

PUBLIC COPY

2019

MID-WESTERN REGIONAL COUNCIL
COUNCIL BUSINESS PAPERS

ORDINARY MEETING
WEDNESDAY 21 AUGUST 2019



*A prosperous and progressive community
we proudly call home*



PO BOX 156
MUDGEES NSW 2850

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

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

14 August 2019

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
21 AUGUST 2019
Public Forum at 5:30PM
Council Meeting commencing at conclusion of Public Forum

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Extraordinary Meeting held on 24 July 2019

Council Decision:

That the Minutes of the Extraordinary Meeting held on 24 July 2019 be taken as read and confirmed.

The Minutes of the Extraordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Solar Energy Options	Res. 127/17 Ordinary Meeting 17/05/17	That Council: 2. endorse the strategy of installing solar panels on appropriate Council buildings to reduce ongoing electricity costs and deliver this strategy for at least one further Council building during the 2017/18 financial year.	To be reported to Council at a future meeting.
Update on LEC Matter MA0030/2017	Res. 390/17 Ordinary Meeting 13/12/17	That Council staff review the current road standards for subdivisions and that a report be brought back to Council for considerations.	To be reported to Council at a future meeting.
RFT 2017/21 Glen Willow Footbridge - Provision of Handrail Trusses and Piers	Res. 66/18 Ordinary Meeting 21/03/18	That Council: 1. investigate a more economical outcome and bring back a report when the cost of works are known.	RECOMMENDED FOR COMPLETION
Glen Willow Stage 2 - Acceptance of Grant Funding	Res. 16/19 Ordinary Meeting 20/02/2019	That Council: 6. note that should Council be unsuccessful under the Regional Growth – Environment and Tourism Fund a further report will be brought back to Council identifying alternate funding sources, and amending the 2017/21 Delivery Program and 2019/20 Operational Plan.	To be reported at a future Council Meeting.
Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos	Res 55/19 Ordinary Meeting 20/03/2019	That Council: 2. decline to purchase, at market value, the former Gang Shed premises at Kandos as described in the plan appended as Attachment 2 and instead seek opportunities and representations to acquire the premises at no or little cost to the community; and 3. receive a further report detailing the results of the submissions and representations in due course.	Please refer to report 9.8 of this agenda.
MA0022/2019 - Section 4.55 Modification to DA0152/2015 (Bombira Estate) - 220	Res 122/19 Ordinary Meeting 18/05/2019	That Council: 2. request the General Manager to go back to the developer and renegotiate the green space; and 3. consider a further report following	RECOMMENDED FOR COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Ulan Road, Bombira		the outcome of green space negotiations with the developer.	
LGNSW Membership Renewal 2019/20	Res 117/19 Ordinary Meeting 18/05/2019	That Council: 1. receive the report by the Director Community on the LGNSW Membership Renewal 2019/20; and 2. defer payment membership to LGNSW due to the exorbitant cost of the membership, and 3. invite LGNSW to come and explain to Council the benefits and value of the membership to our Community.	Please refer to report 7.3 of this agenda.
Service Provider Management Policy Review	Res.163/19 Ordinary Meeting 19/06/2019	That Council: 1. receive the report by the Chief Financial Officer on the Service Provider Management Policy Review; 2. place the Service Provider Management Policy on public exhibition for 28 days; and 3. request an additional report to Council to consider submissions and adopt the Service Provider Management Policy after public exhibition.	Please refer to report 9.2 of this agenda.
Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20	Res 154/19 Ordinary Meeting 19/06/19	That Council: 7. endorse the amended Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20 to go on public exhibition for a further period of 28 days commencing Friday 21 June 2019; 8. request a further report be presented following the exhibition period including a review of any submissions made on the Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20; 9. notes that the currently approved Delivery Program 2017/21 provides detailed budgets for four years, which will be used to continue Council activities in early July 2019 until the draft Operational Plan	RECOMMENDED FOR COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		<p>2019/20 is endorsed by Council; and</p> <p>10. notes that Council will make the rates and charges following the exhibition period of the Revised Delivery Program 2017/21 and Draft Operational Plan 2019/20.</p>	

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 Murray Darling Association Membership Renewal Invoice for 2019/2020

REPORT BY THE GENERAL MANAGER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, F0710037

RECOMMENDATION

That Council:

1. **receive the report by the General Manager on the Murray Darling Association Membership Renewal Invoice for 2019/2020; and**
 2. **renew its membership with the Murray Darling Association for 2019/20.**
-

Executive summary

Murray Darling Association Inc. (MDA) has forwarded their invoice for renewal of membership for the 2019/20 financial year. This report provides information about the current goals of the MDA, ensures a close alignment to Council's Community Plan and confirms Council and the community benefit from continued membership.

Disclosure of Interest

Nil.

Detailed report

The MDA's purpose is to provide effective representation of local government and communities at state and federal level in the management of Basin resources by providing information, facilitating debate and seeking to influence government policy.

The MDA's organisational objectives are to:

- advocate on behalf of Basin communities
- use local knowledge and expertise to fully understand regional issues
- act as a two-way conduit for information and discussion between our communities and governments
- encourage and facilitate debate about the things that matter for the Basin's future
- explore options to achieve sound solutions to regional issues
- test information to ensure a sound base for those options
- be an educational resource for the Basin.

The MDA's functions align with Council's Community Plan outcomes, goals and strategies. A membership with the MDA will provide a benefit to the Mid-Western community at large.

DELEGATES

At Council's meeting in September 2017, Councillor Holden and Councillor Kennedy were nominated as delegates. New delegates will be nominated following the September 2020 Council election.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Provision of Expenses and Facilities to Councillors.

Legislation

Not applicable.

Financial implications

The attendance by Councillor at these external committees and other organisations may incur a travel cost to Council, provision for which is included in the budget and is subject to the relevant policy.

Associated Risks

Nil.

BRAD CAM
GENERAL MANAGER

12 July 2019

Attachments: 1. Murray Darling Association Membership renewal invoice for 2019_2020, together with a number of informative resources.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



admin@mda.asn.au
www.mda.asn.au
T (03) 5480 3805
ABN: 64 636 490 493

Level 1, 250 Anstruther Street
P.O. Box 1268
Echuca, Vic 3564

28 June 2019

Mr Brad Cam
General Manager
Mid Western Regional Council
PO Box 156
MUDGEE, NSW 2850



Dear Mr Cam

On behalf of the National President and the board of the MDA, I am pleased to enclose here your membership renewal invoice for 2019/2020, together with a number of informative resources.

With the security and availability of water increasingly a key issue for all councils and communities across the Murray Darling Basin, we thank you for your continuing membership with the Murray Darling Association (MDA).

As one of three levels of government in Australia, and the one most directly connected to community, local government makes an incalculably valuable contribution to the processes, community consultation, and the formulation of decisions made and taken in the ongoing implementation of the Basin Plan. Continuing collaboration of local government at a peak level is essential to ensure that local and regional priorities are understood at the Basin scale.

We recognise that council's commitment to participate is a cost to budget that must demonstrate value to the organisation and to your community. The MDA's recently updated membership policy continues to strengthen the role of local government and the value of your membership and participation. These documents can be found at <https://www.mda.asn.au/join-us/membership.aspx>

Further, I have enclosed here a package of resources that clearly illustrate the complex role and the value to your community that council's investment delivers through engagement with your peak body.

A copy has been provided for each councillor, with additional copies for your key executive team.

We request that these packs be tabled at your next available council workshop or meeting. Either I, or the Chair of your region will be pleased to address council if requested to provide further information and to hear from you on opportunities to further council's interests through the MDA.

Should you have any questions in relation to the MDA, or require further information please don't hesitate to contact me by phoning (03) 5480 3805 or e-mailing e.bradbury@mda.asn.au

Kind regards,



Emma Bradbury
Chief Executive Officer



TAX INVOICE

Mid Western Regional Council
Mr Brad Cam
General Manager
PO Box 156
MUDGEES NSW 2850
ABN: 96 149 391 332

Invoice Date
1 Jul 2019
Invoice Number
INV-71610
ABN
64 636 490 493

MURRAY DARLING
ASSOCIATION
INCORPORATED
Attention: Emma Bradbury
Level 1, 250 Anstruther
Street
PO Box 1268
ECHUCA VIC 3564

Description	Quantity	Unit Price	GST	Amount AUD
Membership of Murray Darling Association 2019/2020 Fees calculated at \$0.305 per head of population, capped at \$6,681.82. Population based on latest ABS census data. Cap applies at 21,907 population.	21907.00	0.305	10%	6,681.64
			Subtotal	6,681.64
			TOTAL GST 10%	668.16
			TOTAL AUD	7,349.80

Due Date: 1 Aug 2019

Bank Details
BSB 012505 Account 213906893



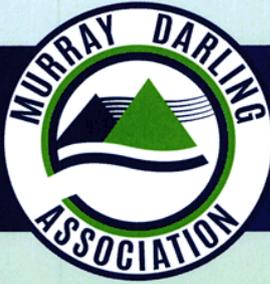
PAYMENT ADVICE

To: MURRAY DARLING ASSOCIATION INCORPORATED
Attention: Emma Bradbury
Level 1, 250 Anstruther Street
PO Box 1268
ECHUCA VIC 3564

Customer Mid Western Regional Council
Invoice Number INV-71610
Amount Due 7,349.80
Due Date 1 Aug 2019

Amount Enclosed _____

Enter the amount you are paying above



MEMBERSHIP BENEFITS

LOCAL PRIORITIES - NATIONAL INFLUENCE



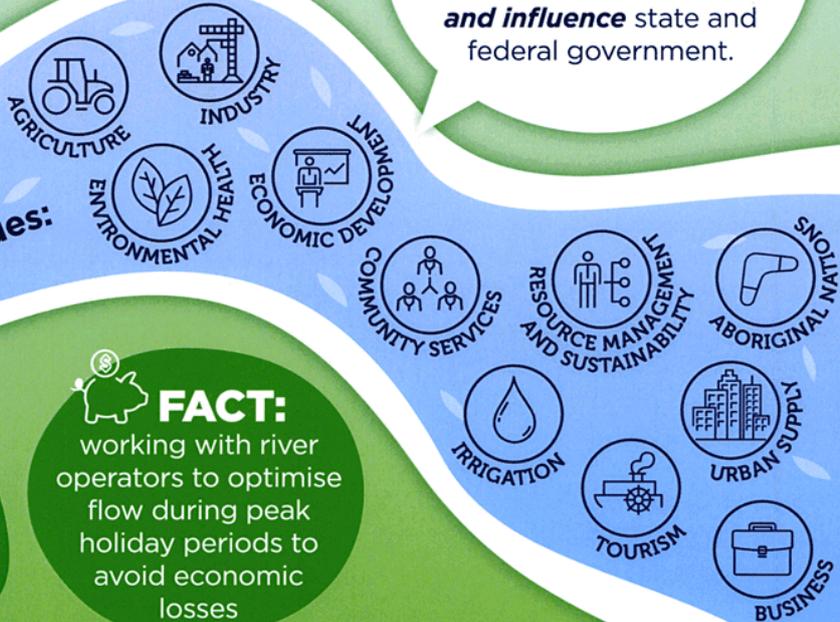
FACT:

we helped kick-start the Snowy scheme over 70 years ago!

The benefits of MDA membership are now flowing freely to all our regions.

The MDA is your peak body for local government in the management of Basin water resources, working harmoniously to **inform and influence** state and federal government.

Water plays a unique role in so many important local issues:



FACT:

today's Basin Plan is world-leading watersharing legislation. Council influence is more important than ever!



FACT:

working with river operators to optimise flow during peak holiday periods to avoid economic losses

Here's why your council has so much influence, as an MDA member:



- regions meet quarterly** to establish your priorities
- chairs meet monthly** to understand and support your priorities at a Basin scale
- annual** national conference
- multi-level** information sharing.



FACT:

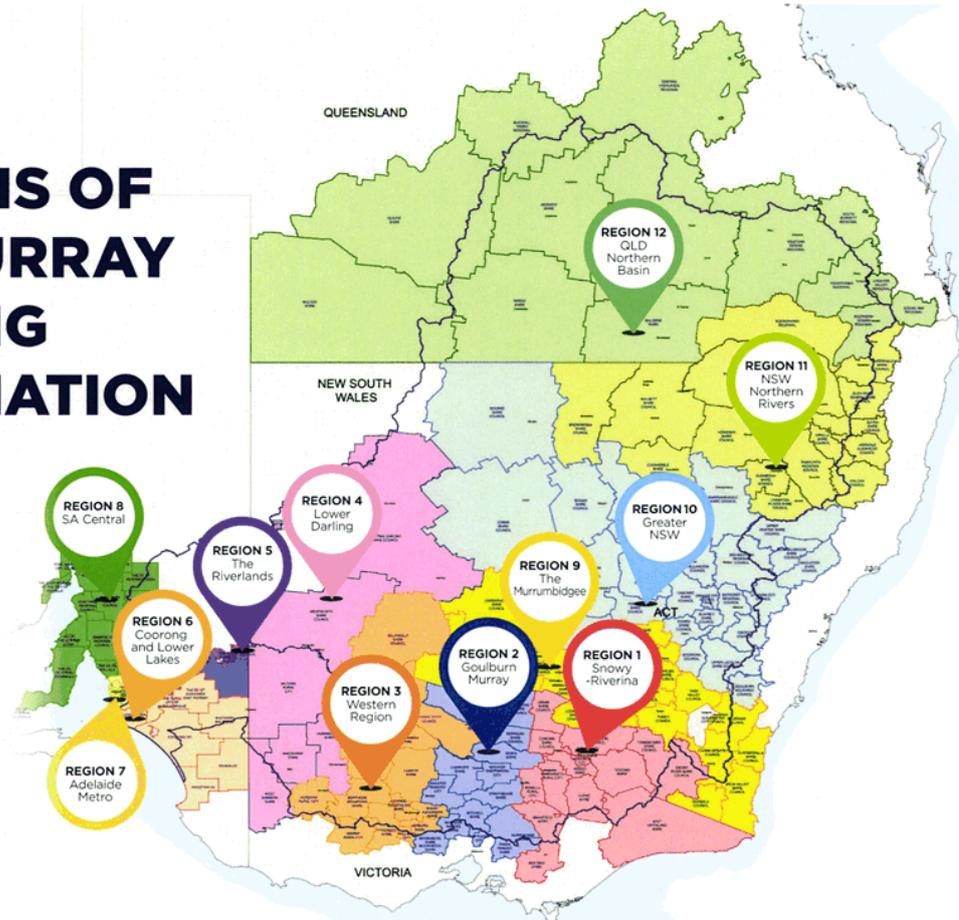
partnering the National Carp Control Plan to engage councils about a better approach to feral fish management. Results so far are exciting!

Local government united - to **inform and influence**.
Ensure your council's membership!

www.mda.asn.au / admin@mda.asn.au



REGIONS OF THE MURRAY DARLING ASSOCIATION



A COMPLEX ENVIRONMENT

We recognise there are:

172 councils,
and their
associated
communities

4 states,
the ACT, and the
Commonwealth, and
countless agencies

Two houses of parliament,
a government,
an opposition,
minor parties and
cross benchers

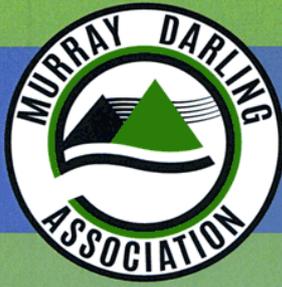
across the Murray Darling Basin.

All have differing needs
and demands.

Yet, all are united by our
common commitment to
a healthy working Basin.



For further information, please contact the Murray Darling Association
P: (03) 5480 3805 | www.mda.asn.au | admin@mda.asn.au



MDA MEMBERSHIP FAQs

Q. Do the objectives of the MDA align with the mission and purpose of *my* council?

If your council is committed to

- work closely with the Federal and State governments to achieve our goals
- be resilient to a changing climate and able to sustain our urban and rural productivity and quality of life, both now and for future generations
- foster partnerships that deliver value for money to our ratepayers
- responsibly manage our natural and build resources
- contribute to solutions for water quality and security in our local reign and across the Basin

Then there is a strong strategic alignment between your council and the MDA.

Q. What's in it for my council?

- regional & national representation of local priorities
- strong regional networks supporting local economic development and leadership initiatives
- effective representation of local government and your communities at state and federal level in the management of Basin resources.

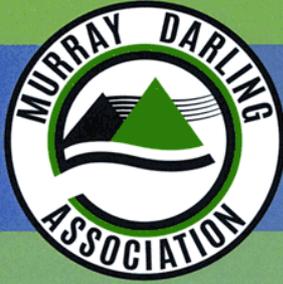
Q. Will membership with the MDA 'water down' the ability of our council to engage directly?

Not at all. In fact, quite the reverse. The MDA actively encourages our member councils individually and collectively to engage and contribute to the national debate and to participate in the decision-making process.

Q. What are the relationship benefits?

The MDA has strong relationships with federal and state water Ministers, Basin Official, MP's, departments and agencies including

- Federal Departments of Water, Agriculture and Environment
- State and Federal MPs and departments
- National, state and regional LGAs
- The Murray-Darling Basin Authority
- The Commonwealth Environmental Water Office
- CSIRO
- The Productivity Commission
- Universities
- Research and Development Corporations
- RDA's and more...



MDA MEMBERSHIP FAQs

Q. What is the MDA's position on the 450GL up-water?

- all councils have differing needs and demands, yet we are united by our common commitment to a healthy working Basin
- our strength is in our diversity
- local solutions will deliver national unity on regional issues.

Q. How can one organisation represent the interests of so many different councils ?

The MDA supports the Murray-Darling Basin Plan and recognises the need for it to adapt and evolve.

- Basin Plan implementation must deliver balanced social, environmental and economic outcomes for all
- we work constructively with all stakeholders using our collective knowledge and influence to develop solutions.

Member councils have a voice

- in determining regional priorities
- by appointment to the National Conference and AGM
- through equitable voting entitlements that support the authority of local government, while enabling community members to contribute their expertise and experience.

Q. What role does a member council have in the decision-making process?

Q. What has the MDA done for its members lately?

- member of Productivity Commission (PC) Murray-Darling Basin Plan: Five-Year Assessment Stakeholder Working Group
- launched PC Draft Report at MDA 2018 national conference
- member of National Carp Control Plan Communications and Operations working group
- initiated Ministerial Round Table - Mildura, March 2017
- engaged MINCO regional meet and greet events
- instrumental in Local Government Representatives on the Basin Community Committee
- facilitated interagency meeting on the health of the Barwon Darling
- regular engagement through Australian Local Government Association & State LGA events
- 10 years of MOU with Murray-Darling Basin Authority (2013-2023)
- attracted funding for LG projects & initiatives
- member of Murray-Darling Basin Peaks Group
- driven the Basin agenda via the MDA National Conference and AGM for 75 years
- Largest membership-based LGA of councils in Australia
- triggered review of social and economic impacts analysis (SIA) and definition of neutrality of the plan
- Connecting Catchments and Communities education and leadership forums
- MDA Basin Communities Leadership Program.

For further information, please contact the Murray Darling Association
P: (03) 5480 3805 | www.mda.asn.au

Why should your council join?



A powerful voice.
Be part of a collective voice advocating for councils and communities in the Basin.



Ensure your voice is heard.
Inform water policy at regional, state and federal level.



Support existing alliances.
To advocate on regional priorities.



Informed decision making.
Ensure your expertise and knowledge plays a part in the decisions affecting you.



Shape the future.
Be a part of creating the future we want for our Basin communities.

“If the MDA didn't exist, we'd have to invent it.”

Hon Craig Knowles,
Chairman Murray-Darling Basin Authority (2011-2015), Forbes 2014

Working together with 3 levels of Government to deliver the Basin Plan.

MDA is the only peak body that provides a 'parliament' of local government on Basin related issues. MDA works with:

- Local Government NSW • Local Government SA • Local Government Qld
- Municipal Association of Victoria • Australian Local Government Association



How can my council inform public policy?

Your council has direct influence.

- Regions meet quarterly.
- Region chairs meet monthly sharing knowledge for a whole of Basin perspective.
- Annual national conference.
- Peak representation at state and federal parliamentary and agency levels.
- 2-way information sharing.
- Secure council centric voting entitlements

Strength in numbers. Peak body for local government across the Murray Darling Basin.

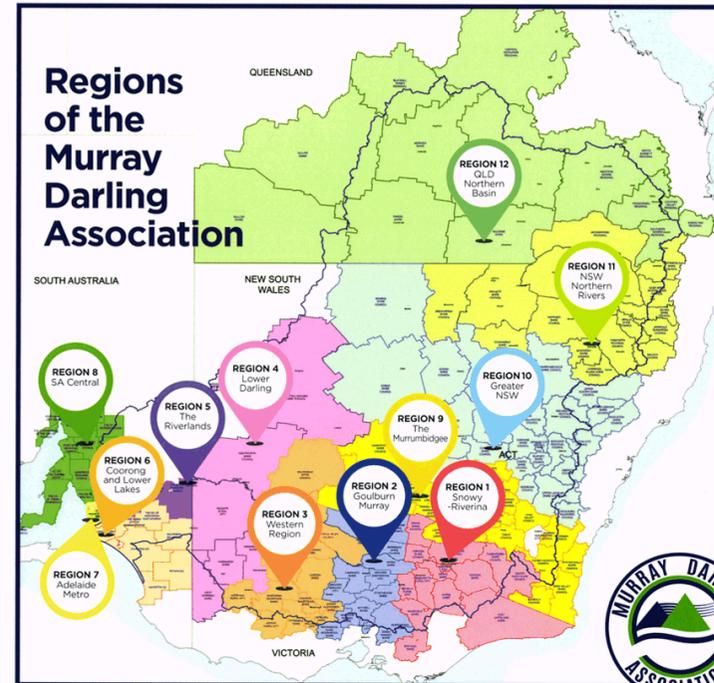


www.mda.asn.au

The MDA relies on the information provided by its member councils. Your council's contribution is essential to ensure policy is developed in consultation with those most affected, providing valuable insights and perspectives before state and federal policy is irreversibly locked in.

Murray Darling Association

Representing local government and community in the Murray-Darling Basin since 1944



has a population of over **2 million** people

14% of the Australian continent

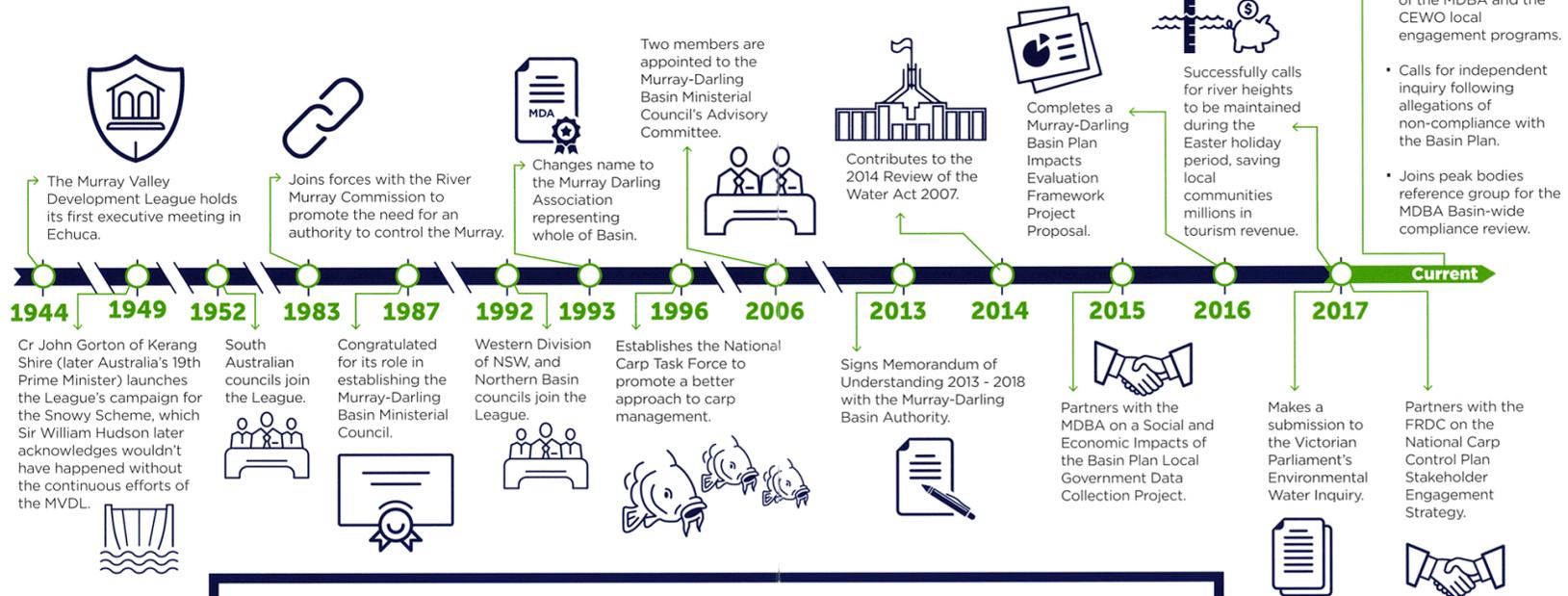
167 councils across 4 states & the ACT

3 million provides water to more than people

over 40 Aboriginal Nations

The journey so far...

The MDA has a 73 year history of national achievements, and a strong and dynamic future.



"History is made by those who show up."

Benjamin Disraeli
(British PM 1868-1880)



www.mda.asn.au

One voice representing local government and communities on water-related issues.

For more information, please contact:
 Level 1, 250 Anstruther St Echuca Vic 3564
 PO Box 1268 Echuca Vic 3564
 P: 03 5480 3805 E: admin@mda.asn.au

7.2 Employee Engagement Survey Results 2019

REPORT BY THE EXECUTIVE MANAGER, HUMAN RESOURCES
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, GOV400054, GOV400043, PER400044

RECOMMENDATION

That Council receive the report by the Executive Manager, Human Resources on the Employee Engagement Survey Results 2019.

Executive summary

The Operational Plan 2018-2019 requires that Council undertakes an Employee Engagement Survey. In March this year the survey was undertaken by Insync Surveys on behalf of Council. Insync is a specialist survey provider.

Disclosure of Interest

Nil.

Detailed report

Insync Surveys was engaged by Council to conduct the survey of employees in March 2019 and it is the fourth survey of this type conducted by Insync.

The survey addressed issues considered important in driving continuous improvement and organisational success. The survey is designed to provide Council with a means to identify key employee concerns that may presently exist within the organisation with the following objectives in mind:

- To measure employee attitude across a range of key cultural and performance dimensions
- To align management and employee expectations in order to facilitate greater productivity within the workplace environment
- To allow workplace satisfaction variables to be measured (or benchmarked) over time
- To ultimately enhance workplace satisfaction through a commitment to research and reflection

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Provide a positive and supportive working environment for employees

Financial implications

Not Applicable

MICHELE GEORGE
EXECUTIVE MANAGER, HUMAN RESOURCES

12 July 2019

Attachments: 1. Employee Engagement Survey 2019 Summary Results.
2. Employee Engagement Survey 2019 Overall Results. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



2019 Employee Survey Results

● ENGAGEMENT WITH COUNCIL

The percentage of respondents who scored areas as a **6 or 7 out of 7**.

