety Checks, sunscreen application and by the Coordination Unit conducting unannounced home visits.

Review the systems and procedures relating to risk management within the ~~service~~ ~~Services~~ on a regular basis.

**Educators will -**

Comply with the Work Health and Safety Act 2011 (~~NSW~~) as a self-employed business operator.

Comply with the ~~WHS work health and safety~~ practices that are documented in the Regulations for Family Day Care that relate to their education and care service.

It is a regulatory requirement and responsibility of the Educator that the home environment is safe, and a Work, Health and Safety requirement that Educators develop a risk management plan for any identified hazards in their ~~individual workplace (home or other venue to be used for the operation of their Family Day Care service)~~ ~~residence or venue~~.

Under the ~~Workplace~~ Health and Safety Act 2011, it is the Educators responsibility to:

Step 1: Identify the problem, which is known as hazard identification.

Step 2: Determine how serious a problem it is, risk assessment.

Step 3: Deciding what needs to be done to solve the problem, risk elimination or control.

Educators need to also provide a floor plan of their home and outdoor play area which clearly indicates which areas will be used for the Educator's ~~childcare business~~ ~~Service~~ and have accordingly had all safety matters addressed.

It is important that this floor plan is updated with the Coordination Unit if the areas of usage change (both for insurance and regulatory purposes). Identification of these different areas must be made very clear.

Educators' own children, not included in the childcare numbers (that is over 13 years), and other household members may enter the non ~~Family Day Care~~ ~~Service~~ areas.

Educators' own children included in the childcare numbers may enter the non ~~Family Day Care~~ ~~Service~~ areas at the Educator's' discretion. However, ~~best practice is for~~ children under 3 years ~~should to~~ remain with the Educators.

Access to the non ~~Family Day Care~~ ~~Service~~ areas must not be made available to the other children in care. Educators and children in care are not to enter any area of the home which has not been designated as being used for the childcare business during the operational hours of the business.

For Educators to maintain a safe environment ~~in their service~~ whilst conducting their education and care ~~service~~ ~~Service~~, they must develop and implement safe work practices in relation to ~~WHS work~~

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[health and safety](#) standards in the Educator's home. For example, completing Daily Safety Checks, Quarterly Safety Checks, sunscreen application and documenting ~~it in either their programming folder or a diary~~ [evidence](#). This information needs to be accessible and easily sighted by the Coordination Unit or compliance officers.

Educators are strongly encouraged to complete the form by the due dates, as non-compliance with safety requirements may necessitate a close of the Educator's business until such time as an assessment of the safety of the home has been completed.

The Scheme may take action against Educators who refuse, neglect, or fail to observe safety and health practices and requirements.

RELEVANT LEGISLATION

[Children \(Education and Care Services\) National Law 2010 \(NSW\)](#)

[Education and Care Services National Regulations 2018 \(NSW\)](#)

[Children \(Education and Care Services\) Supplementary Provisions Regulation 2019 \(NSW\)](#)

~~Education and Care Services National Law 2010~~

~~Education and Care Services National Regulations 2011~~

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

~~Work Health and Safety Act 2011 (NSW)~~

~~Work Health and Safety Regulation 2011 (NSW)~~

KEY RESOURCES

National Quality Standards ~~2011~~ (ACECQA)

WorkCover NSW [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

~~LAST REVIEW DATE: August 2018~~

RELATED POLICIES

~~Acceptance and Refusal of authorisations~~

~~Assessment of Family Day Care Venues~~

~~Children in Care~~

~~Collaborative Partnerships with Families and Communities~~

~~Educator Household Members~~

~~Educator Record Keeping~~

~~Excursions~~

~~Children's Health and Hygiene~~

~~Incidents, Injuries, Trauma and Illness~~

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Monitoring, Support and Supervision of Educators

Non-Compliance

Nursery, Toy and Equipment Safety

Playsessions

Privacy and Confidentiality

Providing a Child with a Safe Environment

Professionalism

Protection from Harm and Hazards

Sun Protection

Supervision

Work Place Health and Safety