214
employees completed the survey

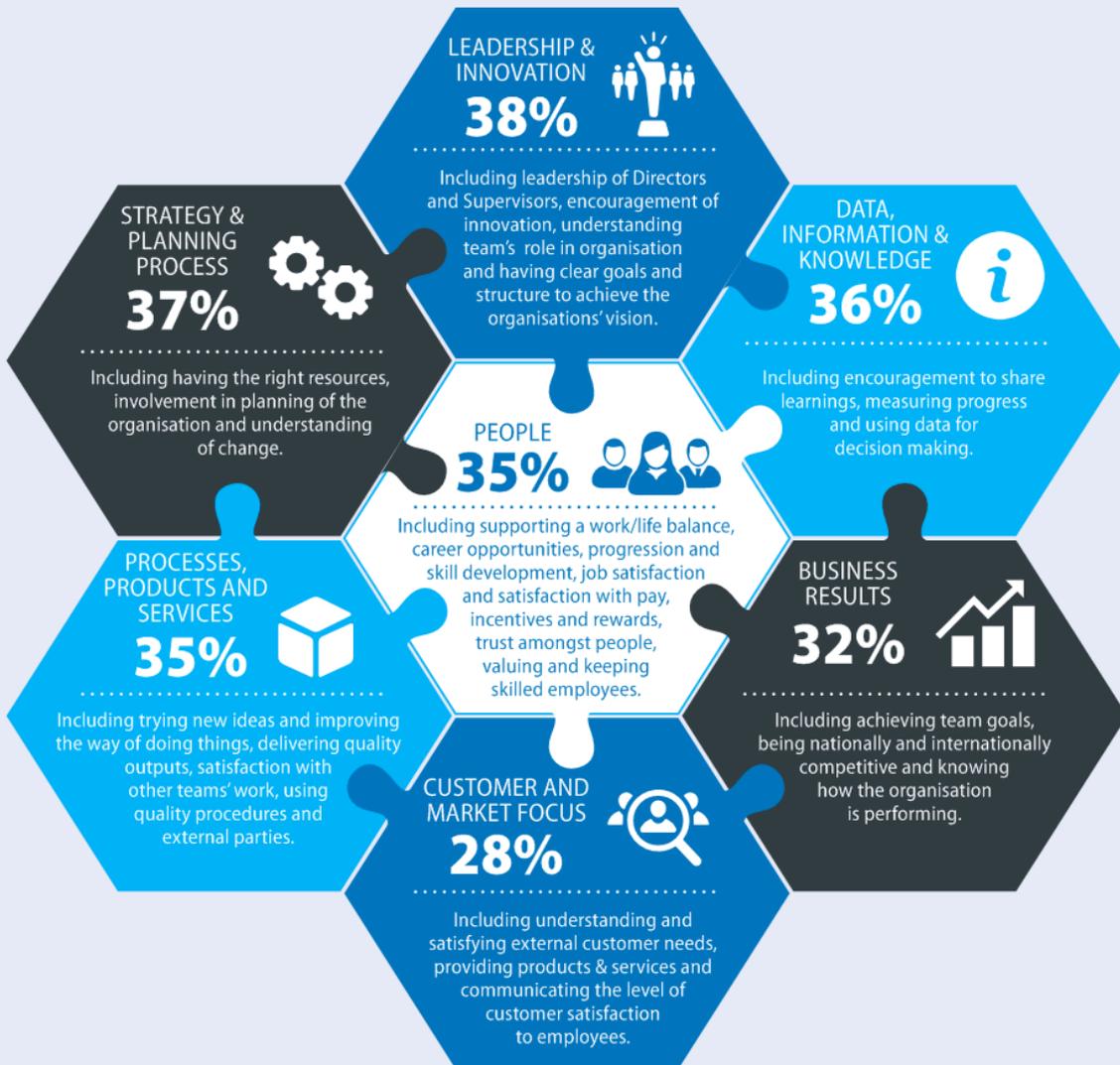


63%

Including recommending and proud of MWRC as a workplace, overall satisfaction with job, sense of belonging, challenges seen as learning, volunteering for extra work and looking forward to work each day.

● PERFORMANCE

The percentage of respondents who scored areas as a **6 or 7 out of 7, which is considered a high result**.



HIGHS

The five **most** favourable responses of the core survey items.



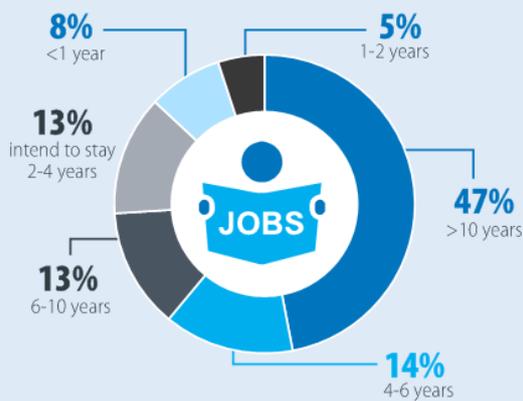
LOWS

The five **least** favourable responses of the core survey items.



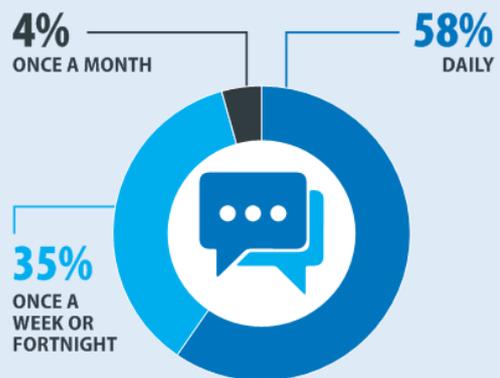
STAYING WITH MWRC?

Employees' intention to stay with Council.



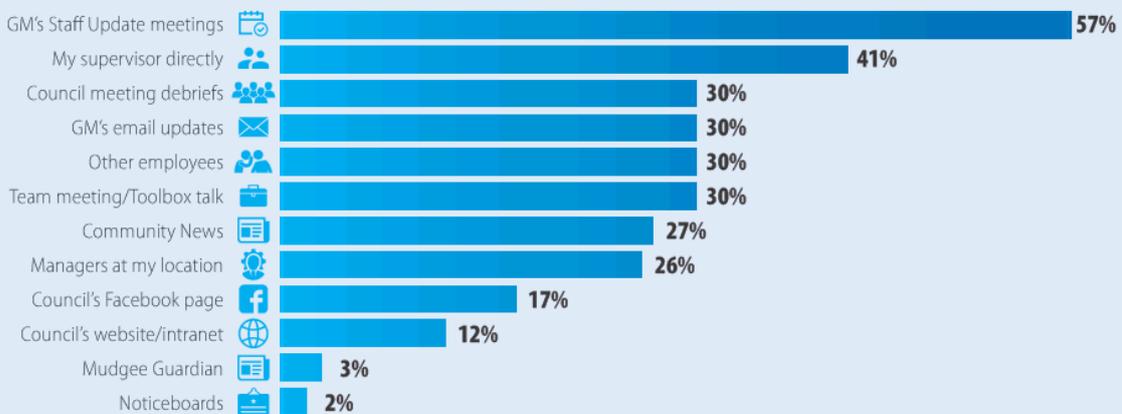
FACE-TO-FACE WITH SUPERVISOR

How often employees have face-to-face conversations about work with their immediate manager/supervisors.



HOW DO EMPLOYEES STAY INFORMED ABOUT COUNCIL? (% employees)

How employees find out **what's going on** in the organisation.



7.3 Local Government NSW Membership Renewal 2019/20

REPORT BY THE DIRECTOR COMMUNITY
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, A0040005

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Local Government NSW Membership Renewal 2019/20; and
2. endorse the renewal of membership with Local Government NSW for the 2019/20 financial year.

Executive summary

At the 15 May Council meeting Council resolved to defer payment membership to LGNSW due to the cost of the membership, and invite LGNSW to come and explain to Council the benefits and value of the membership to our community.

The President of LGNSW, Linda Scott, and the Chief Executive Officer, Tara McCarthy visited the region on 17 July and discussed with Council the vital role played by Local Government NSW and the benefits of Council continuing to be a member of the organisation.

Mid-Western Regional Council has been a member of Local Government NSW for many years. This report seeks endorsement for Council to continue its membership for the 2019/20 financial year.

Disclosure of Interest

Nil.

Detailed report

Local Government NSW has provided Council with an invoice for membership for the 2019/20 financial year. The cost to Council will be \$38,399.20 ex GST.

Local Government NSW have provided information on the benefits of membership. These include:

- **advocacy and representation** - campaigns, lobbying, relationship-building with government at political and departmental levels
- **policy advice**
- **industrial relations and workplace support** - representing councils in industrial disputes and award matters, making and varying industrial awards,
- **legal advice** - advising on legal policy matters, legislation and the LGNSW Legal Assistance Policy
- **organisational development and capacity building – elected member** mentor programs, professional development networks
- **grant support**

- **professional development and training** - best value and specifically designed for local government (including eLearning programs), Capability Framework and PD in a Box
- **professional networking opportunities** - through conferences, workshops and professional forums
- **executive recruitment and performance reviews**
- **management consulting and structure reviews**
- **procurement services** and **bulk supply arrangements** - designed especially for councils, saving you time and money (through Local Government Procurement).

There are also optional Workforce Analytics Reports that Council can purchase. The cost of these reports are not included in the membership but Council can provide direction to purchase these. Information is included in the attachments.

Membership fees are calculated on the following basis:

- a flat base component (currently 35.7% of the total subscription which is divided by the number of members to work out the amount each member pays)
- a population-based component (which rises at a decreasing rate as population increases), and
- an expenditure-based component (which rises at a decreasing rate as expenditure increases).

It is the view of staff that the benefits of membership are clear and there are concerns if access to areas such as advocacy and representation, industrial relations and workplace support, professional development and training and procurement services was not available to Council. There is also a great deal of information that is shared through the Local Government network. While there are some services that are currently free, such as procurement services, it is clear that these may not look to charge non-members for this in the future.

Council staff feel strongly that there is a great deal of benefit derived from membership. These benefits are outlined further in the attachments. If Council determines not to be a member of LGNSW, it would be appropriate for a budget of a similar amount to the membership costs to be provided that would enable Council to source services from other consultants and contractors.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The cost of membership is paid from existing operational budgets.

Associated Risks

A decision to not be a member of Local Government NSW could lead to Council becoming isolated from other Councils across NSW. This may lead to Council spending more on their own lobbying efforts as well as on training opportunities, procurement services and industrial legal advice.

SIMON JONES
DIRECTOR COMMUNITY

24 July 2019

Attachments:

1. Letter to MWRC Mayor re LGNSW membership value.
2. LGNSW Report Advocacy Update.
3. LGNSW Subscription Offer for Workforce Analytics Reports.
4. LGNSW Membership Invoice - Mid Western Regional Council.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Our ref: R90/0292 Out-29312

16 July 2019

Cr Des Kennedy
Mayor
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Attn: Mr Brad Cam, General Manager

Dear Cr Kennedy

I am pleased to provide information regarding the value Mid-Western Regional Council (MWRC) receives for their membership fee.

Local Government NSW (LGNSW) delivers a range of services to councils along with strong daily representation on a wide range of issues affecting the sector. Member services include:

- **industrial relations and workplace support** (representing councils in industrial disputes and award matters, making and varying industrial awards, advising on legal policy matters and legislation) and HR support;
- **advocacy and representation** (campaigns, lobbying, relationship-building with government at political and departmental levels);
- **Legal and policy advice;**
- **organisational development and capacity building** (mentor programs, professional development networks);
- access to **grants and grant support;**
- **professional development and training for Councillors and staff** - best value and specifically designed for local government (including eLearning programs), Capability Framework and PD in a Box;
- **professional networking and learning opportunities** (through conferences, workshops and professional forums);
- **executive recruitment and performance reviews;**
- **management consulting and structure reviews;** and
- **procurement services and bulk supply arrangements** designed especially for councils, saving you time and money (through Local Government Procurement (LGP)). During 2018/19FY MWRC has had a considerable level of interaction with LGP. In this period MWRC spent \$3.4m across 21 different LGP contracts which has helped avoid \$315,000 in estimated tendering costs (valued at \$15,000 per tender). There were 9 members of staff from MWRC attending 8 different training courses conducted by LGP, and in terms of LGP events MWRC had 4 delegates attend LGP Network Meetings, 2 attended the LGP Procurement Workshop and 7 people attended the 2018 LGP Annual Conference. MWRC contributed to the OROC LGP Rebate Scheme payment for the 2018 FY.

Industrial Representation and Legal Advice

LGNSW is the only industrial organisation that is entitled to represent the employer interests of the industry, including in the negotiation of the *Local Government (State) Award*, review of the federal *Local Government Industry Award*, and in award-related proceedings, union claims, pay increases, unfair dismissals etc.

LGNSW's industrial officers are highly experienced in local government employment law and are available at no additional cost for anything from a quick phone call, comprehensive email advice or to the full running of industrial cases through the Industrial Relations Commission, Fair Work Commission, and a range of other jurisdictions (such as the Local Court). It is estimated that a case going to arbitration would cost upwards of \$30,000 to run privately.

In 2017/18, LGNSW represented members in over 100 court and tribunal listings.

As a member, your council also has free access to general legal advice, which can represent another very significant saving. We also manage a scheme that allows other councils to contribute to a council's legal costs for appeals where important precedents are involved.

Advocacy

LGNSW influences decision makers on matters that affect and improve our sector. We have built extensive relationships at all levels of Government and politics.

LGNSW represents members via the Australian Local Government Association (ALGA) where we influence national policy and funding decisions. LGNSW President Cr Linda Scott is a Vice President of ALGA to ensure strong representation of our state on national issues. We are at the table constantly with the State Government, and we made [44 significant submissions](#) to the NSW Government and policy makers on behalf of members in 2017/18. That is work our members do not have to do themselves.

- MWRC has joined the [Renew Our Libraries campaign](#). As a result of this campaign, the NSW Government announced a \$60M boost for libraries over 4 years 2019-20. LGNSW is now working to ensure public libraries across NSW benefit from the \$60M increase in funding and will continue to urge the NSW Government to commit to a more sustainable, long term funding model. The Renew Our Libraries goals remain: to double the funding – by providing an additional \$94M in funding to NSW public libraries over four years, index the funding, and legislate to protect the funding into the future. In 2019/20, this increased funding amounts to more than \$36,000 in additional funding for Mid-Western Regional Council's libraries, with this figure to grow further over the coming three years (from \$84,058 in 2018/19 to \$120,929 in 2019/20).

See our latest Advocacy wins: lgnsw.org.au/policy/lgnsw-advocacy-priorities-2019-0.

Other benefits and services

In addition to the free member benefits, council staff regularly request other services such as membership of **online forums and networks** (communication, HR, events, policy etc), **industry publications** such as HR Advance and comparative data reports. These services are provided to member councils either at no cost, or in the case of some reports, at a significantly discounted rate.

LGNSW members receive access to **numerous learning and development services**, conferences and workshops too. These are tailored to the specific needs of the local government sector and members of LGNSW are offered the opportunity to host major

conferences. Many programs are free for members and others are best value. In-house programs and e-learning options are available.

Councils and local businesses can use our, [free inclusive tourism on-line training course](#), providing clear steps businesses can take to capitalise on this growing market.

All member councils also have access to the [Local Government Capability Framework](#) which sets out the essential knowledge, skills, abilities and other attributes needed to work effectively in local government. The framework has been designed to support mayors and councillors with their personal and professional development planning, and provides a common foundation for creating roles, recruitment, managing performance, development, career planning and workforce planning.

Benefits taken up by MWRC over the last 12 months

I am pleased to note that over the last 12 months, MWRC staff and elected officials have taken advantage of a range of member benefits and services including:

- Approximately 5 MWRC staff/councillors have attended 2 [training courses](#) facilitated by LGNSW
- MWRC has utilised LGNSW's [legal advice](#) service on 1 occasion.
- Attendance at Workshops and Forums including the:
 - [Ageing and Disability Forum](#)
 - [Asbestos Forum](#)
 - [Employment Law Seminar](#)
- Attendance at our Conferences including:
 - [Tourism Conference](#) (and presented)
 - [HR Conference](#)
- Received the following Awards:
 - At the 2018 [Excellence in the Environment Awards](#), Council won the *Roadside Environmental Management Award*.
- LGNSW subscription services used by MWRC:
 - 6 staff/councillors – [media releases](#)
 - 19 staff/councillors – the [LGNSW Weekly newsletter](#)
 - 4 staff – [Communications Network](#) of over 200 members. This is an invaluable resource exchanging information with peers about latest practice, common issues and challenges, media tip offs, and in dealing with issues of that other communication teams and their councils face
 - 4 staff – [Land and Environment Court reporter](#)
 - 1 staff – [Natural resource management email network](#)
 - 2 staff – [Flying Fox Flyer newsletter](#)
 - 5 staff – Waste newsletter - [The Pick Up](#)
 - 2 staff – [Events Network](#)
 - 3 staff including Visit Mudgee staff – [Tourism network list](#)
 - 3 staff – Ageing & Disability network list
 - 1 staff – [Economic Development Network](#)
 - 1 subscription HR Advance
 - 1 subscription [Award Supply Service](#)

Finally, a [Value Audit](#) commissioned by LGNSW in 2017 concluded that it pays to belong to LGNSW. To deliver \$12.1 million in member services LGNSW seeks just 0.037% of local government's \$13 billion aggregated annual budgets. This means that for every dollar

collected in membership we deliver \$9.56 of benefits for members. These services, and the work of our subsidiaries and schemes, generates nearly \$50 million in annual savings and value for councils.

The LGNSW Membership fee for MWRC is **\$42,789.12**.

Please let me know if you need anything further.

Yours sincerely

A handwritten signature in black ink that reads "Linda Scott". The signature is written in a cursive, flowing style.

Cr Linda Scott
President



In the lead up to the March election, you asked us to advocate for you on 12 priority areas.

This update shows the commitments LGNSW secured against those priorities from key political parties, as at March 2019.

Working closely with our members, through campaigns, debates and ongoing representation, we ensured the voice of local government was heard.

We are pleased to report the commitments we secured. Next, we will work with a re-elected Berejiklian government to realise and build on those commitments and we'll continue to provide you with regular progress reports.



Cr Linda Scott
President, LGNSW

Our Priorities and Progress



1. Save recycling

Reinvest 100% of the NSW Waste Levy, collected from community and industry, in a coordinated state-wide recycling and waste management approach and drive a circular economy.

Wins

- ✔ All major parties support a state-wide plan following 'Save Our Recycling' campaign
- ✔ NSW Coalition: 20-year waste strategy. Work with local government to deliver infrastructure
- ✔ NSW Labor: circular economy job creation fund - \$140m over 4 years. Set up advisory council including LGNSW
- ✔ NSW Greens: reinvest 100% of waste levy
- ✔ Shooters, Farmers and Fishers, and Christian Democrats: move waste levy out of consolidated revenue



2. Renew our libraries

Fund public libraries so they are sustainable. Double current funding commitments by providing an additional \$94m over the next four years, with indexation. In line with NSW law, provide 50% of funding required for NSW public libraries, in perpetuity.

Wins

- ✔ Both major parties committed to more than \$60m in additional funding over 4 years following our 'Renew Our Libraries' campaign
- ✔ NSW Greens and the Shooters Fishers and Farmers committed to the sector's ask in full



3. Fund local infrastructure

Establish an infrastructure funding program so councils can plan, build and maintain local roads, freight routes, cycling and pedestrian infrastructure, green space and sporting facilities, to meet rapid population growth and movements in NSW.

Wins

- ✔ Bipartisan: \$1b additional for roads and bridges
- ✔ NSW Coalition:
 - take back up to 15,000km of regional roads
 - Minister for open space
 - \$150m in new public parks
 - \$400m regional telecommunications towers
 - 13 new bus routes to connect 44 regional towns
 - Fast track metro west
 - Prevent Crown Land used for recreation being sold
- ✔ NSW Labor:
 - \$8b to fast track metro west
 - \$50m for open space
 - Plant 500,000 trees per year
 - \$25m to beautify regional main streets
 - \$412m for walking and cycling infrastructure
 - Inventory of environmental assets

4. Restore planning powers to communities

Reform the NSW planning system to:

- Restore the right of metropolitan councils to choose whether to use local planning panels, allowing councils and neighbourhoods to make decisions about developments that affect them
- Fix the NSW private certification system
- Set housing targets with local governments, not for them.

Wins

- ✔ NSW Coalition:
 - Appoint building commissioner
 - Register builders and designers
 - Help councils control short-term holiday letting
 - Affordable housing SEPP for all councils
 - Limit boarding house size in low-density areas
- ✔ NSW Labor:
 - Restore transparency and fairness
 - Scrap medium-density housing, 'Planned Precincts', developer-led spot rezoning
 - Establish building authority, reports to single minister
 - Stop developers choosing certifiers
 - Strengthen LEP process

5. End cost shifting

Hold a public inquiry into cost shifting so that no new, increased or transferred responsibilities will be imposed on local government without a sufficient corresponding source of revenue or revenue-raising capacity.

Wins

- ✔ NSW Coalition: take back up to 15,000km of roads
- ✔ NSW Labor:
 - Reimburse council webcasting costs
 - Council summit on local government costs
 - Publish local government budget paper
 - Parliamentary inquiry into cost shifting

6. Allow greater financial independence

Allow councils to levy rates up to 2% over the rate peg limit, without having to seek special rate variation approval, so councils can meet community needs with less red tape.

Win

- ✔ Bipartisan agreement to review T-Corp loans policy that prevents councils from using regional (unrated) banks

7. Support disadvantaged communities

Provide untied, recurrent grants for councils serving the most socio-economically disadvantaged areas in NSW so they can meet community needs.

Win

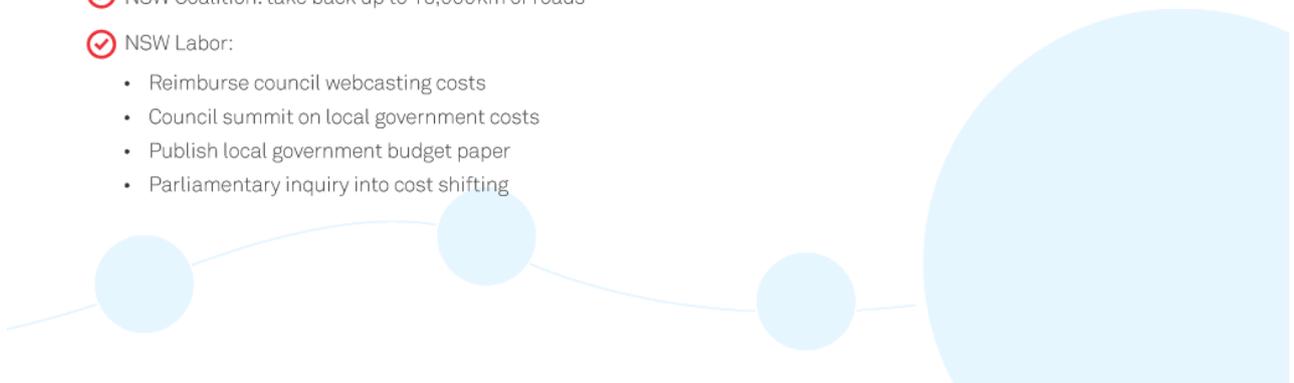
- ✔ NSW Labor: distribute financial assistance grants based on need

8. Protect ownership of local water utilities

Commit to protecting local ownership and management of council-owned water utilities (LWUs) to secure water supply and sewerage services for more than 1.8 million people in regional NSW.

Wins

- ✔ Bipartisan: keep LWUs in council hands
- ✔ NSW Labor: \$1 b to build and upgrade water infrastructure





9. Renew our agreement

Renew the intergovernmental agreement with LGNSW to reaffirm the NSW government's intention to work as an equal partner with local government across all issues affecting councils and communities.

Wins

- ✓ Bipartisan: renew agreement
- ✓ NSW Labor:
 - Compact with local government
 - Consult local government on relevant legislation
 - Regularly meet mayors and LGNSW
 - Allow councils to de-amalgamate



10. Fix local government electoral expenditure laws

Commit to fairness in council elections by amending local government expenditure provisions of the *Electoral Funding Act 2018* well before the 2020 elections (in line with NSW parliamentary committee recommendations).

Win

- ✓ NSW Coalition: consider recommendations by April 2019, implement before 2020 elections



11. Allow fair superannuation for mayors and councillors

Ensure mayors and councillors are entitled to receive superannuation, in line with elected federal and state parliamentarians and everyone else in the Australian workforce

- No new commitments



12. Address skills shortages

Fund a new, annual \$10m program to increase the number of cadets, apprentices, trainees and university graduates employed by councils.

- Some commitments but not directly relating to councils



13. Other

Music: establish a refreshed, coordinated four-year live music program, modelled on the \$22m *Music Works* in Victoria.

- ✓ NSW Coalition: \$1m contemporary live music program
- ✓ NSW Labor:
 - Live, contemporary music fund increased from \$4m to \$35m p.a.
 - Appoint minister for music

Regional Youth: Appoint a dedicated minister for youth affairs

- ✓ NSW Coalition: Appoint first ever minister for regional youth

Outside school hours care: Identify and provide appropriate outside school hours care facilities in existing and new schools

- ✓ NSW Coalition:
 - before and after school care available to all parents of children at public primary schools by 2021
 - Establish specialist team to coordinate services and manage leases

Early childhood education: Fund the universal access of all three and four-year-olds to early childhood education and care

- ✓ NSW Labor: invest \$500m in early childhood education. Includes increased funding for three-year-olds in community preschools and long day care centres

LOCAL GOVERNMENT NSW
 LEVEL 8, 28 MARGARET ST
 SYDNEY NSW 2000 AUSTRALIA
 T 02 9242 4000
 E LGNSW@LGNSW.ORG.AU
 Twitter: @lgnsw **LGNSW.ORG.AU**



Subscription Offer for Workforce Analytics Reports

Local Government NSW provides councils with comparative information about their workforce to provide decision makers with relevant information on how they compare to others in the industry:

- Understand your Council's workforce trends
- Compare your workforce data with other councils
- Better manage people and employee costs
- Inform workforce planning to achieve better outcomes

LGNSW is offering members the option to purchase HR reports up front with the annual membership fee. LGNSW's costs are very competitive, but this offer provides the potential to reduce costs even more by purchasing upfront. Our surveys have a high participation rate amongst NSW councils, making them valuable tools for decision makers conducting budgeting, recruitment and salary reviews.

Purchasing these products means you pay once, with one invoice, for three reports you would normally purchase and pay for separately throughout the year. Reports include full access to the reporting tool [Fathom](#), with online customisable analysis tools and reports.

Human Resources Metrics Benchmarking Report¹

LGNSW collects data on critical measures regarding the council's workforce through the annual HR Metrics Survey. Our annual HR Metrics Benchmarking Report provides comparative data on a range of HR Metrics – from demographics to absenteeism and WHS. This information enables HR professionals to monitor organisational effectiveness including unplanned absenteeism, attrition, leave liability, WHS and learning and development. These measures have been developed by our sector to reflect the most important and commonly collected HR performance measures.

Remuneration Reports

LGNSW provides annual comparative benchmarking data on council general manager and employee remuneration which is used extensively by HR managers and general managers when developing organisational structure and negotiating pay increases:

- **LGNSW General Manager Remuneration and Legacy Report** provides comparative data on general managers' cost to council remuneration; and
- **LGNSW LG Remuneration Report¹** provides comparative data on the total remuneration package for general managers, directors, managers, supervisors and specialists across NSW.

Our remuneration reports provide comparisons against all participating councils across NSW and comparative groups of councils using LGNSW and OLG council classifications of similar councils.

Workforce Analytics Reports include			
Report	Standard Price	Subscription Offer	Reporting timeline
HR Metrics Benchmarking Report	\$1,375.00	\$1,100.00	March-April ²
LGNSW General Manager Remuneration and Legacy Report	\$825.00	\$770.00	March-April ²
LGNSW LG Remuneration Report	\$1,375.00	\$1,100.00	February - March ³
Total excluding GST	\$3,575.00	\$2,970.00	

More information

To find out more about LGNSW's Workforce Analytics Reports or how this offer can benefit your Council, contact LGNSW's Management Solutions team on 02 9242 4142, email lgms@lgnsw.org.au or visit lgnsw.org.au/member-services/management-solutions.

¹ Council agrees to submit survey data within the data collection timeframe

² Data collection November - February

³ Data collection July to December



TAX INVOICE

Invoice to:

Mid Western Regional Council
PO Box 156
MUDGEES NSW 2850

Invoice Number 81460
Date 29/04/2019
Customer Code MWRC

2019-20 LGNSW Membership Subscription Fee Notice	Amount (exclusive of GST)	GST Amount	Amount (inclusive of GST)
2019-20 Membership Renewal	\$ 38,661.86	\$ 3,866.19	\$ 42,528.05
Austrroads	\$ 237.34	\$ 23.73	\$ 261.07
Membership Invoice Sub Total:	\$ 38,899.20	\$ 3,889.92	\$ 42,789.12

OPTIONAL Workforce Analytics Reports
(see Enclosed Flyer)

Human Resources Benchmarking Report General Manager Remuneration Report Local Government Remuneration Report & Access to the New Online Reporting & Analysis Tool	\$ 2,970.00	\$ 297.00	\$ 3,267.00
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Please select and pay one of the options listed below			Total (inclusive of GST)
<input type="checkbox"/>	Membership Invoice Only	\$	42,789.12
<input type="checkbox"/>	Membership Invoice plus Reports	\$	46,056.12

Payment Due By: 30/06/2019

Payment Methods:

EFT/Bank Details:

Account Name: Local Government NSW

BSB: 062005

Account No: 00090198

Cheque:

Payable to: Local Government NSW

Email Remittance Advice to:

finance@lgnsw.org.au

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

7.4 LGNSW Annual Conference 2019

REPORT BY THE DIRECTOR COMMUNITY
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COR400021

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the LGNSW Annual Conference 2019;**
2. **approve the following delegates (if any) to attend the Local Government NSW Annual Conference from Monday 14 October to Wednesday 16 October 2019 at Warwick Farm; and**
3. **provide details of any motions that Council would like to introduce to the Conference by the end of the August Council meeting so that they can be submitted by the deadline.**

Executive summary

This year's LGNSW annual conference will be held from 14 October – 16 October in Warwick Farm. Participating Councils are required to nominate their delegates who may represent the Council in voting, during the business sessions at the Conference. Councils are also requested to submit any motions which they wish to have considered, in time for those motions to be listed on the Business Papers for the Annual General Meeting.

Disclosure of Interest

Nil

Detailed report

The LGNSW Annual Conference will be held from 14 October to Wednesday 16 October 2019 at the William Inglis Hotel, 155 Governor Macquarie Drive, Warwick Farm

This Conference is marketed as “the annual policy-making event for the councils of NSW and the pre-eminent event of the local government year where local councillors come together to share ideas and debate issues that shape the way we are governed.”

The Australian Electoral Commission will conduct elections for the Association Board and its Office Bearers. Participating Councils who are financial members are requested to nominate their delegates who are to have voting rights in these elections, as well as delegates who may represent the Council in other voting during the business sessions at the Conference.

Councils are also requested to submit any motions which they wish to have considered, in time for those motions to be listed on the Business Papers. Proposed Motions can be submitted on line, after definition by the Council. The Board has several, non-negotiable criteria which a proposed motion must meet, before it will be listed on the business paper, for consideration.

Those criteria are:

1. Motions must be consistent with the objects of the Association (See Association Rule # 4).
2. Motions must relate to Local Government in NSW and/or across Australia.
3. Motions must concern or be likely to concern Local Government as a sector.
4. Motions must seek to advance the local Government policy agenda of the Association and/or improve governance of the Association.
5. Motions must have a lawful purpose. A motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws.
6. Motions must be clearly worded and unambiguous in nature.
7. Motions must not express preference for one or several members over one or several other members.
8. The Member submitting the motion must provide accompanying evidence of support for the motion. Such evidence may include an attachment note or extract from the minutes of the Council meeting, at which the member Council resolved to submit the motion for consideration by the Conference.
9. Motions should be submitted online from mid-year using the "LGNSW Conference Business Sessions Submissions Form" on the Annual Conference page of the LGNSW website. Members are asked to submit their motions by 12 midnight, 19 August 2019 AEST. The latest date motions will be accepted is 12 midnight, 20 September 2019 AEST to facilitate business paper preparation.

The recommendations in this report are predicated by Council making a decision to remain as a member of LGNSW. At the time of writing of this report, Council has not renewed its membership.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Payment of Expenses and Facilities to Councillors

Legislation

Local Government Act and Regulations

Financial implications

Attendance at the conference by Council representatives would be paid from existing budgets.

Associated Risks

The LGNSW is one of a range of opportunities for Council to engage with other Councils in political discussions and engagement on issues affecting our region. It may be that issues that Council supports would be well served by representation at the Conference.

SIMON JONES
DIRECTOR COMMUNITY

10 July 2019

Attachments: 1. Local Government NSW Annual Conference - 14-16 October 2019 - Warwick Farm.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

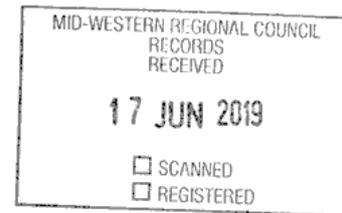


Our ref: R18/0008 Out-29171

12 June 2019

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

Dear Mr Cam



Local Government NSW Annual Conference: 14-16 October 2019

I am delighted to invite you to attend this year's Local Government NSW (LGNSW) Annual Conference (Conference) from **Monday 14 to Wednesday 16 October at the William Inglis Hotel, 155 Governor Macquarie Drive, Warwick Farm.**

This letter contains important information to help you participate fully in the Conference.

The Annual Conference is the main policy making event for the local government sector. It is your council's opportunity to **submit motions** for consideration and debate by delegates. Motions passed at Conference become Resolutions, which LGNSW takes forward on your behalf, as part of our sector's advocacy agenda.

As 2019 is a **Board election year**, voting for the LGNSW President and Director positions will also take place at this year's Conference.

Information on the Conference is attached, including motions and voting entitlements, to help you plan ahead. We will send regular updates and reminders.

Key Dates:

24 June 2019	Conference motions open
15 July 2019	Event registration opens (<i>note: voting delegates must be registered to attend the Conference and be registered as a nominated voting delegate</i>)
19 August 2019 12 midnight (AEST)	Deadline for submitting motions (<i>note: the latest date motions can be accepted for inclusion in the Business Paper is 16 September 2019</i>)
20 September 2019 12 midnight (AEST)	Deadline for nominating voting delegates
14 – 16 October 2019	LGNSW Annual Conference
15 October 2019	Conference Dinner

I look forward to seeing you at Conference.

Yours sincerely

Cr Linda Scott
President



Local Government NSW Annual Conference: 14-16 October 2019

REGISTRATION

All Conference attendees are required to register online to attend the Conference. Registration to attend the Conference opens **Monday 15 July** via the LGNSW website: lgnsw.org.au/events-training/local-government-nsw-annual-conference-2019. Members will be able to take advantage of special 'early bird' rates.

Note: Voting delegates must be registered to attend the Conference **and** be registered as a nominated voting delegate.

VOTING DELEGATES – MOTIONS AND BOARD ELECTION

This year the Conference will involve two types of voting and LGNSW is required to develop two separate rolls of voters:

1. voting on motions

To vote on motions, delegates must be an elected member of a council, county council, the Lord Howe Island Board (LHIB), Norfolk Island Regional Council (NIRC) or Related Local Government Body (RLGB) or an Administrator appointed in accordance with the *Local Government Act 1993*.

2. voting in the election for Office Bearers and the Board (Board election)

To vote in the Board election, delegates must be a Councillor of a council which is an Ordinary member.

Ordinary members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for both types of voting: voting on motions and voting in the Board election.

Associate members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for voting on motions only.

Forms for advising LGNSW of the names of members' nominated voting delegates are available online: lgnsw.org.au/events-training/local-government-nsw-annual-conference-2019.

Members are required to advise LGNSW of the names of their nominated voting delegates (for both types of voting) by **12 midnight (AEST) on Friday, 20 September 2019**. Nominations received after this time/date cannot be accepted, however, a member may, subject to the LGNSW rules, notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) after this time/date (see below).

VOTING ENTITLEMENTS

The formula for calculating members' voting entitlements is prescribed at rule 23 of the LGNSW rules. A copy of the LGNSW (Federal) rules may be found here: fwc.gov.au/registered-organisations/find-registered-organisations/local-government-nsw-lgnsw

The **number of voting delegates** that each member is entitled to send to the Conference for each type of voting is set out in the attached table at **Annexure A**. Column A indicates the number of voters for voting on motions and, where applicable, Column B indicates the number of voters for voting in the Board election.

In accordance with the LGNSW rules, only members that were financial on 1 March 2019 (the 'calculation date') have been allocated voting entitlements. To exercise voting rights, members also need to be financial on 19 August 2019 (the date on which the roll of voters closes).



For further information on voting entitlements and processes, contact Adam Dansie, Senior Manager Industrial Relations: 02 9242 4140.

SUBSTITUTE NOMINATED VOTING DELEGATE/S

Subject to the LGNSW rules, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) as follows:

Motions: Ordinary members and Associate members may notify a change to the name of a nominated voting delegate for voting on motions under rule 34(b) of the LGNSW rules by giving notice in writing signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or General Manager (or Acting General Manager with the General Manager's written delegated authority) of the Council, or in the case of the ALC, LHIB, NIRC or a RLGB, by the Chairperson or CEO of that entity, to LGNSW via Benjamin.Niciak@lgnsw.org.au, using the "Substitute Delegate – Motions" form available on the Conference page of the LGNSW website.

Board election: Ordinary members may notify a change to the name of a nominated voting delegate in the Board election under rule 34(c) of the LGNSW rules by giving notice in writing signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or General Manager (or the Acting General Manager with the General Manager's written delegated authority) of the Council to **both** Anthony Carey (AEC Returning Officer) via nswelections@aec.gov.au and LGNSW via Ross.Nassif@lgnsw.org.au, by 5:00pm (AEDT) on Monday 14 October 2019, using the "Substitute Delegate – Board Election" form available on the Conference page of the LGNSW website.

For further information about substituting voting delegates please contact Ross Nassif, Senior Industrial Officer: 02 9242 4146.

MOTIONS

All members can put forward motions to be considered at the Conference. Members will be invited to submit motions via an online portal on the LGNSW website. The online portal is scheduled to open on **Monday 24 June**. Guidelines on how to submit motions for the Conference: lgnsw.org.au/events-training/local-government-nsw-annual-conference-2019.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. When submitting motions this year, members are encouraged to familiarise themselves with the existing principles and positions of LGNSW on issues of importance to the sector: lgnsw.org.au/policy/policy-platform

DEADLINE FOR SUBMITTING MOTIONS

To allow printing and distribution of the Business Paper before the Conference, members are asked to submit their motions by **12 midnight (AEST) on Monday 19 August 2019**. In line with the LGNSW rules, the latest date motions will be accepted for inclusion in the Conference Business Paper is 12 midnight (AEST) on Monday 16 September 2019.

For further information on submitting motions please contact Elle Brunsdon, Policy Officer on 02 9242 4082 or Elle.Brunsdon@lgnsw.org.au.

BUSINESS PAPERS

The full Conference Business Paper will be available on the LGNSW website and forwarded to members approximately one week prior to the Conference.



ACCOMMODATION AND TRAVEL

Located in the south-west of Sydney, the Conference venue is 30 minutes from Sydney Airport and 50 minutes from the Sydney CBD. The site is accessible by car or bus and is a 15 minute walk from Warwick Farm train station.

We encourage attendees to book accommodation as early as possible. A shuttle service to the Conference venue will be available to delegates booked at hotels listed on our website.

Visit our website for Conference travel and accommodation options: lgsw.org.au/events-training/local-government-nsw-annual-conference/accommodation-and-travel-0.

PRIVACY STATEMENT

When you register for the conference, LGNSW collects your personal information from you to process your registration.

If you do not provide or we cannot otherwise collect all the information we request or need, we may not be able to register you for the conference.

LGNSW may disclose your personal information to third party conference organisers and third party service providers, who may be located overseas and may store your information overseas.

We may with your consent where required, use your contact details to send you (by telephone, post, email or SMS) marketing communications about our programs, products, services, promotions and events. You can opt out of marketing communications at any time, by particular means or at all, by following the unsubscribe function in the message we send, or by emailing or calling us.

Our privacy policy, which is available at lgsw.org.au/privacy or by emailing or calling us on the details below, explains more about the types of personal information we usually collect and how we handle your personal information, as well as how you can request access to and correction of personal information we hold about you, how you can complain about our handling of your personal information and how we deal with complaints.

For privacy related enquiries please contact us on 02 9242 4000, at lgsw@lgsw.org.au or at GPO Box 7003, Sydney NSW 2001.

ANNEXURE A

Members' voting entitlement at the 2019 Local Government NSW Annual Conference:

Member	Column A: Number of voters for voting on MOTIONS	Column B: Number of voters for voting in BOARD ELECTION
Albury (R/R)	4	4
Armidale Regional (R/R)	3	3
Ballina (R/R)	3	3
Balranald (R/R)	1	1
Bathurst Regional (R/R)	3	3
Bayside (M/U)	9	9
Bega Valley (R/R)	3	3
Bellingen (R/R)	2	2
Berrigan (R/R)	1	1
Blacktown (M/U)	11	11
Bland (R/R)	1	1
Blayney (R/R)	1	1
Blue Mountains (R/R)	4	4
Bogan (R/R)	1	1
Bourke (R/R)	1	1
Brewarrina (R/R)	1	1
Broken Hill (R/R)	2	2
Burwood (M/U)	3	3
Byron (R/R)	3	3
Cabonne (R/R)	2	2
Camden (M/U)	5	5
Campbelltown (M/U)	9	9
Canada Bay (M/U)	5	5
Canterbury-Bankstown (M/U)	12	11
Carrathool (R/R)	1	1
Castlereagh-Macquarie (R/R)	1	0
Central Coast (R/R)	7	7
Central Darling (R/R)	1	1
Central Murray County (R/R)	1	0
Central Tablelands Water (R/R)	1	0
Cessnock (R/R)	4	4
Clarence Valley (R/R)	4	4
Cobar (R/R)	1	1
Coffs Harbour (R/R)	4	4
Coolamon (R/R)	1	1
Coonamble (R/R)	1	1
Cootamundra-Gundagai Regional (R/R)	2	2

Member	Column A: Number of voters for voting on MOTIONS	Column B: Number of voters for voting in BOARD ELECTION
Cowra (R/R)	2	2
Cumberland (M/U)	10	10
Dubbo Regional (R/R)	4	4
Dungog (R/R)	1	1
Edward River (R/R)	1	1
Fairfield (M/U)	10	9
Federation (R/R)	2	2
Forbes (R/R)	1	1
Georges River (M/U)	9	9
Gilgandra (R/R)	1	1
Glen Innes Severn (R/R)	1	1
Goldenfields Water (R/R)	1	0
Greater Hume (R/R)	2	2
Griffith (R/R)	3	3
Gunnedah (R/R)	2	2
Gwydir (R/R)	1	1
Hawkesbury City (M/U)	5	5
Hawkesbury River County (M/U)	2	0
Hay (R/R)	1	1
Hilltops (R/R)	2	2
Hornsby (M/U)	7	7
Hunters Hill (M/U)	2	2
Inner West (M/U)	9	9
Inverell (R/R)	2	2
Junee (R/R)	1	1
Kempsey (R/R)	3	3
Kiama (R/R)	3	3
Kimbriki Environmental Enterprises Pty Ltd (M/U)	1	0
Ku-ring-gai (M/U)	7	6
Kyogle (R/R)	1	1
Lachlan (R/R)	1	1
Lake Macquarie (R/R)	7	7
Lane Cove (M/U)	3	3
Leeton (R/R)	2	2
Lismore (R/R)	3	3
Lithgow (R/R)	3	3
Liverpool (M/U)	10	9
Liverpool Plains (R/R)	1	1
Lockhart (R/R)	1	1
Lord Howe Island Board (R/R)	1	0
Maitland (R/R)	4	4
Mid-Coast (R/R)	4	4

Member	Column A: Number of voters for voting on MOTIONS	Column B: Number of voters for voting in BOARD ELECTION
Mid-Western Regional (R/R)	3	3
Moree Plains (R/R)	2	2
Mosman (M/U)	3	3
Murray River (R/R)	2	2
Murrumbidgee (R/R)	1	1
Muswellbrook (R/R)	2	2
Nambucca (R/R)	2	2
Narrabri (R/R)	2	2
Narrandera (R/R)	1	1
Narromine (R/R)	1	1
Newcastle (R/R)	7	7
New England Tablelands County (R/R)	1	0
Norfolk Island Regional Council (R/R)	1	0
North Sydney (M/U)	5	5
Northern Beaches (M/U)	10	10
Oberon (R/R)	1	1
Orange (R/R)	3	3
Parkes (R/R)	2	2
Parramatta, City of (M/U)	10	10
Penrith (M/U)	10	9
Port Macquarie-Hastings (R/R)	4	4
Port Stephens (R/R)	4	4
Queanbeyan-Palerang Regional (R/R)	4	4
Randwick (M/U)	9	9
Richmond Valley (R/R)	3	3
Riverina Water County (R/R)	1	0
Rous County (R/R)	1	0
Ryde (M/U)	7	6
Shellharbour (R/R)	4	4
Shoalhaven (R/R)	5	5
Singleton (R/R)	3	3
Snowy Monaro Regional (R/R)	3	3
Snowy Valleys (R/R)	2	2
Strathfield (M/U)	4	4
Sutherland Shire (M/U)	10	10
Sydney, City of (M/U)	10	10
Tamworth Regional (R/R)	4	4
Temora (R/R)	1	1
Tenterfield (R/R)	1	1
The Hills Shire (M/U)	9	9
Tweed (R/R)	4	4
Upper Hunter (R/R)	2	2

Member	Column A: Number of voters for voting on MOTIONS	Column B: Number of voters for voting in BOARD ELECTION
Upper Lachlan (R/R)	1	1
Upper Macquarie County (R/R)	1	0
Uralla (R/R)	1	1
Wagga Wagga (R/R)	4	4
Walcha (R/R)	1	1
Walgett (R/R)	1	1
Warren (R/R)	1	1
Warrumbungle (R/R)	1	1
Waverley (M/U)	5	5
Weddin (R/R)	1	1
Wentworth (R/R)	1	1
Western Sydney Regional Organisation of Councils (M/U)	1	0
Willoughby (M/U)	5	5
Wingecarribee (R/R)	3	3
Wollondilly (R/R)	4	4
Wollongong (R/R)	7	7
Woollahra (M/U)	5	5
Yass Valley (R/R)	2	2
LGNSW Board (M/U)	10	10
LGNSW Board (R/R)	9	9
TOTAL:	484	464

7.5 MRT Quarterly Report: April to June 2019

REPORT BY THE GENERAL MANAGER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, F0770077

RECOMMENDATION

That Council receive the report by the General Manager on the MRT Quarterly Report: April to June 2019.

Executive summary

As per the funding and performance agreement entered into in July 2017 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

Disclosure of Interest

Nil.

Detailed report

The MRT report for the fourth quarter of the 18/19 financial year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

Community Plan implications

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

Strategic implications

Council Strategies

A key strategy in the Mid-Western Region Community Plan is to promote the Region as a great place to live, work, invest and visit. This strategy recognises the important role that tourism plays in building a strong local economy.

Council has a contract with MRT for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for four years ending on 30 June 2021. Under this contract, MRT must provide quarterly reports to Council.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

This report is for information purposes only, as per Council's contractual arrangement with MRT. There are no additional financial implications.

Associated Risks

This report is for information purposes only, as per Council's contractual arrangement with MRT.

BRAD CAM
GENERAL MANAGER

7 August 2019

Attachments: 1. MRT Quarterly Report Q4 2018-19.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



2018–19 Quarterly Report

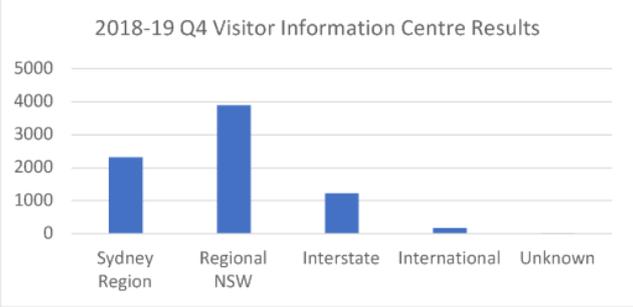
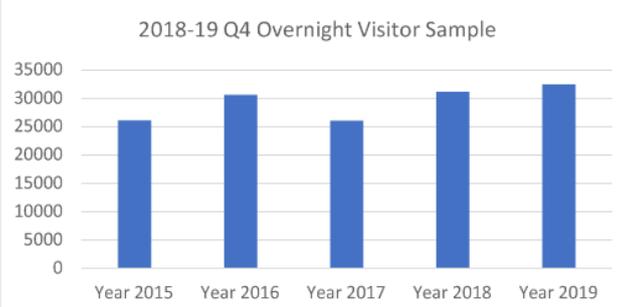
Q4: Apr to Jun 2019

prepared for

MID-WESTERN REGIONAL COUNCIL

Executive Summary

Mudgee Region Tourism Inc (MRTI) tables this report to the Mid-Western Regional Council (MWRC) as a requirement of the contract between MWRC and MRTI 2017-21, an agreement subject to the following key performance indicators:

#	Objective	Metric/KPI	FY18-19 Q4 Result (vs. same period last year)							
1	Measure tourism numbers to the LGA and where they are from	<p>Analyse trends in tourism visitation in the Mudgee Region by capturing and reporting:</p> <ol style="list-style-type: none"> VIC visitation (post codes) Overnight visitation via accommodation members representing at least 30% of region's total room inventory (visitor nights x LGA average per visitor spend NVS data \$145 as at Dec 17) 	<p>Total 'Visitor Information Centre' visitors 7,640 (↓12%)</p>  <p>Overnight visitors* (↑14%) or \$190,385 in incremental visitor spend</p>  <ul style="list-style-type: none"> Drop in VIC visitors (14%) on same period last year, primarily due to Easter falling inside school holidays in 2019, but not in 2018 (which means we only had one holiday period to capture additional visitation in 2019 vs 2018) New Rylstone Visitor Information Services provider from Jun19 - We've Got It Made Overall 4% increase in visitor nights Q4 FY17 v FY18 *Q4 sample size: 41% of total inventory across the region (11 accommodation providers) 							
2	Provide all tourism related businesses in the LGA with the opportunity for promotion	<ol style="list-style-type: none"> Maintain or increase total number and/or total value of MRTI memberships Provide a business listings page on website (for all tourism members and non-members) at no cost. Web page to be visually sponsored by MWRC (logo) 	<p>320 members (↑4%) – for tier breakdown, see below \$382,079 + GST partnership fees (↑16%)</p> <p>Click here for Mudgee Region business listings page</p> <p>Click here for MWRC sponsor logo (footer of every page and on 'Our Sponsors' page)</p>							
PARTNERSHIPS										
FYTD	Platinum	Gold	Silver	Copper	Bronze	Basic	Friends	Diamond Sponsors	Ruby Sponsors	Total Members
Jun-18	19	30	31	38	83	98	3	4	2	308
Jun-19	18	32	34	41	94	93	0	5	3	320

3	Attend and promote the region at events outside the region	<p>Identify at least 4 key trade and/or consumer shows annually (within specified target markets) to promote the Region. For example (these may vary year to year):</p> <ol style="list-style-type: none"> 1. Sydney Cellar Door (Feb) 2. Pyrmont Food & Wine Festival (May) 3. Balmoral Mudgee Food & Wine Festival (Aug) 4. Sydney Food + Wine Show (Oct) 	<ul style="list-style-type: none"> ✓ Balmoral – August 2018 ✓ Parramatta Wine + Food Fair – October 2018 ✓ The End Festival – April 2019 ✓ Sydney Good Food + Wine Show – June 2019
4	Provide monthly marketing communication to subscriber database, report on social media reach and website visitation statistics	<ol style="list-style-type: none"> 1. Annual subscriber database health check 2. Increase subscriber's year on year 3. Distribute monthly subscriber emails (maintain brand and membership activation integrity) 4. Distribute weekly member newsletters 5. Prepare monthly digital media statistics (social media + website), track trends, increase engagement and followers 	<p>20,313 subscribers (↑18%)</p> <ul style="list-style-type: none"> ✓ Subscriber EDM sent 24 Apr, 01 + 10 May and 28 Jun ✓ Member News EDM sent weekly/fortnightly <p>Unique website visitors 57,832 (↑41%) Unique page views 554,275 (↑76%)</p> <p><small>*Note: significantly stronger engagement to search our website and spend more time on multiple pages, with refinements to user journey on website made.</small></p> <p>Facebook 15,591 (↑16%) Instagram 11,127 (↑27%) Twitter 1,869 (↑3%)</p>
5	Promote all tourism-related council and major regional events	Promote MWRC and major events through Visitor Guide, subscriber database, digital channels, MRTI stalls (e.g. Flavours of Mudgee) and other promotional channels (e.g. radio, Mudgee	<ul style="list-style-type: none"> ✓ NRL Premiership Match - digital, social + print promotion, hosted DNSW collaborative video content ✓ Various promotion of in-region events across print and digital channels, plus ticketing solutions ✓ PR activation plan in place year round ✓ Weekly radio spot on RealFM with 'explore your own backyard' campaign in place to engage the local community with tourism experiences

		Guardian articles, etc)	✓ Supply Mudgee Region Magazines to MWRC to distribute at out-of-region NRL matches, Miranda Westfield, etc
6	Develop annual marketing plan providing details of all marketing and promotional activities planned to be undertaken on a monthly basis to promote LGA as a tourism destination and provide quarterly updates	<ol style="list-style-type: none"> 1. Review + update Mudgee Region DMP on a 3-yearly basis 2. Develop an annual Marketing Campaign Strategy, with measurable KPIs 3. Prepare report and meet MWRC quarterly to discuss KPI tracking and results 	✓ DMP revision for a further 5 years, board approval to outsource with DMS, scheduled for development first half FY19 ✓ Acquitted Water to Wine campaign funding agreement with Wine Australia ✓ PR coverage of Mudgee Region in Q4: <ul style="list-style-type: none"> - EAV (est. advertising value): \$250,645 - PRV (PR value): \$751,937 ✓ MWRC quarterly report completed + submitted

Key Activity



NRL PREMIERSHIP GAME PROMOTION

MRT hosted St George NRL player Tyson Frizell, and wife Sammy, in Mudgee. Destination NSW worked with MWRC and MRT to deliver a 'day in Mudgee with a dragon' film shoot. Final video edits below:

- [60 Seconds](#)
- [30 Seconds](#)
- [15 Seconds](#)

These videos were shared with the NRL and Dragons, across various NRL.com and social assets, as well as the Dragons posting to their own channels. Some spend was also allocated by DNSW on social media to target Fans of St George Dragons, NRL Fans living in the Illawarra and Sutherland Shire, and NRL fans living in key inland NSW hubs (Dubbo, Orange, Central West). Additionally, this content was shared across our Mudgee Region channels – to our subscriber database of 19,000+ and social audience of 27,000+.



SYDNEY WEEKENDER

MRT hosted presenter Mike Whitney of [Sydney Weekender](#) in Mudgee featured valued partner experiences at [Rosby Wines](#) – the Rosby Art Workshop, cellar door experience, guesthouse and promotion of the annual Sculptures in the Garden event. The episode aired on Sunday, 19 May. If you missed it, [here it is](#).

THE END FESTIVAL

Mudgee Region Tourism stall at event 13 + 14 April, distributed 192 magazines, sold \$589 retail and 37 competition/subscriber entries. Good engagement.



2019-20 MUDGEE REGION MAGAZINE + MAP

Completed cover shoot, confirmed new design/layout, submitted content to designers, developed content, advertisements locked in, proofing process and sent to print.

2019-20 MRT PARTNERSHIP DRIVE

2019-20 Partnership Drive secured \$418K + GST representing an uplift of 9.4% on 2018-19 EOFY results.

LOCAL RADIO

Focus: local produce at VIC, partnership drive workshops and ticket sales promo.



AUSTRALIAN TRAVELLER TIP-ON

20,000 copies of our Mudgee Region Magazine were tipped onto the back of the May/Jun/Jul issue of Australian Traveller magazine, also taking the back cover promotion.

WESTERN NSW BUSINESS AWARDS

Mudgee Region Tourism won (for the third year in a row) the Excellence in Innovation award for our creative approach to destination marketing.



MUDGEE NIGHT GLOW

Hosted Mudgee Region Tourism stall at event, distributed 20 magazines, sold \$382 retail and 45 competition/subscriber entries.

2019 SYDNEY GOOD FOOD + WINE SHOW

Mudgee Region Tourism and Mudgee Wine Association collaborated, taking a taste of Mudgee Region to a Sydney audience at the iconic Good Food + Wine Show 21-23 June. The activation area included stallholders from [Baker Williams Distillery](#), [Craigmoor Wines](#), [Elephant Mountain Wines](#), [First Ridge](#), [Gooree Park](#), [Linda's Chilli Relish](#), [Moothi Estate](#), [Mudgee Region Tourism](#), [Skimstone](#) and [Vinifera](#). We were just one of a few wine region's activating their destination collaboratively. We were again the only region with a tourism stall, and it proved extremely popular. 2,000+ Mudgee Region Magazines distributed, \$2,500 in local produce and merchandise sales and 530+ competition entries/new email addresses for our database.



MUDGEQUE

Assisted in the promotion and ticketing of new 'sold-out' event, MudgeeQue. Mudgee Region Tourism also hosted a stall at the event which resulted in 2 boxes of magazine distribution, 45 new subscribers/competition entries and \$1,436 in gross retail revenue.

Q4 Media Clippings – a snapshot

APRIL COVERAGE PRINT **Woman'sDay** **APRIL COVERAGE PRINT** **Woman'sDay**

APRIL COVERAGE ONLINE **PEDESTRIAN** **APRIL COVERAGE ONLINE** **PEDESTRIAN**

Why Mudgee Is The Perfect Weekend Escape From City Slicker Bullshit

Mudgee: It's fun to say, a good spot to play and – if you're the thirty type – a truly scenic place to call it a day.

Only a three-hour drive north-west of Sydney CBD's overcrowded streets and signs, Mudgee is a quaint town famed for its lush wineries and country charms. For any kind of city slicker, it's a nice and spaced-out escape from the daily grind that is our working lives.

Given it's just the right amount of driving distance for a good weekend getaway, below's what should be at the top of your list when it comes to 48 hours in Mudgee.

READ MORE: What To Do In Mudgee

Why Mudgee Is The Perfect Weekend Escape From City Slicker Bullshit

Abba + Esthers is so damn cool I want to roll it up into a little ball and carry it. I headed down it all yesterday – don't worry, there's a sign if you're a bit of a loner in the discovery department – the secret calls-by-day, who-by-night is decorated with a heavy roof, long light, vintage with chairs and plenty of newspapers. You'll feel right at home, whether that's your pet or your grandma's.

HAVE A STROLL THRU THE LOCAL FARMER'S MARKETS

MAY COVERAGE ONLINE

nine 14 .com.au



Mudgee weekender: A swill guide to NSW's unlikely food and wine gem

4 minutes ago

FRIDAY

6:00pm A Gopher Park Crowned Glory 2019 Dinner

That's better:

Just over three hours north-west of Sydney and, as it turns out, two worlds away – there on that day – lies a town of just over 10,000 which has sometimes itself overt the past decade as a location for those who love a little and a nibble – welcome to Mudgee.

It says itself, if you're already from Sydney or near, the country escape starts about an hour along the Callaghan Highway. The scenery and its history enthusiasts are a stunning reminder of the beauty which lies just outside of Australia's cities.



An escape of a kind, Mudgee is a town in the heart of Australia.

MAY COVERAGE ONLINE

nine 1 .com.au

Mudgee weekender: A swill guide to NSW's unlikely food and wine gem

Back to business – the Crowned Glory. As it warms the soul, Pam and David Stewart welcome Bianca and I to their luxury bed and breakfast The Bitches. It opens contrast to the winery evening outside, heat radiates from the crackling fire.

This evening the windows are closed, the fridge is stocked with local cheeses and scientific inquiry is the topic of conversation. Is there any proof a makes and wine taste more?

But for summer days, their history abode also features a swimming pool for those wanting to cool down.



The Bitches is the latest homebase for a Mudgee weekend.

7:00pm Cup of Tea – 2019 English Breakfast

John and Patricia have one of the best sheds in Australia – built for 100. It's one of my favourites anywhere. It's an absolutely fabulous place, and then there's the fact it happens to be attached to their pride and joy, The Mudgee Observatory.

On a cloudless winter night, deep in the NSW countryside – about 20km out of town – and without a competing light in the sky, the majesty of the universe is unveiled in all its glory.

MAY COVERAGE ONLINE

nine 11 .com.au

Mudgee weekender: A swill guide to NSW's unlikely food and wine gem

The history of Gopher Park is fascinating. 40 years ago Pigeon business man Eugene Copinger of San Diego (later from Mudgee) was looking for a place to breed thoroughbreds and now is the largest local grower with 955 acres of the vine and 2200 acres dedicated to organic beef cattle.

Such is the scale of the vineyard he serves his wine, after train and industry days like his Melbourne one or even longer to property.



The vineyard with the winery, the park and the vineyard, the best of a Gopher Park (Mudgee).

And while he can obviously drink a winning bottle... He has an eye for a fine wine too.

Before we go on, a very quick note of some of the other things to do in Mudgee – or the great spaces from you have before eating and drinking again.

There is a small shopping district on the heart of the town, including places like Mudgee Art House, restaurant, cafe, cafe, cafe and cafe. There is also a great shopping district and cafe. It's great for a good general visit and purchasing the country but you always thought you needed.

12:00pm Mudgee Pils Ale

Gary Leonard set up the microbrewery and restaurant, The Mudgee Brewing Company, 11 years ago after... unfortunately – he was with his mates and their drinking, drinking, drinking, drinking.

Brewing Monday and Thursday, he has a pretty simple approach. "I brew beers I like to drink... which probably isn't the smartest."

Maybe not literally, but they do taste good – and his range all have a unique personality and he used the substance about the vine, one with a gain.

Mudgee, it turns out, has been brewing since 1822 – but back then the local water supply had more than its fair share of sediment, so much so the local beer became known as Mudgee Mud.

MAY COVERAGE ONLINE

nine 1 .com.au

Mudgee weekender: A swill guide to NSW's unlikely food and wine gem



A row of beer taps at the Mudgee Brewing Company (Mudgee).

In a cool hall of taps, when the brewers turned back to clean water and put their cloudy edge some of the local water (which had a little sediment).

But on Gary's watch, he's been the same back-calling his 10 per cent original about the Mudgee Mud.

Settling in for a beer tasting you won't go wrong in there's a wide and tasty range.

The Porter visits half after the appropriate research.

3pm Everything

It's wine tasting time.

Take the car keys, and jump on board the traditional winery bus tour with Ben and the Mudgee Tourist Bus.

The beauty of Ben and his bus is that, not only his company customise your tour through the local wine country to any of the 40-plus cellar doors, but if you get hungry mid-tour he will also organise an emergency cheese and meat platter – you couldn't want for more.

"I do offer a helicopter tour but I haven't had any taken yet," he says.

Love Wines – check out the tastes of Happy Valley celebrity investors with the 2019 or 2018 edition.

Water Wines – a cool tip that when the water is clean the 2018 more Sotolago but the 2018 Mudgee Rose goes down an absolute treat.

Baker Wines Distillery – for those with a penchant for the stronger stuff his micro distillery offers spirits and spirits harmonising regional flavours. There's also a distillery, coffee, coffee, coffee, coffee but it's tough to go past the bottom-shelf whys.

Various Wines – sample 6 offers award-winning organic apples.

MAY COVERAGE ONLINE

Herald Sun 25

5 NSW wineries you need to know about

LOWE WINE

Tinja Ln, Mudgee

Just three-and-a-half hours from Sydney, Mudgee makes for a great long weekend destination. It's known for its boutique drops and is home to around 40 family-owned wineries.

Low Wine is the best known, with winemaker David Lowe being one of the first local innovators to champion organic wines.

The cellar door is a great spot for families, mum and dad can enjoy the wines and the grazing platters on the terrace overlooking the vineyards and then take the kids on an adventure through the farm trail, which takes in the winery's rescue donkeys, a wooded picnic area and 360 degree views from the top of Federation Hill.



click

Not a bad spot for an end-of-day drink. Picture: Low Wine Instagram

CUPITT'S WINERY

58 Washburton Rd, Ulladulla

You don't often find wineries by the seaside, which is what makes the Shoalhaven wine coast unique.

Cupitt's is slightly inland, overlooking Burrill Lake, so its still got water views, and one of the most popular wineries because it has it all; an award-winning wine in the Dusty Dog Shiraz, craft brews that are also garnering acclaim, artisan cheese made from local goat and cow's milk and a restaurant. Visit on Sundays for its Music and Aperitivo sessions and if you don't have to be at work on Monday, stay the night at its French provincial cottage on site.



Octopus with Vadouvan mayo and porcini polenta chips with burnt onion ketchup. Picture: Cupitt Instagram

MAY COVERAGE ONLINE

Liberal Mudgee Guardian Magazine

Mudgee is now the home of the wine, spirits and smoked meats event you've always dreamed of

Before Mudgeeque could begin, Mudgee's own "stately home" had to be found.

"What we wanted was – like the poster mentioned, a stately home. We built about three or four heritage houses on nice properties but in the end we selected Melrose Park," Ray said.

"We chose Melrose Park because of the facilities they've got there. They've got paddocks for parking, they've got paddocks for events to be held, they've got a cow shed, they've got power and it has that real country feeling we wanted."

• Pioneer House CEO steps down

Ray wanted to attract visitors with a winter event in Mudgee and one flanked by the long weekend.

"We wanted to try and run something in the time that was typically quiet but if we did the right event we could attract visitors to our region," Ray said.

"One of the toughest times is the weekend before or after a long weekend and it so happens we're running this thing before a long weekend."

Tickets have already sold out before the event, with numbers capped at 2000 attendees, so no more than originally planned.



That's a little SOLD OUT! – if you've got to you're going! Over the next few days we're doing what we can to get you to get forward but we're not going to be who's coming! (Ray's it)

MAY COVERAGE ONLINE

Liberal Mudgee Guardian Magazine

Mudgee is now the home of the wine, spirits and smoked meats event you've always dreamed of

"The reason we say the number is we're getting on buses and we don't want people who are waiting for the bus to wait as long. We're putting on food and we're doing calculations on how many servings they will do so that people don't have to wait too long to be served," Ray said.

• See what's on in Mudgee

"The worst thing you can do is have people come to this event and have to queue for everything. They're going to have to queue themselves but we want people not waiting forever and that all of the stalls can make some money."

Ray says that roughly two thirds of the ticket sales have been from outside visitors.

"The whole point was exactly this. If we can run an event that can attract visitors so what is eventually a quiet time and it's a success then yes, we will do it again," Ray said.

"Mudgee's getting a good reputation for events, so you assume if you put on a good 'attractor' event then hopefully you can attract people to come here. That's the logic behind it."

Mudgeeque is on Saturday, June 1 at Melrose Park.

For more information, head to the official Facebook page.



MAY COVERAGE ONLINE



THE BEST ROAD TRIPS TO TAKE IN NSW THIS WINTER

mudgeeregion
 Mudgee, New South Wales

[View Profile](#)

[View More on Instagram](#)

282 likes
 mudgeeregion

We are thrilled to announce that Mudgee Region Tourism has just won GOLD at the NSW Western Business Awards for Excellence in Innovation, recognising our unique approach to destination marketing.

A huge congratulations also goes to our valued members Ultimate Care Skin and Body Centre who won GOLD for Employer of choice and Blue Wren who were finalists in their category. Mudgee's on a roll!

Thank you to our tribe of Mudgee Region lovers for your support, we truly couldn't do it without you. Cheers to that! 🍷 #mudgeeregion #visitsnw #nswbusinesschamber #westernnswbusinessawards
 view all 16 comments

Add a comment...

MUDGEE:

We started with wine and so we feel as like we may as well come full circle and end in a spot that's also perfect for your inner wine!

Sitting around four hours west of Sydney, you can visit dozens of local wineries and then cozy up later around a warm fire with your purchases (and of course a nice cheese plate wouldn't hurt either).

To work it all off later, Mudgee also plays host to some great hiking trails and scenic walks through the national parks.

WHICH ROAD TRIP WILL YOU BE HITTING UP FIRST?

JUNE COVERAGE ONLINE



The ultimate Mudgee weekend eatinerary

By Emily Booth of Allure - 12 Jun 2018

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If you crave seasons (actual seasons, unlike Brisbane's perpetual hotness and a token week of winter), then we might just have found the gateway for you.

Link

Mudgee is the sun-soaked country town and wine world you've been looking for. The town centre boasts wide tree-lined streets and a Road with quiet shops, family businesses and awesome restaurants.

Even if you haven't heard of it before embarking (honestly, I can't believe that you have to get to Mudgee), we have our tips for the best places to eat, drink and stay in town once you arrive.

EAT
ALBY - RESTAURANT
 Based out of a historic, hushed-down an alleyway off Market Street, where you can dine al fresco in the wine-covered courtyard. Serving the best coffee in town thanks to Underberg Coffee Roasters, this all-day menu includes their famous delectable coffee, handmade bread, smashed fish, free-range organic eggs, and Swiss cheese with homemade tomato relish - it's like a little bit of an egg and bacon roll, and it's delicious!

ELTON EATING & DRINKING
 Housed in the original Alby Elton's Pharmacy building, the space has been transformed into a modern eatery with bright lights, telling their story through their menu. With an extensive menu of share plates including their signature dish of zucchini pork belly with sticky rice, glass the house wine deliciously distilled to the warm months, there's a beer garden to kick back in with a cold beer or local Mudgee wine on the sun-soaked lawn.

JUNE COVERAGE ONLINE



The ultimate Mudgee weekend eatinerary

JUNINGBA YUM CHA & TEA HOUSE

Delicious all-in-one from Mudgee to the picturesque town of Rydges and peak out al fresco, a garden and bar house with a full bar, dining, beer and wine. From the Chinese and hand-made around 600 dumplings a day for hungry diners. The restaurant is named after the late tea master and Australian husband, Nelson, who died in 2014. You can view their artwork in store as well as browse the curated collection of Chinese inspired gifts, set in the garden and enjoy homemade dumplings and Chinese tea culture you continue your wine tasting journey in the Mudgee region.



PIPECLAY PUMPHOUSE

Positioned spectacularly on the Robert Stein vineyard & winery, Pipeclay Pumphouse is a truly unique wine bar and restaurant. The locally sourced produce of the Mudgee region, the menu is dictated by what's in season in the region and the signature dish, featuring a produce plate of locally sourced lamb and pork bones are sourced from the free-range pig that graze happily in the pastures surrounding the property.

DRINK

LOWE WINES

Rated by Gourmet Traveller Wine as a Star Cellar Door, you're guaranteed a great experience and great wines at Lowe Wines. The certified organic produce of the Mudgee region, the menu is dictated by what's in season in the region and the signature dish, featuring a produce plate of locally sourced lamb and pork bones are sourced from the free-range pig that graze happily in the pastures surrounding the property.

LOGAN WINES

One of the most picturesque wineries has to be Logan Wines, a must-visit in Mudgee. With a stunning, modern cellar door overlooking the vineyard, experience their organic wines, organic and sustainable, and will make you feel the same after a few vineyard local produce plates and a bit of the sunny days to enjoy panoramic views of the vineyard and region beyond.

JUNE COVERAGE ONLINE

The ultimate Mudgee weekend eatinerary



ROBERT STEIN WINERY & VINEYARD

Talented third-generation winemaker Jacob Stein has been awarded Gourmet Traveller's Young Winemaker of the Year award and produces some sensational wines including a half dry, nestling - divine! Sample the award-winning wines at the cellar door or at the onsite Pipeclay Pumphouse Restaurant. There's even a motorcycle museum to explore if you're a lover of vintage bikes.

THE CELLAR BY GILBERT

Oh so convenient. The Cellar by Gilbert has a tasting room on the edge of town where visitors can taste current and museum-release wines and indulge in share plates from the kitchen. While you're there, don't miss tasting award-winning [High Valley Cheese Co.](#) cheeses at the adjoining tasting room; their marinated feta is to die for!

DE BEAUREPAIRE WINES

Located in Rydges, De Beaurepaire Wines is a family-owned, single estate producer of cool climate, French-style wines only available at the cellar door or found in Australia's best restaurants, premium hotels, and iconic bars. The family draw on their French heritage to produce wines of distinction including their Botrytis semillon, which was recently awarded Australia's best by Winestate Magazine.

DO

THE LITTLE COOKING SCHOOL

Mudgee's newest long lunch experience takes you on a culinary journey exploring the best local produce in a casual cooking class style. Founder Tamara has a wealth of experience and is a friendly and entertaining host who encourages chatting more than cooking! The themed classes will see you create a three-course menu before enjoying the day's efforts over a long lunch with local wines to match.



JUNE COVERAGE ONLINE **CONCRETE PLAYGROUND.** 21 **JUNE COVERAGE ONLINE** **CONCRETE PLAYGROUND.** 27



Ten Winter Weekenders in Australia That Don't Involve Skiing

It's the perfect time to visit Australia's most beautiful coastal towns. From the rolling hills of the Blue Mountains to the stunning beaches of the Gold Coast, there are ten winter weekenders in Australia that don't involve skiing.



WINE TASTE YOUR WAY AROUND MUDGEE, NEW SOUTH WALES

The Mudgée wine region is a hidden gem in the heart of New South Wales. It's a beautiful area with rolling hills and stunning views. The wine is made from a variety of grapes, including Shiraz, Cabernet Sauvignon, and Chardonnay.



Good Food and Wine Show 2019

The Good Food and Wine Show 2019 is a celebration of the best food and wine in the region. It's a great opportunity to taste some of the most delicious dishes and wines in the area.



Must Visit Mudgée Wineries

There are several wineries in the Mudgée region that are worth a visit. Each winery has its own unique character and produces some of the best wine in the region.

JUNE COVERAGE ONLINE **alluxia** 28 **JUNE COVERAGE ONLINE** **alluxia** 25

Must Visit Mudgée Wineries



Best Cellar Doors in Mudgée

The cellar door is a great place to visit. It's a great opportunity to taste some of the best wine in the region. The cellar door is a great place to visit.

Where to eat, drink and stay in Mudgée



Where to eat, drink and stay in Mudgée

There are several places to eat, drink and stay in Mudgée. Each place has its own unique character and offers a great experience.

JUNE COVERAGE ONLINE **TRAVELLER** **JUNE COVERAGE ONLINE** **TRAVELLER**

Where to eat, drink and stay in Mudgée



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Where to eat, drink and stay in Mudgée

There are several places to eat, drink and stay in Mudgée. Each place has its own unique character and offers a great experience.

JUNE COVERAGE ONLINE **TimeOut** 10 **JUNE COVERAGE ONLINE** **TimeOut** SYDNEY 12

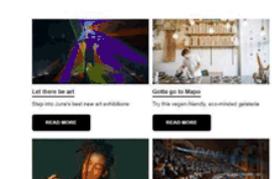
Sydney weekend



Sydney weekend

There are several places to eat, drink and stay in Sydney. Each place has its own unique character and offers a great experience.

Sierra Escape



Sierra Escape

There are several places to eat, drink and stay in Sierra Escape. Each place has its own unique character and offers a great experience.

Treasurer's Report

1. Nature of Report

- a. This is the financial report for the last quarter of the MRTI 2018-19 financial year (note: results pending audit), given to Mid-Western Regional Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
- b. A mid-year revised budget was implemented in December 2018, approved by the MRTI board and submitted to MWRC. The new budget anticipated a \$63K profit at EOFY to make up for 2017-18 shortfall.
- c. The report demonstrates the trading result for the financial quarter ended June 30th 2019.

2. Accounting Conventions

- a. The attached P&L and Balance Sheet have been prepared from the MYOB General Ledger (via reporting system CALXA) with no external intervention other than formatting.
- b. Accrual accounting is used under GAAP.

Overall Result

- a. Operating Profit \$79K, ahead of budget \$15.5K, the result of several cost saving measures implemented throughout the financial year.

3. Trading Income

Retail trading income at end Q4 behind budget \$2.9K.

4. Total Income

Overall income ahead of budget \$18.8K.

5. Total Expenses

Total expenses over budget \$3.3K.

- a. The organisation continues to be under financial control.

6. Cash Funds

At the end of Q4 of the 2018-19 Financial Year, cash is the primary current asset \$392K.

7. Balance Sheet

- a. A balance sheet is included as part of this report.

Mudgee Region Tourism Incorporated
Balance Sheet as of June 2019

Balance Sheet — Mudgee Region Tourism Inc	
Jun 2019	Jun 2019
Asset	
Current Assets	549,701
Cash on Hand	392,172
Visa Debit Cards	2,076
Debtors	86,238
Stock on Hand	16,080
Prepayments	53,136
Non-Current Assets	60,354
Motor Vehicle (Nett)	49,417
Office Furn & Equip (Nett)	5,845
Intangible Assets	5,091
Total Asset	610,055
Liability	
Current Liabilities	166,203
Trade Creditors	39,046
Sundry Creditors	4
Accruals	20,682
Income in Advance	568
Chattel Mortgage (current)	40,290
GST Liabilities	44,266
Payroll Liabilities	21,347
Prepaid Income	425,219
Membership Income 2019/2020	425,219
Ticket Sales	1,859
Seat Advisor EFT	1,922
123Tix Ticket Sales	(8)
Countrylink Tickets	(55)
Total Liability	593,281
Net Assets	16,774
Equity	
Retained Earnings	(62,181)
Current Earnings	78,955
Total Equity	16,774

Mudgee Region Tourism Incorporated
Profit + Loss (Budget Analysis)
 July 2018 through June 2019

Budget Analysis with Full Year Budget and Variance — Mudgee Region Tourism Inc

Jul 2018 - Jun 2019

	Actuals	Budget	Variance (\$)	Full Year Budget	Full Financial Year Variance Jul 2018 -Jun 2019
Income					
Retail Sales	108,074	110,928	(2,854)	110,928	(2,854)
Ticket Sales Income	15,666	14,750	916	14,750	916
Membership Income	382,079	382,025	54	382,025	54
Events Income	21,390	0	21,390	0	21,390
Booking Agency Fees	0	450	(450)	450	(450)
Mid Western Regional Council	453,524	453,524	0	453,524	0
International VFR Campaign	60,000	60,000	0	60,000	0
Interest Received	0	1,200	(1,200)	1,200	(1,200)
Total Income	1,040,733	1,022,876	17,856	1,022,876	17,856
Cost of Sales					
COGS Retail	71,502	72,671	1,169	72,671	1,169
COGS Ticketing	1,099	853	(246)	853	(246)
Total Cost of Sales	72,601	73,524	922	73,524	922
Gross Profit	968,132	949,353	18,779	949,353	18,779
Expense					
Advertising	840	780	(60)	780	(60)
Audit Fees	4,750	4,750	0	4,750	0
Bank Charges	53	270	217	270	217
Bank Charges - Merchant	2,017	2,085	68	2,085	68
Cleaning	2,620	2,580	(40)	2,580	(40)
Computer Expenses	11,104	11,550	446	11,550	446
Depreciation	12,808	12,806	(3)	12,806	(3)
Electricity	2,458	2,658	200	2,658	200
Freight & Cartage	63	0	(63)	0	(63)
Visitors Centre Costs	1,037	879	(158)	879	(158)
Insurance	2,835	2,742	(93)	2,742	(93)
Insurance - Workers Comp	1,478	1,188	(290)	1,188	(290)
Motor Vehicle Running	9,024	6,600	(2,424)	6,600	(2,424)
MV Interest	2,915	3,100	186	3,100	186
Office Supplies	384	500	116	500	116
General Postage	597	498	(99)	498	(99)
Member Expenses	5,159	5,918	759	5,918	759
Printing & Stationery	5,488	4,041	(1,447)	4,041	(1,447)
Professional Fees	2,757	2,797	40	2,797	40
Rent Mudgee Visitors Centre	491	491	0	491	0
Gulgong Visitors Centre	0	75	75	75	75
Rylstone/Kandos running costs	0	150	150	150	150
Repairs & Maintenance	949	1,486	537	1,486	537
Staff Amenities & Ent	3,123	4,761	1,638	4,761	1,638
Board Meeting Expenses	135	200	65	200	65
Subscriptions & Memberships	4,106	2,600	(1,506)	2,600	(1,506)
Sundry Expenses	3,665	5,299	1,634	5,299	1,634
Security	686	534	(151)	534	(151)
Telephone, Fax & Internet	5,752	5,637	(115)	5,637	(115)
Travel Expenses - Non Wages	163	150	(12)	150	(12)
Website Expenses	9,059	11,887	2,828	11,887	2,828
Visitor Guide Exp	121,404	121,939	535	121,939	535
Wages and Salaries	439,254	446,023	6,769	446,023	6,769
Fringe Benefits Tax	6,068	5,700	(368)	5,700	(368)
Regional Marketing Expenditure	225,935	213,212	(12,723)	213,212	(12,723)
Total Expense	889,177	885,886	(3,291)	885,886	(3,291)
Operating Profit	78,955	63,467	15,488	63,467	15,488
Net Profit	78,955	63,466	15,489	63,466	15,489

Item 8: Development

8.1 DA0218/2019- Subdivision - Torrens Title - 3 into 15 Lots -
Mudgee Airport - 41 George Campbell Drive, Eurunderee

REPORT BY THE SENIOR TOWN PLANNER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, DA0218/2019

RECOMMENDATION**That Council:**

- A. receive the report by the Senior Town Planner on the DA0218/2019- Subdivision - Torrens Title - 3 into 15 Lots - Mudgee Airport - 41 George Campbell Drive, Eurunderee;
- B. approve DA0218/2019- Subdivision - Torrens Title - 3 into 15 Lots - Mudgee Airport - 41 George Campbell Drive, Eurunderee subject to the following conditions:

SCHEDULE A: CONDITIONS**PARAMETERS OF CONSENT**

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 1	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 2	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 3	-	28/09/17	Colin William (Bill) Currie

GENERAL

2. The developer is to engage a registered surveyor at their own expense to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation is to be supplied to NSW Land Registry Services and Council.
3. The only waste-derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
4. Any damage to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
5. All stormwater runoff from the land, including future roof and developed surfaces and including overflow from any rainwater tanks that may be provided, is to be dispersed within the airport land and controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
6. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.
7. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
8. Within 6 months from the issue date of this development consent, or prior to the commencement of works, whichever occurs earlier, Development Consent DA0117/2009 (as modified by MI0042/2011) shall be modified by this development consent in accordance with s4.17(1)9b) and (5) of the *Environmental Planning and Assessment Act 1979*, in a manner to accommodate the development approved by this development consent. To finalise the modification, the applicant is required to submit to Council a notice in accordance with cl 97 of the *Environmental Planning and Assessment Regulations 2000*.

Note – a pre-prepared notice is attached to this development consent.

Water and Sewer Services

9. The developer is to provide separate water and sewer reticulation services to each allotment within the subdivision.
10. The developer is to provide a water service and meter for each lot in the subdivision.

Telecommunications and electricity supply

11. Underground electricity and telecommunications are to be supplied to the subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an underground electricity supply.
-

PRIOR TO THE COMMENCEMENT OF WORKS

12. 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.
13. Any necessary alterations to, or relocations of, public utility services are to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
14. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
15. Prior to the commencement of works, details of the following are to be submitted to and approved by Council:
 - a) Construction of suitably sized levee banks or channels adjacent to the southern boundary, across or under Goodger Place road pavement and extending into the airport to control all surface stormwater runoff from the development area.

DURING CONSTRUCTION

16. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
17. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
18. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

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

Registry Services.

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

20. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
21. Prior to the issue of a *Subdivision Certificate*, all drainage works for the control of stormwater runoff must be completed to Council's satisfaction.

Certificate of Compliance

22. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

23. The Plan of Subdivision must be accompanied by necessary documentation to enable the registration of a Restriction as to User for proposed Lots 2 and 5 that access may only be obtained under relevant Airport Operations Security arrangements.
24. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
25. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any required electricity easements or restrictions on title required to be imposed by electricity authorities/suppliers.

Note – An easement may be required over the electricity padmount installation located adjacent to Lot 11 DP1242388.

26. The developer is to create a restriction as to user, under the provisions of the *Conveyancing Act 1919*, to the effect that the height limit that will apply to any development on the proposed lots is limited to the height of the Obstacle Limitation Surface (OLS) for the Mudgee Airport and the associated OLS for the non-directional beacon. The degree the OLS impacts on future development varies for the affected lots and is likely to limit development on proposed lots to single storey. Details regarding the precise OLS impact on each lot are available from Council.
27. The developer is to create a restriction as to user under the provisions of the *Conveyancing Act 1919*, on the proposed lots 1 to 14, that states no residential accommodation shall be erected on the allotments unless it is ancillary to the aviation use and constructed as part of the hangar building.

Electricity and Telecommunication Certificates

28. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
-

- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
- 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; and
- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
- d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless area, as opposed to a mapped Fibre to the Node area.

SCHEDULE B: STATEMENT OF REASONS

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

SCHEDULE C: ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
 - 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
 - 3 Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
-

- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 7 This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable). The contributions amount to be paid will be the pro-rata amount for the relevant stage or number of lots to be created.

Section 64 Contributions				
The rates shown below are current up to 30 June 2019				
12 Additional Lots (3 credits for existing lots)				
	<i>ET/Unit</i>	<i>Value</i>	<i>Per Lot</i>	<i>12 Additional Lots</i>
Water Headworks	1.0	\$8,407.00	\$8,407.00	\$100,884.00
Sewer Headworks	1.0	\$3,838.00	\$3,838.00	\$46,056.00
Total Headworks				\$146,940.00

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Councils Planning and Development Department regarding any adjustments.

- 8 The subject lots are located within close proximity to the Non-Directional Beacon (NDB) used for aircraft navigation. There is an Obstacle Limitation Surface associated with the NDB that will impact on the height of any future buildings/development on the subject lots. The tightest constraint across the subdivision is a height limit of 6.75m for future buildings.

SCHEDULE D: OTHER APPROVALS

Nil

- C. The following form be given to the applicant/developer in order to modify Development Consent No DA0117/2009: Subdivision, to facilitate compatibility

with the approved subdivision.

Notice of Modification of Development Consent in accordance with Section 4.17(1)(b) & (5) of the Environmental Planning and Assessment Act 1979				
Notice given by:				
Name:				
Address:				
Particulars of Development Consent to be modified:				
Development Consent No:	DA0117/2009 (as modified by MI0042/2011)			
Approved Development:	Subdivision			
Address (at time of approval):	Mudgee Airport 41 George Campbell Drive Bombira NSW 2850			
Real Property Description (at time of approval):	Lot 2 DP1138994			
Details of modification or surrender of consent:				
Modify Condition 1 to read as follows:				
<p><i>Development is to be carried out in accordance with modification application 0042/2011 received by Council 23/05/2011 EXCEPT as amended by stamped approved plans Reference Number G105MU dated 12/11/2009 AMENDED 9/2/2010 and as varied by the conditions of consent listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.</i></p> <p><i>The following drawings supersede the previously mentioned plan, to the extent of any inconsistency. The following drawings replace Lots 8 to 17 with two larger lots.</i></p>				
Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 1	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 2	-	28/09/17	Colin William (Bill) Currie
Subdivision of Lot 2 in DP 1167326, Lot 201 & 202 in DP 1210399 and Lot 200 in DP 1231560	Sheet 3	-	28/09/17	Colin William (Bill) Currie

Modify Condition 16 to read as follows:

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

(a) *Payment of a contribution for water and sewer head works at the following rates:*

	Stage 1: Lots 2 (residual) to 7
Water Head Works	\$12,372
Sewer Head Works	\$8,483
Total	\$20,855

Delete Condition 28

Land owner's consent to the above modification or surrender of the consent or right.

This section must be completed by all property owners. If the owner of the property is a company, then the director/s or the secretary of the company must sign the application and affix the body corporate stamp, if required, to this form or as an attachment with the appropriate details confirming consent.

Name:	Mid-Western Regional Council
Signature:	
Date:	
Name:	

Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Mid-Western Regional Council
PROPERTY DESCRIPTION	41 George Campbell Drive, Eurunderee (Lot 2 DP1167326, Lot 201 DP1210399 and Lot 202 DP1210399)
PROPOSED DEVELOPMENT	Subdivision – Torrens Title – 3 into 15 Lots
ESTIMATED COST OF DEVELOPMENT:	\$902,000
REASON FOR REPORTING TO COUNCIL:	Council is the owner or manager of the land and the development exceeds a construction value of \$150,000
PUBLIC SUBMISSIONS:	Nil

The subject site is included in the Mudgee Airport Precinct and is enclosed by security fencing. The application seeks approval for the subdivision of the existing three (3) lots into 15 lots. A new road has been constructed within the subdivision, entering from George Campbell Drive and terminating in a cul-de-sac. The proposed subdivision is already connected to water and sewer networks.

The application was advertised, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 29 April 2019. No submissions were received in response to the public notification.

The proposed development has been assessed in accordance with Council's Development Control Plan and Local Environmental Plan. The proposed subdivision is generally consistent with Council's planning controls.

The application is recommended for approval.

Disclosure of Interest

Nil.

Background

The Site

The subject site comprises the following three existing lots and is shown in red outline in Figure 1:

- 41 George Campbell Drive, Bombira (Lot 2 DP1167326)
- 363 Ulan Road, Eurunderee (Lot 201 DP1210399)
- 29 George Campbell Drive, Eurunderee (Lot 202 DP1210399)

Existing Lot 2 contains Mudgee Airport. Lots 201 and 202 are currently vacant. There is currently a development application over Lot 201 to be used as a NSW Rural Fire Service Brigade and Museum.



Figure 1: Subject site

The Proposed Development

The application seeks approval for the subdivision of the existing three lots into 15 lots.

The area of the proposed lots are indicated in the following table:

Proposed Lot No	Proposed Area (m ²)
1	772
2	772
3	1,879
4	1,353
5	772
6	772
7	1,871
8	1,887
9	1,715
10	1,715
11	1,913
12	4,480
13	4,480
14	8,721
15	57.07 ha

It is noted that there is no mapped minimum lot size under the LEP for the subject land.

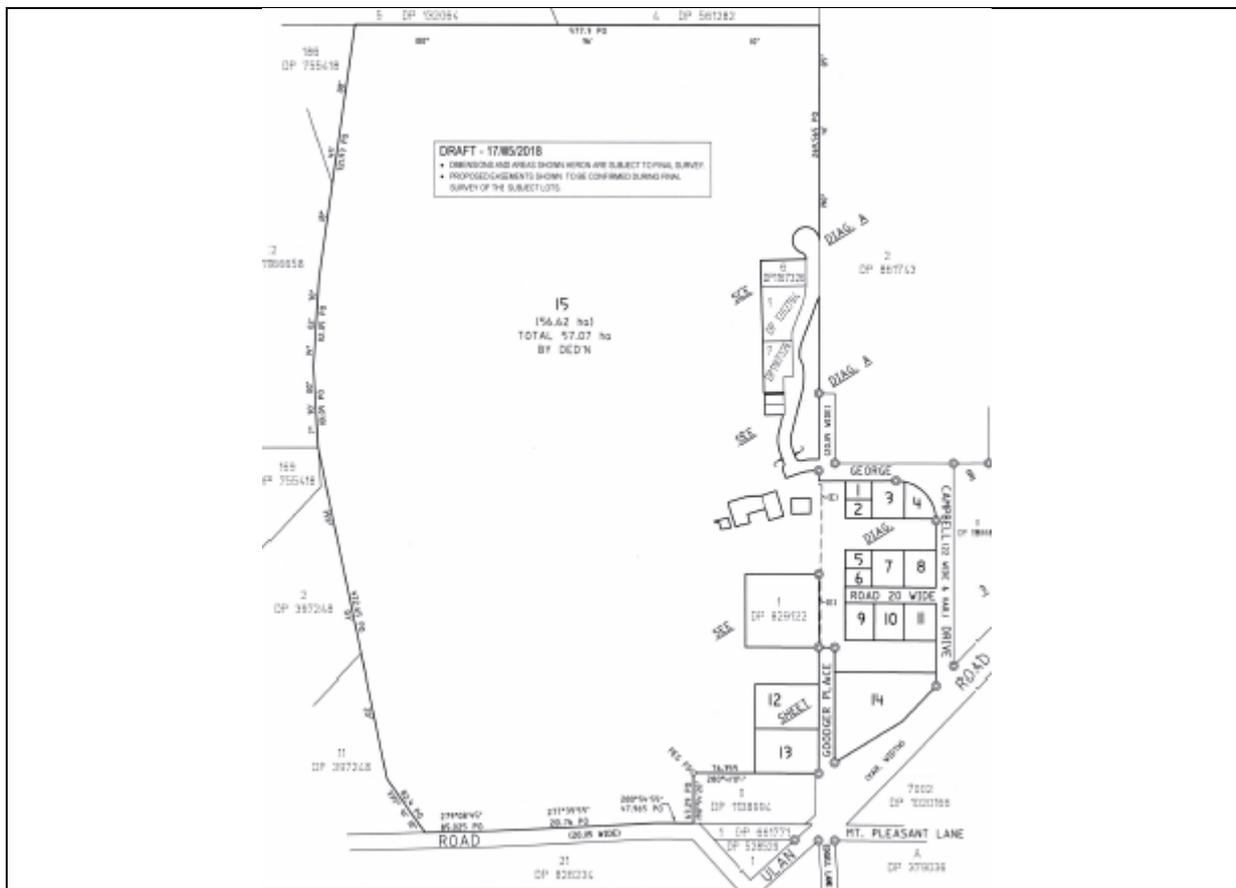


Figure 2: Proposed Site Plan

Further details regarding the proposed subdivision include:

Stormwater:

- The proposed subdivision will not include any reticulated stormwater components. Stormwater runoff from the proposed subdivision will be directed via sheet flow to low points within the main airport site.

Sewer:

- There is an existing connection to sewer for each of the proposed lots.

Water:

- There is an existing connection and water meter to each of the proposed lots.

Roads and access:

- Proposed Lots 1, 3 and 4 will gain access from George Campbell Drive.
- Proposed Lots 6, 7, 8, 9, and 10 will gain access from a new road that has already been constructed within the subdivision.
- Proposed Lots 12, 13 and 14 will gain access from George Campbell Drive.
- Proposed Lots 2 and 5 will not have direct road access. It is understood that both of these lots are intended to be leased through the Mudgee Aero Club and access can be provided using 'airside escorted access' under existing security arrangements.

It is understood that all water, sewer, electricity and telecommunication infrastructure has been constructed and there are no additional servicing requirements.

Detailed report

LEGISLATIVE REQUIREMENTS

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

Designated Development

Not applicable.

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

Integrated Development

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

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

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

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

State Environmental Planning Policy No 55 – Remediation of Land

A site inspection and a search of Council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is considered necessary.

State Environmental Planning Policy (Infrastructure) 2007

Not applicable.

The proposed subdivision:

- Will not trigger the Traffic Generating Development threshold of 50 or more lots; and
- Is not adjacent to any known electricity easements.

State Environmental Planning Policy No 44 – Koala Habitat Protection

Not applicable.

SEPP 44 applies to the proposal as Mudgee Shire Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size. However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

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

Not applicable.

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

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

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

1.2 Aims of Plan

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

1.4 Definitions

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

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

2.3 Zone objectives and Land Use Table

The land is zoned SP2 – Infrastructure (Air Transport Facilities) pursuant to MWRLEP 2012. The proposed *subdivision, earthworks and road* are permissible with the consent of Council in the zone and comply with the relevant objectives in that they will provide for new lots that will accommodate airport related uses.

4.1 Minimum subdivision lot size

Not applicable.

There is no minimum lot size mapped for the subject site.

6.3 Earthworks

Complies.

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

6.4 Groundwater Vulnerability

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

6.8 Airspace Operations – Mudgee Airport

The difference between ground level and the Airport Obstacle Limitation Surface (OLS) is 23.5m. Consequently, the proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

The proposed lots are in the vicinity of the Non-Directional Beacon (NDB) for the airport. The clearance heights above the lots ranges between 6.75m and 16.5m. No referral to Airservices Australia is required. An Advisory Note will be included in the consent advising of the constraints that the NDB imposes on future buildings.

6.9 Essential Services

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

- A reticulated water system, including water meters, has been installed to service each of the proposed lots.
- An underground electricity network has been installed to service the proposed lots.
- A reticulated sewer system has been installed to service each of the proposed lots.
- No specific stormwater infrastructure is proposed. The applicant intends all stormwater to drain via overland flow to a low point within the airport, located 300m to the West-South-West of the proposed subdivision. Council's Development Engineer has recommended that a low-level levee bank be constructed along the southern boundary of the subdivision to prevent drainage affecting the properties to the south of the proposed subdivision.
- Each of the proposed lots, with the exception of Lots 2 and 5, will gain access from George Campbell Drive, Goodger Place and the existing new road within the subdivision. Proposed Lots 2 and 5 are intended to be leased to Mudgee Aero Club and may be accessed using 'airside escorted access' under existing security arrangements.

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

Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments applicable to the proposed development.

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

Mid Western Regional Development Control Plan 2013 (the DCP)

5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater.

5.4 Environmental Controls

Aboriginal Items

The site is highly disturbed and is unlikely to yield Aboriginal objects. A condition is included in the recommendation in case Aboriginal objects are discovered during construction.

Bushfire Management

Not applicable.

Riparian Environments

Not applicable.

Threatened Species and Vegetation Management

Not applicable.

Building in Saline Environments

Not applicable.

7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Not applicable. The subject site is zoned SP2 – Infrastructure (Air Transport Facilities). Only the Road Standards for New Development are applicable to the proposed airport subdivision.
Road Standards for New Development	
Minor Road – Cul-de-sac serves <10 dwellings:	
<ul style="list-style-type: none"> Road reserve: 16m 	Complies. Road reserve for proposed new road is 20m.
<ul style="list-style-type: none"> Carriageway: 8m 	Complies. Carriageway for proposed new road is 8m.
<ul style="list-style-type: none"> Nature strip: 2 x 4m 	Complies. The proposed nature strips will be 6m wide.
<ul style="list-style-type: none"> Footpath: No 	Not applicable.
<ul style="list-style-type: none"> Kerbing: rollover 	Not applicable. Kerbing not required for the roads to the airport.

Council Policy – Access to Property Policy.

Council Policy – Access to Property Policy applies to driveway crossovers required to service each of the proposed allotments. It is considered premature to require construction of driveway crossovers for the subdivision it is unclear where future development will require driveway crossovers to be located.

Mudgee Regional Airport Master Plan 2015

The Mudgee Regional Airport Master Plan 2015 was adopted by Council on 21 October 2015. The Master Plan concerns the future planning and directions of the airport in the short, medium and long terms. The proposed subdivision is consistent with the Master Plan.

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

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

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

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

Context and Setting & Site Design and Internal Design

The proposal is appropriate with regards to the surrounding context and setting. The proposal seeks to create lots that are intended to be used for airport related facilities, such as hangars. The proposed lots are suitably located adjacent to the airport in line with the Mudgee Regional Airport Masterplan.

Access, transport and traffic

The proposed subdivision will have direct frontage to Goodger Place, George Campbell Drive and a new road constructed within the subdivision for access.

The traffic generation from the proposed subdivision will not exceed the capacity of the local road network.

Public domain

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

Utilities

The proposed subdivision is located in a built-up area and will have access to water, reticulated sewerage, electricity and stormwater infrastructure.

Heritage

Not applicable.

Other land resources

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

Water

The proposal is not expected to create any water pollution issues.

Soils

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

Air and Microclimate

The proposed development is not a polluter or dust generator and will not have any effect on air quality or microclimatic conditions.

Flora and Fauna

Not applicable.

Waste

Not applicable.

Energy

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

Noise and vibration.

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

Natural Hazards

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

Technological Hazards

Not applicable.

Safety, security and crime prevention

Increased passive surveillance as a result of the increase in number of lots.

Economic and Social impact in the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

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

(f) The Suitability of the Site for the Development – 4.15(1)(c)**Does the proposal fit in the locality?**

The proposed subdivision, which is intended to be developed for airport related uses, is suitably located adjacent to Mudgee Airport. Utility services and road networks exist to serve the envisaged future development.

Are the site attributes conducive to development?

Yes. The site is not subjected to any natural hazards. The site does not contain any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site. No adjoining land uses will have an adverse impact on the proposed subdivision.

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

The application was advertised in accordance with the provisions of *Mid Western Regional Development Control Plan 2012* - Section 1.12 Community Consultation. The submission period ended on 29 April 2019. No submissions were received.

(h) The Public Interest – 4.15(1)(e)

The proposed subdivision is considered to be within the public interest and positively contributes to the future of the Mudgee Regional Airport.

CONSULTATIONS**Development Engineer**

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

DEVELOPER CONTRIBUTIONS

Section 7.11 and 7.12 Contributions

Section 2.7 of *Mid-Western Regional Contributions Plan 2019* states that “public infrastructure to be carried out by or on behalf of a public authority including Council” is exempt development for the purposes of the contribution plan. It is considered that the proposed subdivision for airport purposes constitutes public infrastructure. Consequently, Section 7.11 and 7.12 contributions are not applicable to the proposed subdivision.

Section 64 Contributions – Water and Sewer Headworks

The proposed subdivision is located within a water and sewer servicing area and contributions in accordance with Council’s Water and Sewer Development Servicing Plans are applicable.

The 3 parent lots carry a 1 Equivalent Tenement (ET) credit each for water and sewer.

The proposed lots will attract water and sewer contributions at a rate of 1 ET per lot. Conditions are included to ensure the payment of necessary contributions.

IMPACT ON EXISTING APPROVED SUBDIVISION

Section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979* and clause 97 of the *Environmental Planning and Assessment Regulation 2000* allow Council to apply a condition requiring the modification of a development consent, previously issued on the land. Any such condition should state that a notice is required and state the details of the modification. The modification does not take effect until Council receives a notice of modification of development consent.

Development Consent DA0117/2009 (as modified by MI0042/2011) approved a 17 lot subdivision on the airport site. Stage 1 of this subdivision has been constructed and refers to 5 lots created to the north of the airport terminal building. Proposed Lots 12 and 13 of the currently proposed subdivision are proposed to be erected in the location of proposed Stage 2, comprising Lots 8 to 17 of the subdivision approved under DA0117/2009. This conflict may be resolved by modifying the previous approval to remove Stage 2, Lots 8 to 17 from the approval.

The specific modifications required for Development Consent DA0117/2009 are:

- a) Amend Condition 1 to allow the plan approved for the applied for subdivision to supersede the approved subdivision plan to the extent of any inconsistency.
- b) Amend Condition 16 to remove any reference to Stage 2 (Lots 8 to 17).
- c) Delete Condition 28 which refers to a new road to service Lots 8 to 17.

CONCLUSION

The proposed 3 into 15 lot subdivision has been assessed against the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and has been found to be generally compliant with the application planning requirements. Therefore, subject to conditions of consent, the proposed development is recommended for approval.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Servicing Plans
Mudgee Regional Airport Master Plan 2015

Council Policies

Not applicable

Legislation

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

Financial implications

Section 64 developer contributions will be collected in accordance with the Development Servicing Plans.

Associated Risks

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

ILIJA SUSNJA
SENIOR TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

26 July 2019

Attachments: 1. Plans of Proposed Subdivision.

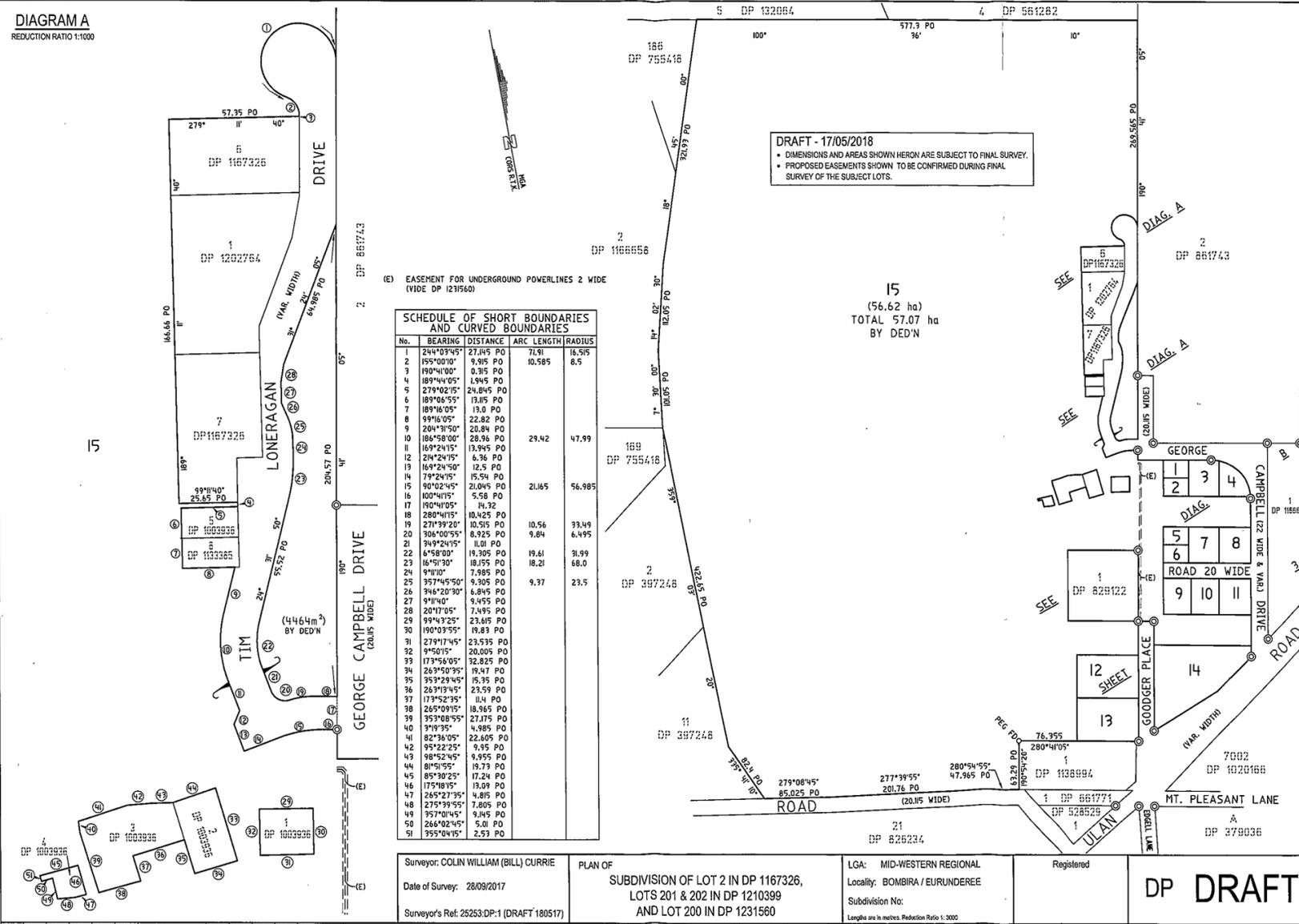
APPROVED FOR SUBMISSION:

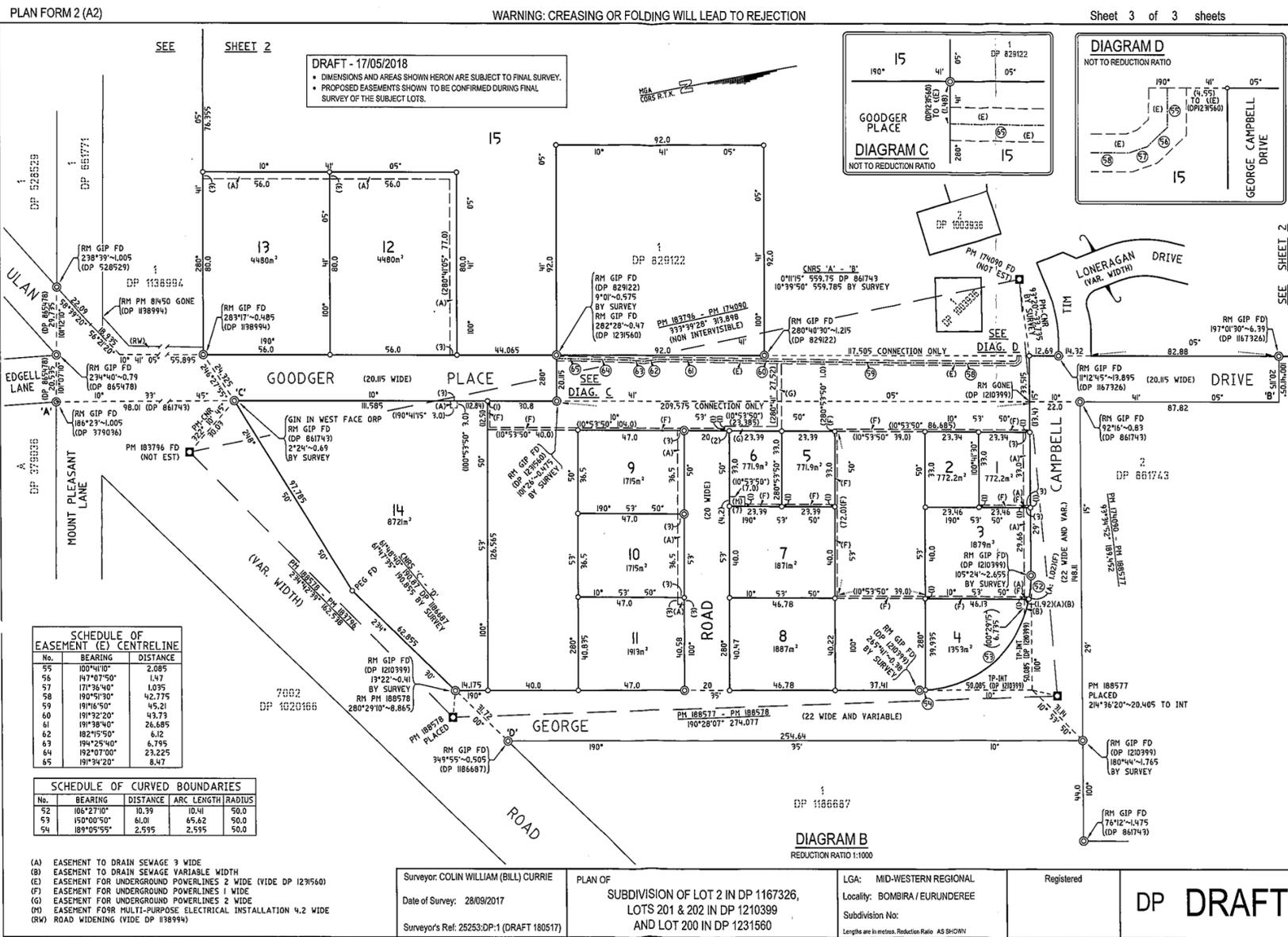
BRAD CAM
GENERAL MANAGER

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 2 of 3 sheets





10	20	30	40.0	50	Table of mm	190	100	110	120	130	140
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8.2 DA0004/2020 Temporary Use of Land - Single Event - 90 Bartletts Road, Rylstone

REPORT BY THE TOWN PLANNER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, DA0004/2020

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0004/2020 Temporary Use of Land - Single Event - 90 Bartletts Road, Rylstone;
- B. approve DA0004/2020 Temporary Use of Land - Single Event - 90 Bartletts Road, Rylstone subject to the following conditions:

CONDITIONS

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with the following plans endorsed with Council’s Stamp as well as the documentations listed below, except as varied by the conditions of this development consent and/or any plan notations.

Title / Name	Drawing No / Document Ref	Revision / Issue	Dated	Prepared by
Site Plan	-	-	3/11/2011	Applicant

GENERAL CONDITIONS

- 2. To clarify, this Development Consent is for the temporary use of the land for a single evening event to be held annually.
- 3. This development consent does not include approval for the use of the land for a camping ground at any time.
- 4. Attendance numbers for the event are limited to a maximum of 150 people at any one time.
- 5. This approval is limited to one event per year.
- 6. The event is limited to the hours of 4:30pm and 8.00pm.
- 7. Live music or amplified music is limited to within the area labelled ‘Main Performing Area’, notated on the approved site plan.
- 8. No alcohol shall be served, or consumed.
- 9. This approval does not provide any indemnity to the owner or applicant under the

***Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.**

PRIOR TO STAGING EACH EVENT

10. The proponent is to notify all adjoining residents of the details of the upcoming event, at least 14 days prior to the event. These details are to include:
- An outline of the hours and days of the event.
 - Contact details of a person nominated to address complaints associated with the operation of the event.

DURING EACH EVENT

11. The Applicant must ensure sufficient bins and portable utilities are provided on site to ensure adequate waste management facilities are available. The site is to be kept and left in a clean and tidy state and cause no ongoing environmental damage.
12. No parking of any vehicles associated with the event is permitted in adjacent road reserves. Sufficient space must be provided on site to meet all parking requirements.
13. All on-site parking areas must be clearly identified by temporary fencing or bunting with vehicle movements controlled and directed by staff.
14. An event staff member is required to provide for traffic control and direction external to the site in the event of queuing in the road reserve prior to entry. Any queuing must not be permitted to adversely affect or hinder public traffic on Bartletts Road.
15. The applicant must provide and maintain all services and utilities necessary for the proposed event, to an acceptable standard (power, potable water, Emergency services, sewer, communications, waste management).
16. Adequate toilet facilities are to be provided for the duration of the proposed event. Temporary toilet facilities shall be located to ensure no offensive odour or spillage of contaminated wastewater is likely to cause nuisance or harm to public health or the environment.
17. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
18. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

FOLLOWING EACH EVENT

19. At the conclusion of the event, the land will, as far as is practicable, be restored to
-

the condition in which it was before the commencement of the use.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy “Tree Removal and Pruning – Public Places”.
- 3 Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council’s Development Department for more information or advice.
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 6 The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.

Executive summary

OWNER/S	Helen Kristensen & Luke Hendrickson
APPLICANT:	Alex Wisser
PROPERTY DESCRIPTION	90 Bartletts Road, Rylstone (Lot 100 DP 1171739)
PROPOSED DEVELOPMENT	Temporary Use of Land – Single Event
ESTIMATED COST OF DEVELOPMENT:	Not Specified
REASON FOR REPORTING TO COUNCIL:	Councillor Call Up
PUBLIC SUBMISSIONS:	5

Council is in receipt of a Development Application that seeks approval for a temporary use of land – single annual event, located at 90 Bartletts Road, Rylstone.

The single annual event is for approximately 3.5 hours, for a maximum of 150 attendees, with entry gained by pre-purchased tickets only. The event is to be held at the northern end of the 42ha property, where the existing ‘Wollemi Standing Stones’ are located (see **Figure 1 and 2**). The closest neighbouring residence is approximately 500-600m away.

The single annual event is relatively low impact, for a short period of time and is considered a reasonable temporary use of the land.



Figure 1 – Wollemi Standing Stones

Development Details:

- Event to run for 3.5 hours (4:30pm – 8:00pm);
- Maximum 150 attendees – approximately 50-75 cars expected;
- Vehicular access gained via existing driveway from Bartletts Road;
- On-site car parking;
- Portaloos provided;
- Alcohol free event;
- RFS to be on-site to manage contained fires;
- Live music performances within the 'Standing Stones';
- Neighbours to be notified of event details and emergency contacts, prior to the event.

Council intends to impose conditions to ensure the site is well managed and impacts are mitigated. These include, but are not limited to, limits on attendees and hours of operation, mitigation of impacts to amenity, no consumption of alcohol, notification of the event to adjoining neighbours, adequate waste management, and restoration of the site to its prior development condition.

Five (5) submissions were received within the notification period. The issues raised relate primarily to noise, zoning, parking and traffic implications.

In accordance with staff delegations, as five submissions were received during the notification period, the application was circulated to all Councillors. During the circulation period, the application was *called up* and accordingly will be determined by Council at their Ordinary meeting.

The proposed temporary use of land is generally compliant with the provisions of MWR LEP and DCP, and no matters have arisen through s 4.15 considerations that would warrant refusal of the application.

The application is recommended for approval.

Disclosure of Interest

Nil

Detailed report

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

REQUIREMENTS OF REGULATIONS AND POLICIES

Mid-Western Regional Local Environmental Plan 2012

The land is zoned E3 Environmental Management pursuant to Local Environmental Plan 2012.

Clause 1.4 Definitions

The proposed land use, being a temporary use of the land is best categorised in the MWRLEP 2012 as a:

Function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned E3 Environmental Management and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land where the event is to be held is zoned E3 Environmental Management, pursuant to MWR LEP 2012.

The temporary use of the land for the purpose of a **function centre** is prohibited in the E3 Environmental management zone. However, as the proposal is of a temporary nature, the application will be assessed under Clause 2.8 Temporary Use of Land, see below.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

Comment: The proposed single annual event is not expected to hinder the protection and management of special areas.

- To provide for a limited range of development that does not have an adverse effect on those values.

Comment: The temporary use of land will not have an effect on the special values.

- To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources.

Comment: The temporary use of land will not impact any water supply catchments.

2.8 Temporary Use of land

This clause allows for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effect on the land. The proposed event is considered to meet this requirement.

The clause further allows that a temporary use can be granted for a maximum period of 28 days in any period of 12 months. The event is proposed to be held for one evening annually.

Part 3 of this Clause requires that

Development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

Comment: The event will be for one evening only and will be reinstated to its previous condition, no permanent structures are proposed. Accordingly, the temporary use will not impede any future development of the land or any current known approvals of the land.

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

Comment: Subject to the inclusion of appropriate conditions, the temporary use will not adversely impact adjoining land or the amenity of the neighbourhood. Conditions will also be imposed to ensure that the site is managed in such a way to minimise possible impacts from noise, waste and other off site impacts.

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

Comment: No structures are required as part of this application.

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Comment: This will be included as a condition of consent.

Mid-Western Regional Development Control Plan 2013

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

Part 5.1 Car Parking

There is sufficient space available on the site to accommodate car parking to meet the needs of the event. The car parking area will be temporary and will be reinstated to its pre-event condition after the event.

Part 5.4 Environmental Controls

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

IMPACT OF DEVELOPMENT

Context and Setting

The site is located within a rural setting, typical of medium sized agricultural land holdings.

Access, transport and traffic

The site gains access via Bartletts Road, which is a gravel surface. The road is in good condition and wide enough for 2 vehicles to pass comfortably. The access gate is approximately 1.2km from the sealed Narrango Road/Bartletts Road intersection. Between Narrango Road and the site access, the subject site has the only frontage to the road on the Eastern side of the road. Only two houses are located on two separate properties along the western side of the road between the intersection and site access, setback a minimum 135m from the road.

Parking is to be entirely within the site, and the development has been conditioned that a suitably qualified person is to provide for traffic control and direction external to the site in the event of queuing in the road reserve prior to entry.

Public domain

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

Utilities

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

Heritage

Not Applicable.

Other land resources

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

Water

No significant impact expected.

Soils

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

Air and Microclimate

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

Flora & fauna

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

Waste

Portaloos provided. A condition has been imposed to the effect that the applicant is to ensure sufficient bins and portable utilities are provided on site and adequate waste management facilities are available, and ensure the site is kept and left in a clean and tidy state and cause no ongoing environmental damage.

Energy

Not applicable.

Noise & vibration

During the event, there will be noise audible at nearby residences, however the impacts are considered acceptable for the following reasons. The event is to be held 1 day per year for 3.5 hours between 4:30pm and 8pm, which is neither late night or early morning and therefore will not create sleep disturbance. Patronage is limited to 150 people. No alcohol is to be served, and therefore voice levels are unlikely to significantly increase. Live performances will be between 5:20pm-7:15pm and will utilise 4 x speakers located around the 'Standing Stones'.

No large scale sound system, or heavy bass will be part of any performance. The closest residence is approximately 500-600m from the area of the event, providing a significant distance buffer for noise to dissipate.

The impacts of noise are for only a short period of time, and are not so unreasonable that the event should not take place.

Natural Hazards

No significant impact - the land is mapped as being bushfire prone, there are no specific requirements in relation to the temporary event that are required as part of the development process. Notwithstanding this, the event will be held during early spring when the likelihood of bushfire is low and RFS will be onsite to manage proposed fire pits.

Technological hazards

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

Safety, security and crime prevention

No significant impact – the proposed event will be ticketed to manage numbers and located on private property. No alcohol is to be served.

Social impact in the locality

Generally positive.

Economic impact in the locality

Generally positive. The event will encourage tourism to the area.

Site design and internal design

Adequate as discussed throughout this report.

Construction

Not applicable.

Cumulative Impacts

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

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

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

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was notified and advertised, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 2 August 2019. During the notification period, 5 submissions were received.

The submissions have been discussed below:

1. Noise

Submissions raised concerns in relation to the impacts of noise generated from the event, on to adjoining residences.

Comment:

During the event, there will be audible noise at nearby residences, however the impacts are considered acceptable for the following reasons.

The closest residence is approximately 500-600m from the area of the event, providing a significant distance buffer for noise to dissipate. The event is to be held 1 day per year for 3.5 hours between 4:30pm and 8pm, which is neither late night or early morning and therefore will not create sleep disturbance.

Patronage is limited to 150 people. No alcohol is to be served, and therefore voice levels are unlikely to be significantly increased. Performers will be utilising 4 x speakers located around the 'Standing Stones'. No large scale sound system, or heavy bass will be part of any performance.

Whilst the event may be audible at adjoining residences, the expected level is not so unreasonable for this not to occur on an annual basis for 3.5 hours.

2. Access and Traffic

Concerns were raised in relation to the state of Bartletts Road, not being capable of withstanding the additional traffic generated from the event.

Comment:

Council's Development Engineers have stated that given numbers are limited to 150 persons there is likely to be between 50 and 75 vehicles required to transport patrons and volunteer staff to the event. The impact on the local road network is considered to be minor.

An on-site parking plan is to be implemented and managed by volunteers. It will be necessary to ensure that all parking requirements are contained within the site.

3. Zoning

Submissions raised concerns that the zoning is residential/rural and does not permit this type of development.

Comment:

The site is zoned E3 Environmental Management. A function centre is prohibited in the E3 zone however, as the proposal is of a temporary nature, the application has been assessed as a Temporary Use of Land pursuant to Clause 2.8 of the LEP, which permits the event to occur subject to limitations. The proposal complies with this clause and is therefore permissible with consent.

4. Bushfire Risk

Concerns were raised in relation to potential risks associated with bushfire.

Comment:

Fires are proposed during the event within the 'Standing Stones' circle. The land is mapped as being bushfire prone, however there are no specific requirements in relation to the temporary event

that are required as part of the development process. The site and surrounds are cleared grazing land, which carries a lower threat of bushfire attack.

The applicant has stated in their application that the RFS will be engaged to manage fires within the 'Standing Stones', however this is not a Council requirement.

5. Waste

Concerns were raised in relation to rubbish impacting the environment and livestock.

Comment:

The development has been conditioned to the effect that adequate waste management facilities are available, and ensure the site is kept, and left in a clean and tidy state to ensure no ongoing environmental damage. Septic waste will be collected through the use of Portaloo's.

6. Alcohol and Drug Use

Concerns were raised in relation to impacts arising from drug and alcohol use.

Comment:

No alcohol is proposed to be served, and a condition has been imposed to reflect this undertaking. Illicit drugs cannot be regulated, though conditions do regulate the impacts to amenity.

7. Trespassers / Public Liability Insurance / Theft / Impacts on Livestock

Concerns were raised in relation to event attendees trespassing onto adjoining land, and damaging or stealing stock and property, and questions were raised as to what public liability insurance would be in place.

Comment:

The issues raised are primarily civil matters, not regulated by Council. In the event trespassing or theft occurs, the police should be involved.

Having said that, a condition has been imposed to mitigate interference with the area.

Furthermore, the application states that volunteer security personnel will be present during the event to ensure, among other things, that guests do not trespass onto adjoining property. The event is alcohol free, and for only 3.5 hours which should further mitigate any anti-social behaviour.

8. Third Party Applicant

Concerns were raised in relation to the applicant not being the owner of the property.

Comment:

The owner does not have to be the applicant. A Development Application requires land owner's consent, which was granted in this instance.

Submissions from public authorities

No submissions were sought or received from public authorities.

*THE PUBLIC INTEREST***Federal, State and local government interests and community interests**

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

*CONSULTATIONS***Health & Building**

Council's Health & Building Officer has provided the following comments:

No food and beverage supplies or sales are proposed therefore no requirement for ancillary s68 approvals.

They have stated port-a-loos will be provided. Whilst only 2 are proposed I'm unaware of a minimum number mandated under any legislation?

No further comments or conditions required from H&B.

Development Engineer

Council's Development Engineer has provided the following comments:

The application seeks approval for a single event to be held on an annual basis.

The event is of relatively short duration and attendance is to be limited to approximately 150 persons with entry by pre-sold tickets only.

Major engineering concerns are related to the provision of utilities, traffic and parking.

Information provided with the application suggests that adequate port-a-loo facilities are being provided.

Given that numbers are limited to 150 persons there is likely to be between 50 and 75 vehicles required to transport patrons and volunteer staff to the event. The impact on the local road network is considered to be minor.

An on-site parking plan is to be implemented and managed by volunteers. It will be necessary to ensure that all parking requirements are contained within the site.

Recommended conditions have been included in the consent.

Heritage Advisor

No consultation necessary.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013

Council Policies

Not Applicable

Legislation

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

Financial implications

Not Applicable

Associated Risks

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

CAMERON AMOS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

31 July 2019

Attachments: 1. Submissions.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: [Margaret Connell](#)
To: [Council](#)
Subject: [EXTERNAL] D/A 0004/2020 90 Bartletts Rd, RYLSTONE
Date: Saturday, 27 July 2019 3:26:15 PM

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

To whom it may concern

I am writing to you in relation to the above mentioned D/A, which I understand refers to a single event planned at 90 Bartletts Rd, Rylstone, on 14th September, this year.

There isn't a lot of detail on the document in question, which makes it difficult to establish whether or not the current arrangements have the necessary risk management strategies in place.

For example, the land here is zoned Residential Rural, and most of our neighbours have grazing land. We were very concerned last week, when we noticed a bonfire on that particular block, which could have easily led to a brush fire, potentially threatening our home, and that of our neighbors.

We bought our land here in Bartletts Rd for the express intention of enjoying the peace and tranquility of the area. I'm not sure that the sort of "event" will contribute to the peace and tranquility of this beautiful area, seeing as how up to 150 people will be accessing the property in question via an unsealed road. If it rains before or immediately after the event, the road(our only access), may be damaged irretrievably. Will the owner of the property, or Council, be responsible for the additional wear and tear on the road?

We wait to hear how our concerns will be addressed.

Sincerely

Margaret and David Connell.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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29 July 2019

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

Dear General Manager,

**RE: FORMAL OBJECTION TO DA0004/2020 -
PROPOSED TEMPORARY USE OF LAND – SINGLE EVENT 90 BARTLETTS ROAD RYLSTONE NSW 2849
LOT 100DP 1171739 CONSENT AUTHORITY**

I write in reference to your letter received dated 16 July 2019 in relation to the Development Application DA0004/2020 – Proposed temporary use of land – single event 90 Bartletts Road Rylstone NSW 2849 Lot 110DP 1171739 Consent Authority, and hereby make a Formal Objection.

My property [REDACTED] adjoins 90 Bartletts Road Rylstone NSW 2849, and the Wollemi Standing Stones are positioned near the fence that divides our properties.

My life will be affected by this proposal for the following reasons.

- Noise from events;
- People attending taking drugs and alcohol;
- People driving after taking drugs and alcohol;
- Rubbish will harm my livestock and the environment;
- Risk of bush fires from people smoking and not putting their camp fire out properly;
- Dust from the amount of traffic travelling on our dirt road and on the property;
- Damage to our road (Bartletts Road) from the amount extra traffic travelling on the dirt road;
- Trespassers accessing my property. All they have to do is jump the boundary fence to gain access to my property;
- Theft of my personal belongings and livestock from trespassers accessing my property;
- What kind of people will be brought into our neighbourhood; and
- Traffic day & night.

I live on my own and at my age I do not need all this extra stress and worry! I just want to continue to live in the quiet and peaceful neighbourhood that I have been living in since the 1980's.

It would appreciate if you could keep me informed about this matter. I am available to meet and talk to you if required.

Yours faithfully

MARJAN PELIN

[REDACTED]

[REDACTED]

The Planning Department
MidWestern Regional Council,
86 Market Street
Mudgee NSW 2850

29th July 2019

Re: DA 0004/2020 SINGLE EVENT at Wollemi Standing Stones, 90 Bartlett Road, Rylstone

Dear Sir/Madam,

We are the owners of [REDACTED]

While we will not have the opportunity to visit any of the MWRC offices before the deadline for submission, nevertheless, from discussion with my neighbours, who have seen the DA, there is little detail on the event proposed for 14 September 2019.

- CONTRAVENTION OF ZONING

Bartlett Road is a residential area providing access to 9 residences. All residences have acquired property on the basis that it is in an area zoned "Residential Rural". A commercial event should not be permissible within an area under this zoning.

- PLANNED USE OF THE SITE

As raised in our previous letters* to Council regarding this site, we are very concerned that the plan to hold a single event is disingenuous, given the pattern of past behaviour:

- 1) The original concerns about this site were raised in November 2007 when the "Wollemi Standing Stones and Peace Park". In response to concerns, a spokesperson said that "the public will be regularly informed of educational opportunities – available by invitation only".
- 2) In 2017 when the standing stones were erected, we understand it was not subject to a DA on the basis that it was 'landscaping', 'for private use only, no commercial/or religious use was proposed/intended'. It is now clear that, rather than landscaping, it was in fact the development of an event venue and for commercial purposes.
- 3) The DA now submitted, to hold a single event which will have up to 150 paying guests, reinforces the point – and our concern - that the site is in fact intended for use as a public events space. Further, with paying guests, this is clearly a commercial event open to the general public. It is possible that the numbers may significantly exceed 150.

- 4) A similar event was previously planned and cancelled, yet is still listed on the Visit Mudgee Region website <https://www.visitmudgeeregion.com.au/whats-on/transcript> further reinforcing that the intent is to highlight the Wollemi Standing Stones as an event space.
- 5) There have been other events on this site.
- 6) **We see this DA as a precursor to many more applications for so-called “single events” in direct contravention to the zoning.**

- TRAFFIC / PARKING / LOSS OF AMENITY

Bartlett Road is an unsealed country road unsuitable for frequent traffic and heavy vehicles, particularly buses. It is a road that only leads to private properties whose residents would be impacted by vehicles turning around, particularly in residents’ driveways.

The proposed event will result in possibly more than 100 vehicles at the event which will lead to disruption including traffic and parking issues.

The Standing Stones are in an open paddock so there is nothing to prevent more people from coming uninvited and viewing the event from Bartlett Road.

The above would result in the substantial loss of amenity for residents on Bartlett Road.

- RESPONSIBILITY

We note that the DA Application has been submitted by Alex Wisser, creative director of Cementa Arts Program, and not by the owner of the property. We would have expected that the DA should be submitted by the property owner.

We would expect that a condition of this DA would be evidence of a risk management plan and adequate Public Liability insurance cover by the landowner for this event.

We would expect that any requirement for traffic management, crowd control and security must be provided by qualified personnel.

Yours sincerely,



Michael Satterthwaite



Catherine Livingstone

* dated 6/11/07, 13/1/17 and 7/6/19

Mr & Mrs R & F Batten

30 July 2019

The General Manager,
Mid-Western Regional Council,
PO Box 156,
MUDGEES NSW 2850
E: council@midwestern.nsw.gov.au

Ref: Cameron Amos: ah: DA 0004/2020



Dear Sir/Madam,

Re: DA 0004/2020 SINGLE EVENT 90 BARTLETTS RD, RYLSTONE

Thank you for the opportunity to comment on the above Development Application.

The Development Application viewed at the Council's Rylstone office is brief & doesn't seem to provide sufficient detail on the event proposed for 14 September 2019 or how risks are to be managed.

Naturally, this raises a number of concerns & questions for us regarding the application, namely:

1. Zoning-

We understand Bartletts Rd is currently zoned Residential Rural and on this basis, purchased our property for quiet enjoyment.

Are commercial events & businesses permitted to operate within this zoning? Is a review & approval of categorisation required first? What are all the implications of this for all affected?

If holding a commercial event with paying participants is allowed under Zoning, how does this affect property valuations, in the market & from the Valuer General? How will this affect rate notice calculations?

2. Contractual Arrangements & Ultimate Responsibility-

We note that the application has not been submitted by the owner of the property, but by a third party.

What is the contractual & legal relationship between the owner & the applicant? Is the applicant the actual event organiser? Are other parties involved?

Who is ultimately responsible legally and to Council? Who is responsible for risks such as, but not limited to, legal issues, insurance, damage to homes or property, equipment, motor vehicles, public roads, bushfires, injury to people (residents and attendees), stock, pets, etc?

Will the owner also be permitting other applicants, event organisers, etc to also hold 'one off' events?

Will other events be permitted in the next 6 months? In the next 12 months?

How does this impact on running a commercial operation and risk management?

3. Security Provided By Volunteers-

Are the volunteers accredited to provide Security & Safety services? Crowd Management?

Are they skilled & physically capable of undertaking all potential tasks required without endangering all around them, both neighbours & all attendees? E.g. an attendee has a firearm? Someone seeking attendance has a knife? Is under the influence of an illegal drug? What is the risk management plan?

(e.g turning them away... towards residential homes in all directions does not seem a safe or responsible response).

4. Bushfire Risks-

Listed in the application but not addressed. Bartletts Road is less than 10 km from Rylstone.

How will this far reaching risk be managed? The risk of road blockages? What resources will be on hand? What is the risk management plan?

5. Animal Management Risks-

Also listed in the application but not addressed. As all neighbouring properties have livestock & pets, how will this risk be managed? What resources will be on hand? What is the risk management plan? Who is liable for any claims?

6. Public Liability Insurance-

The application doesn't mention any insurance cover. We assume correct & sufficient cover would be required in all instances?

Importantly, is the policy to be in the name of the owner or applicant? Are separate policies required to cover all risks?

7. Use of an Unsealed, Residential, Dirt Road

The application seeks to hold up to 150 paying persons. In addition to this, there will be event organisers, security volunteers, performers, equipment handlers, etc, etc also entering & leaving the property in a short period of time on an unsealed dirt road.

How will this additional 'wear & tear' on the road be managed? How will its reparation be addressed & funded, and in what time frame? If there is rain in the week preceding the event & the road is cut- up and damaged by so much concentrated traffic, how will this be addressed?

Assuming all other concerns raised by all parties are satisfactorily dealt with, could stipulating entrance & exit from Narrango Road which is sealed with adequate shoulders, etc provide a better solution to avoid road damage & bushfire access risks, etc?

8. Precedence-

The application is purportedly for a 'single event', however we do not believe application should be assessed in this manner.

As well as all the above risks that would need to be managed, there is also the risk that precedence is created by this application.

With all due respect to the owner, publicly available facts do not support that this is a single event. There may be others of which we are not aware, but as succinctly as possible:

- When stones were erected in 2017, Council was advised that they were 'landscaping', 'for private use only, no commercial/or religious use was proposed/intended' however
- An active Wollemi Standing Stones Committee exists
- In July 2018, a Kate Bush Anniversary event was hosted by Kandos CWA with \$10 paid entry fee & flyers displayed across town in public places. The event was noted as private, but attended & covered with an article & photos by the Mudgee Guardian.

- A public event with paid entry was planned for 22 June 2019 without approval and then converted to a private event after Council's intervention. Residents were then invited to the private event by the Wollemi Standing Stones Committee via photocopied flyers.

- As well being advertised on other sites, the 22 June event remains on the website for Cementa program. Their next Festival will be held 21-24 Nov this year. Are there other events planned? By the applicant, or other organisers?

Assessing this application as a single event creates real risks for precedence.

All the issues & risks need to be properly considered and managed to ensure all parties –i.e- attendees, neighbours, livestock, the local residential & business community and Rylstone & Council's reputation, etc, remain safe.

Thank you for the opportunity to raise our real concerns. We may be contacted on [REDACTED] Concerned by the fact that the application is from a 3rd party, not the owner, we wish our names and address to remain confidential as per Council's privacy policy.

Thank you again.

Yours sincerely,

[REDACTED]

Richard & Frances Batten

29 July 2019

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

Dear General Manager,

**RE: FORMAL OBJECTION TO DA0004/2020 -
PROPOSED TEMPORARY USE OF LAND – SINGLE EVENT 90 BARTLETTS ROAD RYLSTONE NSW 2849
LOT 100DP 1171739 CONSENT AUTHORITY**

We write in reference to your letter received dated 16 July 2019 in relation to the Development Application DA0004/2020 – Proposed temporary use of land – single event 90 Bartletts Road Rylstone NSW 2849 Lot 110DP 1171739 Consent Authority, and hereby make a Formal Objection.

It is hard to believe that your office is even considering the above mentioned DA. As clearly stated in a letter received from your office dated 23 January 2017 (copy attached), “The owner advised that various landscaping works were being undertaken onsite, such as the placement and standing of large rocks. The works were being undertaken for private use only, no commercial/or religious use was proposed/intended”.

The owner certainly provided a false statement to your office. The large rocks are known as the “Wollemi Standing Stones” and as stated by Alex Wisser on Facebook 1 year ago “Sadly it’s not yet open to the public. They are planning to open it in the future when they have council approval and public liability sorted” and “It’s not yet open to the public. They want to make it accessible but are still working on approvals”. Refer to links and screen shots below from the Cementa and Discover Rylstone & Kandos shared Cementa’s post on Facebook.

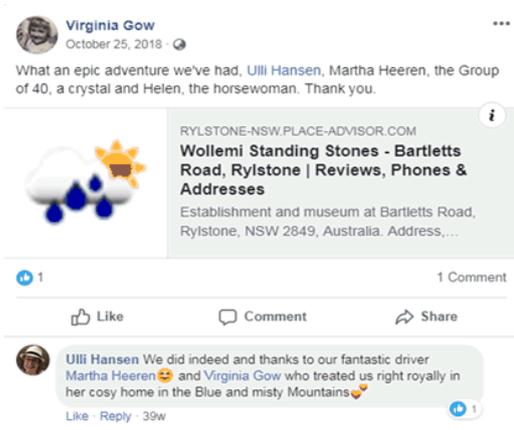
<https://www.facebook.com/search/top/?q=wollemi%20standing%20stones>

The screenshot shows a Facebook post with the following text: "A little known local treasure just behind Rylstone, The Wollemi Standing Stones circle. We got a fascinating tour from the woman who built it. An incredible construction in a brilliant position." Below the post are interaction buttons for Like, Comment, and Share. The comments section is sorted by "Most Relevant" and contains the following comments:

- John Hickson**: Stunning, where is it, She must be an artist. (1 like)
- Jale Carey**: What does it stand for or what is the meaning of it? (1 like)
- Ian Slapp**: I think I know where it is and it is on private property I think the owners need to confirm to the public if it's ok or not to visit the site. I would hate to roll in for a look and then get in trouble for trespassing. (1 like)
- Alex Wisser**: It's not yet open to the public. They want to make it accessible but are still working on approvals. (1 like)
- Ronnie Hudson**: How do we get to see it? (1 like)
- Alex Wisser**: Sadly it's not yet open to the public. They are planning to open it in the future when they have council approval and public liability sorted. (2 likes)

The statements made by Alex Wisser, who is also the Applicant for this DA, proves that it has always been the owners intentions to run the Wollemi Standing Stones as a business.

It must also be noted that the Wollemi Standing Stones have already held tours without councils consent, with an event also scheduled for 22 June 2019 advertised through Mudgee Tourism with entry fees being charged as stated below. This event was cancelled once brought councils attention. Hence the reason for their recent DA!



123tix.com.au

EVENT POSTPONED

//Transcript//

A reverent operatic performance installation at the impressive Wollemi Standing Stone Circle near Rylstone.

A small audience is invited to cross from light into dark as the sun stands still for the winter solstice at this site.

Tammy Brennan will perform a composition by Trevor Brown accompanied by live guitar by Len Marks, and a movement response from Victoria Hunt. Tammy's expressive range, spanning mezzo to high soprano, will resonate and respond to the alignment of the stone circle compass points, astronomical times and points of Wiradjuri history, and the geopolitical identity of the site.

Event Details

Date: Saturday June 22

Time: 5.00pm - 7.00pm

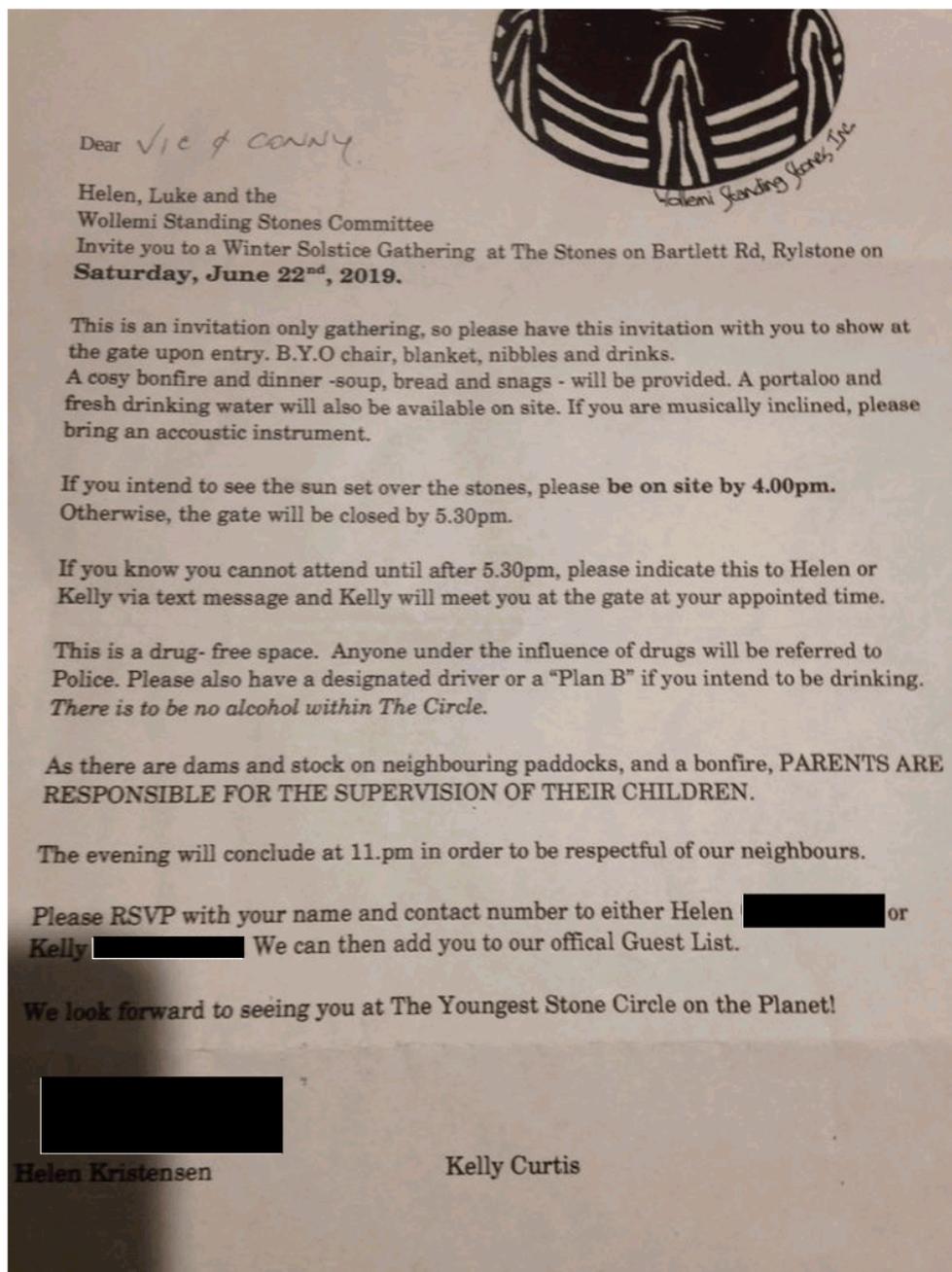
Venue: Wollemi Standing Stones - Bartletts Road (off Narrango Road)

Tickets: Adults \$50.00 + \$1.00 booking fee | Children (10-17) \$25.00 + \$1.00 booking fee | Children under 10 FREE

Available online, in person at Mudgee Visitor Information Centre, 84 Market Street Mudgee, or give them a call on (02) 6372 1020.

Includes: Event entry, soup + glass of wine following the event at 71 Angus Ave Kandos

After the scheduled event for 22 June 2019 was cancelled, the residents of Bartletts Road received an invitation from the owners. Once again they had found another way around to hold the cancelled event!



If this DA is approved there will be no stopping them! The quiet and peaceful place where we reside will truly not be that place anymore!

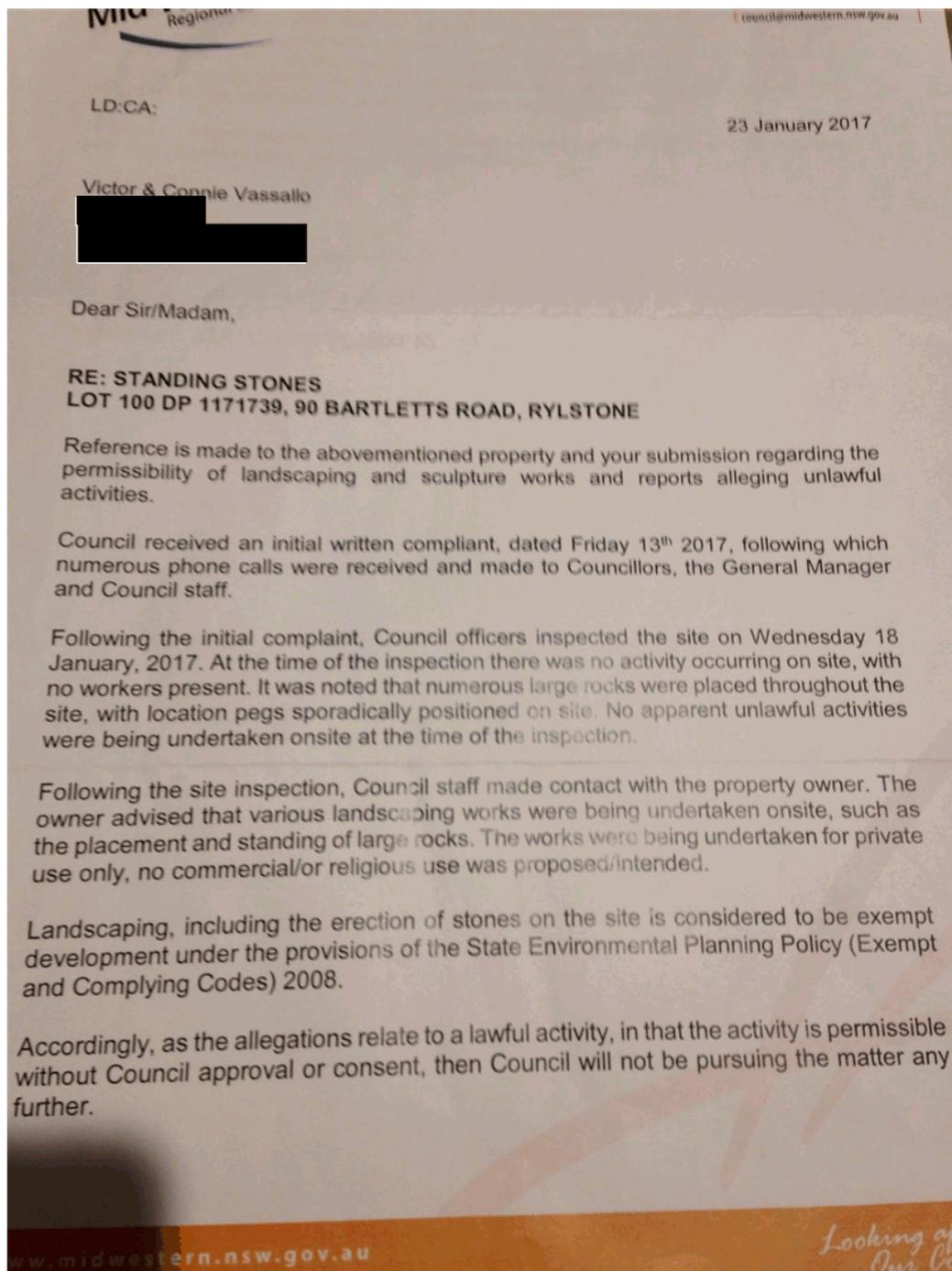
Please consider the objections from all the concerned residents of Bartletts Road. It is quite evident that the owner's of the standing stones have been misleading to your office from the very beginning and have shown that they will do anything to get their own way!

We have never been in support of the Wollemi Standing Stones and have attached all our previous correspondence to your office with our concerns.

It would be appreciated if you could keep us informed about this matter, and we are happy to meet and talk to you about this if required.

Yours faithfully
VICTOR & CONNIE VASSALLO

[Redacted signature block]



17 January 2017

Attention: Cameron Amos
Duty Planner
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Cameron

**RE: FORMAL OBJECTION TO ENVIRONMENTAL LANDSCAPING PROPOSED
AT 90 BARTLETT ROAD RYLSTONE NSW 2849**

We write in reference to our conversation with Richard Cushway today regarding the proposed Environmental Landscaping at 90 Bartlett Road Rylstone NSW 2849.

In 2007 a Development Application DA00114/2008 – Proposed Subdivision for the purposes of Wollemi Standing Stones and Peace Park at 90 Bartlett Road Rylstone NSW 2849 (ref: Town Planning:CM:P1515963) was submitted to Mid-Western Regional Council. This DA was withdrawn due to many objections received.

Ten years later, we are outraged to hear that on Saturday 21 January 2017 the Standing Stones will be erected at 90 Bartlett Road Rylstone under Environmental Landscaping.

We object to the erection of these standing stones as we do not believe they are being erected for the purpose of Environmental Landscaping.

From the previous DA submitted to council it is quite clear what their future intentions are.

We have attached copies of our previous letters sent to your office in relation to the proposed plans. Our objections and concerns still remain the same.

It would be appreciated if you could keep us informed about this matter, and we are happy to meet and talk to you about this if required.

Please take our concerns into consideration, and should you have any queries do not hesitate to contact us.

Yours faithfully
VICTOR & CONNIE VASSALLO



30 October 2007

Attention: Linda Shreve
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Linda

**RE: FORMAL OBJECTION TO DA00114/2008 -
PROPOSED SUBDIVISION FOR THE PURPOSES OF WOLLEMI STANDING
STONES AND PEACE PARK PURSUANT TO CLAUSE 21(2) OF RYLSTONE
LEP 1996. LOT 1 DP 248865 & LOT 10 DP 248865 – 90 BARTLETTS ROAD
RYLSTONE NSW 2849
TOWN PLANNING:CM:P1515963**

We write in reference to your letter received dated 24 October 2007 in relation to the Development Application DA00114/2008 – Proposed Subdivision for the purposes of Wollemi Standing Stones and Peace Park (your ref: Town Planning:CM:P1515963), and hereby make a Formal Objection.

We are outraged about the development application proposal submitted to council for the Wollemi Standing Stones and Peace Park, and object to the application and for any development to take place.

Our lives will be affected severely by this proposal, as outlined below.

- Noise Pollution (from festivals, conferences, partying & traffic);
- Drugs & Alcohol;
- People driving under the influence of Drugs & Alcohol;
- Rubbish & Litter (will not only affect the environment but harm our livestock);
- Bush Fires;
- Dust Pollution (from excessive traffic having to travel on a dirt road);
- Damage to Bartlett Road (from excessive traffic travelling on the dirt road);
- Theft;
- Trespassers;
- Type of people being brought into our neighbourhood (hippies, cults);
- Constant traffic day & night; &
- Land maybe capable of Aboriginal Land Right claims (eg Wiradjuri people).

How can the Rylstone district be in need of another set of standing stones? The applicants for DA00114/2008 already have the Circle of Stones in operation on the Bylong Road, just out of Rylstone 4km pass the Lue turn off. Why can't they expand on this operation and leave Bartletts Road alone?

This development will have a huge impact on our lives and environment. This is our principal place of residence. We do not want to be disturbed by all this rubbish and nonsense. We do not need the constant worry thinking about what is going on next door (ie for bushfires because people do not put out fires, or someone dropping a cigarette butt, drugs & alcohol etc), will it be safe to go on a holiday and leave our home etc. We reside here because we enjoy the environment and surroundings in which we live and do not want this to change.

Please take our concerns into consideration, and should you have any queries do not hesitate to contact us.

We have attached a copy of a previous letter which we sent to your office in relation to the proposed plans.

It would be appreciated if you could keep us informed about this matter, and we are happy to meet and talk to you about this if required.

Yours faithfully

VICTOR & CONNIE VASSALLO



14 May 2007

Att: Gary Bruce
 Town Planning
 PO Box 156
 MUDGEE NSW 2850

Dear Gary

I write in reference to the proposed plans to build the Wollemi Standing Stones on Bartlett Road Rylstone.

My wife Connie and two daughters Sharon and Michelle moved to "Pine Lodge" 89 Bartlett Road Rylstone on the 25 January 1990 from Sydney, in search for a lifestyle that was slower in pace, peaceful, friendly, quite, relaxing and a great place to raise our children. We found what we were looking for at Rylstone and have never looked back.

Now after 17 years of residing at Rylstone we have learned that there are plans to build the Wollemi Standing Stones on the property opposite my residence.

My wife and I are quite outraged about the proposal and object to the structure/s being built. We have many concerns as to how the stones will affect our lives and the environment which surrounds us.

The Wollemi Standing Stone Committee who have submitted this proposal, already have in operation the Circle of Stone on the Bylong Road, just out of Rylstone, 4km pass the Lue Road turn off. So why does Rylstone need another set of Stones? It seems rather pointless.

Outlined in the table below are some of our concerns and thoughts to the proposal. We have also enclosed a copy of the proposal for you.

WHAT IS PROPOSED	OUR CONCERNS
<p>"Will be a venue that provides & supports the holding of artist retreats, astronomical conferences, musical festivals, recreation for bushwalkers & cyclists, celebration of equinoxes and solstices, harvest festivals, training & development for ancient & alternative technologies to name a few." (refer to page 2 of the proposal)</p>	<ul style="list-style-type: none"> • Noise pollution; • Damage to Bartlett Road due to excessive traffic as only a dirt road; • Constant traffic Day & Night; • Drugs & Alcohol; • Dust pollution from excessive traffic; • Rubbish & Litter; • Bush Fires; • What type of strangers/people will be brought into our neighbourhood; • Strangers wandering around other peoples properties; & • Theft.

WHAT IS PROPOSED	OUR CONCERNS
“Forge bonds that foster links between the natural landscape & its indigenous peoples, the Wiradjuri, who were the custodians of this area of land.” (refer to page 3 of the proposal)	<ul style="list-style-type: none"> • Land maybe capable of Aboriginal Land Right claims (eg Wiradjuri people)
“An education centre on site that could service the needs of local and district schools (as well as visitors) in regards to the history, science, architectural & mathematical principles behind megalithic structures.” (refer to page 3 of the proposal)	<ul style="list-style-type: none"> • Noise pollution; • Damage to Bartlett Road due to coaches and buses; • Dust pollution from excessive traffic; • Rubbish & Litter; • Bush Fires; & • Children on excursions may wander off onto other peoples properties.

In the past, we have had problems where the road had become popular to young hoons, and a vehicle smashed into our front fence which caught on fire. The fire brigade had to extinguish the blaze and a police report was filed. The driver was drinking and left the scene. Luckily we heard the explosion otherwise our property would have burnt. We have attached some photos of this incident.

An environmental study outlining how the project will the impact the land ie traffic, noise, dust, pollution and damage to the road etc needs to be considered. This is zoned as a rural area, so how can something like this be built here?

We enjoy the surroundings which we currently live in and have invested a lot of time, hard work and money into our property. The project will ruin all of this.

Please take our concerns into consideration and should you have any queries do not hesitate to contact me. We are happy to meet and talk to you about this if required.

It would be appreciated if you could keep us informed of any future developments regarding this issue. Thank you.

Yours faithfully

VICTOR VASSALLO



8.3 MA0054/2019 (DA0220/2018) - Modification to Car Wash Facility and Cafe - 13 Perry Street, Mudgee

REPORT BY THE SENIOR TOWN PLANNER
 TO 21 AUGUST 2019 ORDINARY MEETING
 GOV400067, DA0220/2018

RECOMMENDATION

That Council:

- A. receive the report by the Senior Town Planner for MA0054/2019 (DA0220/2018) - Modification of Car wash Facility and Cafe – 13 Perry Street, Mudgee; and
- B. approve MA0054/2019 (DA0220/2018) - Modification of Car wash Facility and Cafe – 13 Perry Street, Mudgee subject to the following amended conditions:
 - I. Amend Condition 1 as follows.
 - 1. Development is to be carried out in accordance with the following plans endorsed with Council’s stamp as well as the documentation listed below, except as varied by the conditions herein.

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Existing and Demolition Overall Plan	SK-01	P4	14/06/18	Michael Carr Architect
Proposed Overall Plan	SK-02	P4	14/06/18	Michael Carr Architect
Proposed Local Plan	SK-03	P4	14/06/18	Michael Carr Architect
Elevations	SK-04	P3	14/06/18	Michael Carr Architect
Title Sheet & Site Locality	C001	C	12/06/18	Geolyse
Proposed Site Layout Plan	C003	C	12/06/18	Geolyse
Vehicle Turning Paths, Sheet 1 of 2	C004	C	12/06/18	Geolyse
Vehicle Turning Paths, Sheet 2 of 2	C005	C	12/06/18	Geolyse
Proposed Stormwater	C006	C	12/06/18	Geolyse

Layout Plan				
Proposed Trade Waste Treatment Layout Plan	C007	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Café Kitchen	C008	C	12/06/18	Geolyse
Trade Waste Process Flow Chart for Car Washing Area	C009	C	12/06/18	Geolyse

The following drawings supersede the previously mentioned plans, to the extent of any inconsistency. The following drawings provide an amended design for the car wash bay enclosure and makes no changes to the existing access and gateway to Byron Place.

Title/Name	Drawing No. Document Ref	Revision/ Issue	Dated	Prepared by
Ground Floor Plan 02	Page 0541-TD203	C-WIP	-	Popov Bass
North Elevation Wash Bay Enclosure	Page 0541-TD302	01-WIP	-	Popov Bass
Construction Details	Page 0541-TD700	C-WIP	-	Popov Bass
Byron St Vehicle Turning	30738-A01	A	26/06/19	Barnson

AMENDED BY MA0032/2019 & MA0054/2019

II. Add Condition 70A as follows.

70A. Any vehicle that is 8.8m or longer is to enter the site only outside of the business hours of the car wash facility and café.

ADDED BY MA0054/2019

Executive summary

OWNER/S	Mr Wouter G Dusseldorp & Mr David J Morris
APPLICANT:	Mr Wouter G Dusseldorp & Mr David J Morris
PROPERTY DESCRIPTION	13 Perry Street, Mudgee (Lots 40 & 41 DP240238)
PROPOSED DEVELOPMENT	Modification to Car Wash Facility and Cafe
ESTIMATED COST OF DEVELOPMENT:	Not applicable.
REASON FOR REPORTING TO COUNCIL:	Application seeks to modify a development application that was originally determined by Council.
PUBLIC SUBMISSIONS:	Nil

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 1 July 2019. The proposed modification of Development Consent DA0220/2018 seeks to retain the existing gateway and access to Byron Place, as opposed to amending the gateway in accordance with the approved plans.

The proposed modification is recommended for approval.

Disclosure of Interest

Nil.

Detailed report

Original Approval

The original development consent, approved on 25 September 2018, was for the car wash facility and associated café. The approved plans provided a widened gateway to Byron Place in order to accommodate the turning movements of a small truck without impacting on the parking spaces within the car wash facility.

Proposed Modification

The current application for a modification of development consent seeks approval for retaining the gateway and access to Byron Place as it is. The application was accompanied by a drawing showing how a small truck can exit through the existing gateway. However, in order to make this turn, the small truck must travel over car parking spaces within the car wash facility.

The application includes the following justification to support the amended truck turning movement and associated retention of the existing gateway.

This plan reflects the movement of an 8.8m rigid vehicle exiting the site. As shown, there is no requirement to modify the layback in Byron Place for the exit movement.

Although the turning movement crosses over proposed car parking spaces, the only 8.8m vehicle that would access the site is the JR Richards truck. The anticipated hours of operation for the carwash are 8.00am – 5.30pm. It is proposed the JR Richards truck would access the site outside those hours so as not to impact on the allocated car spaces.

The conventional green sulo bins would be collected from kerb-side as per standard council practice.

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 4.55 Modification Legislation

Minimal Environmental Impact

The Modification Application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* pertains to modifications to a Development Consent that are of minimal environmental impact. It is considered that the proposed modification will have 'minimal environmental impact' compared to the originally approved proposal, as there are no significant changes proposed to any physical or operational aspect of the car wash facility and cafe.

Substantially the Same Development

The proposed modification is considered to be substantially the same development as that approved, as no significant changes are proposed to the physical or operational aspects of the approved car wash facility and cafe. The proposed modification relates to the gateway and layback to Byron Place only.

Consultation

Not applicable.

Consultation with the relevant Minister, public authority or approval body with regard to a condition applied as a result of concurrence or with general terms of approval is required. The original consent was not integrated development, and no such consultation is required for this modification.

Notification and Submissions

Not applicable.

The application was not required to be notified or advertised in accordance with Mid-Western Regional Development Control Plan 2013. Consequently, no submissions were received.

Matters for Consideration

The consent authority is required to consider the relevant matters outlined in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As the proposed modification does not seek any major changes to the physical or operational aspects of the approved car wash facility and cafe, the majority of the matters for consideration under Section 4.15 are not relevant. These considerations are summarised as follows:

- a) The provisions of any environment planning instruments.

The proposed modification does not alter the approved development's compliance with the provisions of the *Mid-Western Regional Local Environmental Plan 2012* and the applicable State Environmental Planning Policies.

- b) The provisions of any development control plan.

Not applicable – the proposed modification does not alter the approved development's compliance with the relevant provisions of *Mid-Western Regional Development Control Plan 2013*.

- c) The provisions of any planning agreement.

Not applicable.

- d) The regulations.

Not applicable.

- e) The likely impacts of development.

The proposed modification does not alter the impacts associated with the approved car wash and cafe development.

- f) The suitability of the site for the development.

The proposed modification does not alter the suitability of the site for the approved development.

- g) Any submissions received.

Not applicable.

- h) The public interest.

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

ASSESSMENT OF PROPOSED MODIFICATION

The originally approved application provided a widened gateway to Byron Place to accommodate small truck movements through the site while the car wash facility was in operation. The applicant has provided information to demonstrate that service vehicle access to the site is not required during normal operating hours. Service vehicle access may be restricted to only occur outside of business hours and there is no need to widen the gateway and layback to Byron Place. The applicant's justification for the proposed modification has merit.

In order to effect the proposed change in the approval, it is considered necessary to modify Condition 1 which refers to the approved plans to reflect the modified plan submitted with this modification of consent application. In addition, it is considered appropriate to add a condition to restrict truck entry into the site to outside of business hours. If this restriction is not imposed, then there will be conflict between the service truck and cars parked within the car washing facility.

CONSULTATIONS

Development Engineer

Council's Development Engineer has raised no objections to the proposed modification. Assessment of the vehicle turning paths provided has been carried out and there are no engineering concerns.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Contributions Plan 2005-2021
Mid-Western Regional Development Servicing Plan

Council Policies

Access to Properties Policy

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Financial implications

Nil.

Associated Risks

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

ILIJA SUSNJA
SENIOR TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

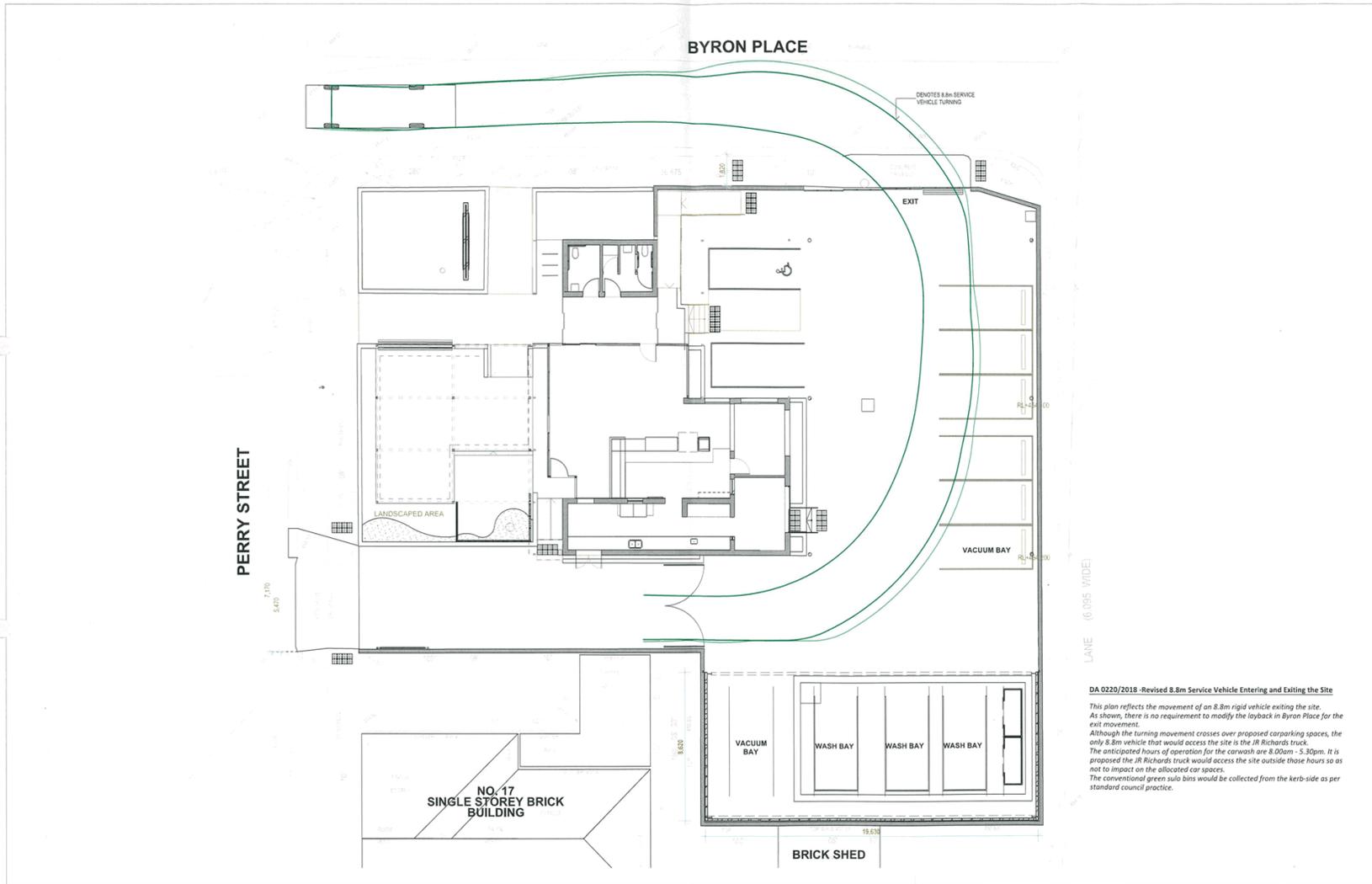
JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 July 2019

Attachments: 1. Truck Turning Circle Plan.
2. Proposed Conditions in Full.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



DA 0220/2018 -Revised 8.8m Service Vehicle Entering and Exiting the Site
 This plan reflects the movement of an 8.8m rigid vehicle exiting the site.
 As shown, there is no requirement to modify the layback in Byron Place for the exit movement.
 Although the turning movement crosses over proposed carparking spaces, the only 8.8m vehicle that would access the site is the JR Richards truck.
 The anticipated hours of operation for the carwash are 8.00am - 5.30pm. It is proposed the JR Richards truck would access the site outside those hours so as not to impact on the allocated car spaces.
 The conventional green sula bits would be collected from the kerb-side as per standard council practice.



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Client: **MR. D MORRIS**
 Project: **VALET CARWASH & CAFE
 13 PERRY STREET MUDGEE**
 Drawing Title: **BYRON ST VEHICLE TURNING**

Rev Date Amendment
 A 26.06.2019 FOR REVIEW

Design Certification
 Drawn **CF**
 Check Drawing Number Revision
 Original Sheet Size = A1 **30738-A01** **A**

CONDITIONS

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

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Construction Details	Page 0541-TD700	C-WIP	-	Popov Bass
Byron St Vehicle Turning	30738-A01	A	26/06/19	Barnson

AMENDED BY MA0032/2019 & MA0054/2019

2. 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.
3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.

Note: Only business identification signs are permissible on the subject site.

4. This approval includes approval for:
 - a) The use and development of the site for the purposes of a valet car washing service and ancillary café.
 - b) The provision of on-site parking and vehicle holding bays to accommodate the needs of the development.
 - c) The widening of driveway crossovers.
 - d) The use of 2 on-street car parking spaces, directly in front of the site, for the purposes of the approved development.
 - e) Connection of water, sewer and stormwater services to the development.
5. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

GENERAL

6. All building work is to comply with the requirements of the Access to Premises Standard.
7. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
8. All building, earth and pavement 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.
9. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
10. The car wash facility must be designed and operated in accordance with the following:
 - a) Staff are to undertake all washing of vehicles on the premises.
 - b) No self-serve customer washing of vehicles is to occur.
 - c) No coin operated car washing facilities are to be provided on the subject site.
 - d) The car wash facility is to be operated in conjunction with the on-site café at all times.
 - e) A late fee, or alternative deterrent, is to be used to ensure that customers remove cleaned vehicles from the site in a timely manner.
 - f) Only two (2) car washing bays are to be in use at any one time.
11. Costs associated with all development works including any necessary alterations to, or relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
12. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building works.

Building

13. 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 Council.
14. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate.
 - a) Details of the provision of tactile surface indicators for the blind, located at all edges between the concrete footpath and the driveway crossovers for the development. The details of the tactile surface indicators must comply with the provisions of Australian Standard AS/NZS 1428.4.1:2009 – *Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators*.
 - b) The works to be covered by this approval are to include alteration of crossovers and drainage works.

Note: A separate fee is payable for the Section 138 application.

15. Pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building shall be brought into conformity with the following Performance Requirements of the BCA, Volume 1:
 - a) DP4 – Exits must be provided to allow occupants to evacuate safely.
 - b) DP6 – So that occupants can safely evacuate the building, paths of travel to exits must have dimensions appropriate to:
 - (i) the number, mobility and other characteristics of occupants; and
 - (ii) the function or use of the building.
 - c) EP1.2 – Fire extinguishers must be installed to the degree necessary to allow occupants to undertake initial attack on a fire appropriate to:
 - (i) the function or use of the building; and
 - (ii) the fire hazard.
 - d) EP4.2 – To facilitate evacuation, suitable signs or other means of identification, must, to the degree necessary, be provided to:
 - (i) identify the location of exits;
 - (ii) guide occupants to exits;
 - (iii) be clearly visible to occupants; and
 - (iv) operate in the event of a power failure of the main lighting system for sufficient time for occupants to safely evacuate.

Plans and specifications demonstrating conformity shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for the building.

Pedestrian Link

16. Prior to the issue of a Construction Certificate involving above-ground building works, details of the pedestrian link between the car-holding bays at the Perry Street entrance to the property and the al-fresco café area are to be submitted to and approved by Council.

Heritage

17. Prior to the issue of a Construction Certificate involving above-ground building works, the details of the external materials and colours used for the following building elements are to be submitted to and approved by Council:
- a) Shade structure.
 - b) Car wash roof structure.
 - c) Pergola over al fresco area.
 - d) Changes to the façade of the existing building.
 - e) Pedestrian link between the holding bays and the pergola.

Note: The proposed use of yellow on the columns and fascia is not supported.

Trade Waste

18. A Construction Certificate for the approved use is not to be issued until any necessary approvals under Section 68 of the *Local Government Act 1993* to dispose of waste into a sewer of the council (eg liquid trade waste) have been obtained.

Contributions and Levies

19. Long service levy must be paid to the Long Service Payment Corporation, prior to the issue of any Construction Certificate. The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.
20. Prior to the issue of any Construction Certificate, the developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*. This will require:
- a) Payment of contributions for water and sewerage headworks at the following rate, subject to adjustment:

Section 64 Contributions			
Proposed Car Wash Service and Café			
	ET's	2018-2019 Rate	Contribution Payable
Water Headworks	2.194	\$8,407.00	\$18,444.96
Sewer Headworks	2.194	\$3,838.00	\$8,402.57
Total Headworks			\$26,847.53

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

Note: Section 64 Developer Contributions are subject to the Consumer Price Index increase at 1 July each year. Please contact Council's Development Directorate regarding any adjustments.

AMENDED BY MA0032/2019.

21. In accordance with the provisions of Section 7.11 of the *Environmental Planning & Assessment Act 1979* and the Council's *Section 94 Development Contributions Plan 2005-2021*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate. Contributions are subject to increase in accordance with the consumer price index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
Commercial (increase in commercial floor area of 68m ² – pergola for café)		
Mudgee Town Centre (Catchment 1)	Per m ²	68m ²
Civic Improvements		
Civic Improvements	\$192.00	\$13,056.00
Administration		
Plan Administration	\$10.00	\$680.00
Total	\$202.00	\$13,736.00

Note - any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

Stormwater

22. Details of the drainage and pavement works are to be submitted to and approved by Council, prior to the issue of a Construction Certificate for civil works.
23. A detailed Operational Management Plan is to be submitted to and approved by Council, prior to the issue of a Construction Certificate involving civil works. The Operational Management Plan must specifically provide procedures and control measures to address, but not be limited to, the following matters:
- A schedule for the inspection, servicing and cleaning of waste water treatment, oil separation and grease trap devices installed for both the café and car wash areas; and
 - A specific procedure to be carried out, including control measures, in the event of failure or blockage of the collection sump, solids settlement tank, wash bay pump and oil/water separator that may result in overflow or discharge of contaminated liquids entering Council's stormwater drainage system; and
 - The steps to be taken to prevent bunded wash areas filling and overflowing into the stormwater drainage system in the event of failure or blockage.

Food Premises

24. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard 4674-2004 – “Design, Construction and Fit-Out of Food Premises”*, *Food Act 2003*, the provisions of the *Food Safety Standards Code (Australia)* and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifier prior to release of the Construction Certificate.

Access and Parking

25. The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
26. Each access provided must comply with Council's Access to Properties Policy, AUSTROADS Part 4/4A and any associated RMS supplements.

Waste Management

27. Prior to the issue of a Construction Certificate that involves above ground works, a Waste Management Plan is to be submitted to and approved by Council. The Waste Management Plan is to include the following details:
 - a) Waste management during construction.
 - b) A plan of the garbage bin storage area.
 - c) Details of the method and regime for washing down the bin storage area.
 - d) Details of the method and regime for washing bins.
 - e) Details of how and where refuse will be collected from the bins. Refuse collection must involve no conflict with pedestrian pathways.
 - f) Details of the amount and type of expected waste generation and storage and collection requirements of each waste stream.
 - g) Details of waste collection arrangements from the site, including volume and frequency.
 - h) Details of the location of the destination of the waste.
 - i) Details of odour control.
 - j) A monitoring and review regime for the Waste Management Plan.

Following commencement of the use, any amended versions of the Waste Management Plan are to be approved by Council.

Noise

28. Prior to the issue of a Construction Certificate for any above ground works, details of the acoustic barrier fencing are to be submitted to and approved by Council. The acoustic barrier fencing is to comply with the recommendations of Development Application (DA) Noise Assessment, Report No BA180507, Version B (Blackett Acoustics, June 2018) [the Blackett Acoustics Report], including:
- a) The acoustic barrier fence is to be located as shown in Figure 6-2 of the Blackett Acoustics Report. The fence may extend further than the extent shown in Figure 6-2, but not lesser than the extent shown in Figure 6-2.
 - b) The acoustic barrier fence shall have a minimum height of 1.8m above the finished surface level of the adjacent vacuum bay.
 - c) The acoustic barrier fence is to be constructed from any of the following materials:
 - (i) Solid brick masonry;
 - (ii) Aerated concrete masonry;
 - (iii) Fibre cement sheet at least 6mm thick;
 - (iv) 20mm thick solid plywood;
 - (v) Minimum 15mm thick acrylic;
 - (vi) Minimum 6mm thick glass;
 - (vii) Other material with a mass-per-unit-area of at least 10kg/m²; or
 - (viii) Any combination of the above.
 - d) The details of the acoustic barrier fencing are to be approved and included in any Construction Certificate issued for any above ground works.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

29. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifier; and
 - b) the date on which work will commence.
- Such notice shall include details of the Principal Certifier and must be submitted to Council at least two (2) days before work commences.
30. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - 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; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
31. 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, then
- a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work, falling into a public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
32. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
33. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.

DURING CONSTRUCTION

Demolition

34. Demolition works are to be carried out in accordance with the relevant provisions of *Australian Standard AS2601:2001: Demolition of structures*.

Building and General Works

35. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the *Plumbing Code of Australia*.
36. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
37. 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.
38. 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.

39. 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*.
40. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
41. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
42. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) an adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) Protect and support the building, structure or work from possible damage from excavation; and
 - b) Where necessary, underpin the building, structure or work to prevent such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Access and Parking

43. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
44. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided in accordance with the approved plans. These should be constructed in accordance with Aus-Spec #1, Council's "Access to Properties" Policy and any approval issued in accordance with Section 138 of the *Roads Act 1993*.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractor's/owner's expense.

45. A total of 17 on-site car parking spaces, including one disabled access parking space are to be provided within the site of the development and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
- a) All vehicles must be provided adequate means to exit the lot in a forward direction.
 - b) Each car parking space is to have minimum dimensions of 5.4m x 2.6m;
 - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
 - d) All car parking spaces, accesses and vehicle manoeuvring areas are to be line-marked and sealed with bitumen or concrete; and
 - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

46. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
47. Prior to the issue of an Occupation Certificate or the commencement of use, the following works in relation to access, car parking, associated manoeuvring areas and pedestrian safety are to be completed:
- a) The car parking area must be set out and clearly delineated in accordance with the requirements of Australian Standard AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking.
 - b) Signage to indicate that an 8.8m long vehicle is the largest vehicle that may enter the site is to be erected so that it is clearly visible from the Perry Street entry into the property.
 - c) Signage (external and internal) to indicate direction of traffic flow and the entry and exit points is to be provided. The signage must be provided in accordance with the standards and requirements set out in Australian Standard AS 1742.1-2014 Manual of uniform traffic control devices, Part 1: General introduction and index of signs.
 - d) Driveway accesses are to be widened in accordance with the Section 138 Roads Act 1993 approval.
 - e) Tactile surface indicators for the blind are to be provided at the edges between the footpath and driveway crossovers in accordance with the Section 138 Roads Act 1993 approval.
48. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before

completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of Fire and Rescue NSW and a copy is to be prominently displayed in the building.

49. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant Section 68 approval/s.
50. Prior to the commencement of use, the Developer must construct all stormwater drainage and systems for the collection of wash bay runoff in accordance with the details as shown on the approved plans.
51. Prior to commencement of use, water efficient tapware and water closets are to be installed within the development. The pressure washers provided for the wash bay are to be high pressure washers, such as Kerrick EI151CW pressure washers.
52. All unsealed open spaces on the site are to be landscaped, prior to commencement of the use.
53. Acoustic fencing is to be erected in accordance with recommendations contained in Development Application (DA) Noise Assessment, Report No BA180507, Version B (Blackett Acoustics, June 2018) [the Blakett Acoustics Report], as superseded by the acoustic barrier details approved as part of the Construction Certificate - prior to occupation of the development and/or commencement of the use.

GENERAL/OPERATIONAL CONDITIONS

54. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
55. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
56. The hours of operation of the whole development are to be limited to the following:
 - a) 7am to 6pm, seven (7) days per week.
57. The hours of operation of the café component of the use are to be at least the following:
 - a) 7am to 3pm, seven (7) days per week.
58. The operator shall ensure that perimeter gates to the development site are to be closed and locked outside the operating hours of the development.
59. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

60. The pavement surface for the on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
61. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
62. All loading and unloading in connection with the premises shall be carried out wholly within the site. This condition does not apply to garbage collection.
63. All vehicles for cleaning and being stored for pick up are to be stored within on-site parking spaces. Parking spaces within Byron Place public car park are not to be used for the car washing operation.
64. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282: Control of the Obtrusive Effects of Outdoor Lighting.
65. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
66. All requirements of the Operational Management Plan must be implemented prior to the commencement of use and maintained to Council satisfaction for the duration of the approved activities on the premises.
67. Car washing operations are to be undertaken in such a manner that adjoining roads, parking areas and developments are not adversely affected by spray drift.
68. All waste and waste areas are to be managed in accordance with the approved Waste Management Plan. Should any amenity impacts arise as a result of the bin storage or bin collection, an amended Waste Management Plan, providing solutions to address the identified impacts, is to be submitted to and approved by Council.
69. Bulk detergents, degreasers and any other volatile substances used in the car wash facility must be kept in a bunded area/container with a storage capacity equal to 110% of the volume of liquid to be stored.
70. The development is to be maintained in a clean and tidy manner, at all times.
- 70A. Any vehicle that is 8.8m or longer is to enter the site only outside of the business hours of the car wash facility and café.
ADDED BY MA0054/2019

Food Safety

71. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

8.4 MA0037/2019 - Existing Granitic Rhyolite Mine - New Road for Extractive Industry - 571 Bara-Lue Road, Lue

REPORT BY THE MANAGER, STATUTORY PLANNING
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, MA0037/2019

RECOMMENDATION

That Council:

1. receive the report by the Manager, Statutory Planning on MA0037/2019 - Existing Granitic Rhyolite Mine - New Road for Extractive Industry - 571 Bara-Lue Road, Lue;
2. approve MA0037/2019 – Existing Granitic Rhyolite – New Road for Extractive Industry – 571 Bara-Lue Road, Lue subject to the following conditions:

CONDITIONS

1. Submission of a building application for any proposed building structures.
 2. Compliance with any conditions of the Department of Mineral Resources.
 3. Compliance with any conditions of the Department of Industrial Relations.
 4. The developer is to ensure that all loads carried on Shire roads, comply with Ordinance 30D of the Local Government Act. 1919.
 5. All old quarry areas and spoil areas are to be progressively rehabilitated as soon as possible with suitable local species. Work to be carried out to minimise erosion and environmental impact.
 6. Development work is to be carried out generally in accordance with Environmental Impact Statement dated 17th March 1987 except as varied by the conditions listed herein.
 7. DELETED BY MA0001/2008
 8. DELETED BY MA0037/2019
 9. The haulage route is to consist of:
 - Lue Road,
 - North across railway level crossing
 - West along Cox Street
 - Generally north along Bara Lue Road
-

10. The developer is to upgrade Bara Lue Road for the full length (Lue Road to the private access of the extractive industry) generally in accordance with Council’s Road Classification and Standards Policy to a Minor Local standard such that it has the following characteristics:

Item	Requirement
Formation Width	7m (or varied as determined by joint inspection with Council representatives)
Sheeted Width	5m (or varied as determined by joint inspection with Council representatives)
Sheeted Shape	6% cross fall
Sheet Thickness	100mm
Sheet Material	Pit material (gridded or rock busted)

Prior to commencement of any construction, approval under Section 138 of the Roads Act 1993 must be obtained.

Note.

- I. Within 28 days of the issue of this amended consent, a joint inspection with the Applicant and Council is to be undertaken to identify site specific locations where pavement width can be varied;
- II. Within 28 days of the joint inspection being carried out, detailed design documentation is to be prepared that identifies location and standards of the specific works to be undertaken;
- III. All the identified works are to be completed with all costs borne by the Applicant within a further 84 days of the documented design being agreed and issued by Council.

MODIFIED BY MA0037/2019

11. The unsealed haulage route is to be regularly maintained by the applicant and the applicant must submit a maintenance schedule to be approved by Council’s Asset Department.
12. As an interim measure for a period of 12 months only a minimum 50m road length from the existing Lue Road intersection is to be treated with an approved dust suppressant to prevent carrying of clay and dust along with the truck wheels onto Lue Road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period from the date of this midwived consent, after which the road must be sealed in accordance with the following standard:

Item	Requirement
Road pavement width	6m
Seal	Two-coat flush seal

MODIFIED BY MA0037/2019

13. The unsealed haulage route is required to be treated with an approved dust suppressant to reduce dust nuisance to dwellings located less than 60 m from the road reserve. The extent of the road pavement to be treated must be no less than 120 metres in both directions from the closest point of the dwelling to the road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period from the date of this modified consent, after which the road must be sealed in accordance with the following standard:

Item	Requirement
Road pavement width	6m
Seal	Two-coat flush seal

MODIFIED BY MA0037/2019

14. The truck movement speed shall be restricted to 50km/h.
15. Truck movements are restricted to an average of 2.5 movements per day (over a week) and are only to occur between the hours of 7.00am and 5.00pm Monday to Friday.
16. The road is to be regularly watered and details are to be included in the Maintenance schedule to be submitted to Council.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy “Tree Removal and Pruning – Public Places”.
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council’s Development Department for more information or advice.
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you

the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

- 5 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**
- 6 The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.**

Executive summary

OWNER/S	Audrey Drinkwater
APPLICANT:	Emma Yule
PROPERTY DESCRIPTION	571 Bara-Lue Road, Lue (Lot 77 DP 755412)
PROPOSED DEVELOPMENT	Existing Granitic Rhyolite Mine – New Road Route for Extractive Industry
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	The original application was determined by Council at their Ordinary Monthly Meeting on 3 October 2007
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a proposed Modification (S. 4.55(2)) to MA0001/2008 that seeks approval to amend the existing extractive industry, quarry (DA47/87), located at 571 Bara-Lue Road, Part Lot 77 DP 755412, and received by Council on 8 March 2019.

The current transport route for the quarry was approved under MA0001/2008 on 3 October 2007, subject to a number of conditions requiring the upgrade of Bara Lue Road. None of the required road works have been commenced or completed.

The proposed modification (MA0037/2019) seeks to address the non-compliances and involves the deletion and amendment of several conditions in relation to the requirement to upgrade the transport route.

The application was notified, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 1 April 2019. During the notification period, nil submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the original application was determined by Council.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

The Site

The subject site is located at 571 Bara-Lue Road, Lue, and contains an existing quarry operated by MDL. The existing and approved transport route (subject of this modification) consists of:

- Lue Road
- North across railway level crossing
- West along Cox Street
- Generally north along Bara-Lue Road

The transport route traverses along a Council gravel road between the quarry and Lue Road (sealed). The area is characterised by agriculture and associated dwellings and infrastructure.

Background

The transport route, approved under MA0001/2008, was never constructed or maintained in accordance with the conditions of consent.

The mine has a long history of neighbour complaints, and compliance actions relating to dust generation from haulage traffic, hours of operation and safety issues relating to the width of the transport route.

The subject modification seeks to address the non-compliances, and amend the standard of upgrades imposed, which the applicants argue as being onerous. The modification will help to address the neighbour complaints by minimising road related impacts, including dust.

The Proposed Development

The applicant is seeking to delete condition 8, and amend conditions 10, 12 and 13. The applicant considers these conditions to be too onerous, both in cost and practicality.

The applicant has also put forward that the development description of 'extractive industry' is confusing, and that it should be changed to 'mine' to align it with its mining title. However, granitic rhyolite material is defined in Council's LEP as an extractive material, not a mineral, which is mined. Therefore, the extractive industry land use description has been retained.

Note – the development description *Existing Granitic Rhyolite Mine* is misleading, as the landuse is a quarry (extractive industry), and not a mine. The description carries over from the original consent in 1987, and again repeated in 2008 with the granting of the modified consent. However, in this regard, as the applicant has not sought the development description to be changed, Council has no authority to amend the description, as part of the subject application. Consequently, it will remain unchanged.

The proposed amendments put forward by the applicant have been reviewed by Council's Manager Development Engineer, who has provided the following commentary and recommendations.

Original Condition 8

- 8 *Prior to the Use of this haulage route, Council is to be provided with proof of a legal access through lots 47 and 48 DP755412 that is not limited to a time period.*

Comment:

Lots 47 and 48 no longer exist. These lots are now part of parcels known as Lot 103 and 101 in DP1124638, and access is now facilitated via a public road.

Action: Delete this condition – Not required.

Original Condition 10

10 *The developer is to upgrade Bara Lue Road for the full length (Lue Road to the private access of the extractive industry) in accordance with Council's Road Classification and Standards Policy to a Minor Local standard such that it has the following characteristics:*

<i>Item</i>	<i>Requirement</i>
<i>Formation Width</i>	<i>7m</i>
<i>Sheeted Width</i>	<i>5m</i>
<i>Sheeted Shape</i>	<i>6% cross fall</i>
<i>Sheet Thickness</i>	<i>100mm</i>
<i>Sheet Material</i>	<i>Pit material (gridded or rock busted)</i>

Comment:

It is apparent, based on resident complaints and site inspection that the applicant has not complied with the full construction requirements of the original condition.

The applicant is seeking to amend the condition by allowing variation to the pavement width by including "(where practical)" next to formation and sheeted width in the table.

There are some locations where the full width cannot be achieved, however the proposed amendment cannot be supported as the definition of 'where practical' is too open to interpretation.

Instead, it is recommended to amend the condition requiring that a joint site inspection be carried out to determine specific locations and restriction for varying pavement width.

Recommended amendments also include a specific timeframe for the inspection to occur, with further specified timeframes for preparation of design documentation and subsequent completion of those specified works.

Action: Amend the condition by replacing with the following:

Proposed Condition 10

10 *The developer is to upgrade Bara Lue Road for the full length (Lue Road to the private access of the extractive industry) generally in accordance with Council's Road Classification and Standards Policy to a Minor Local standard such that it has the following characteristics:*

<i>Item</i>	<i>Requirement</i>
<i>Formation Width</i>	<i>7m (or varied as determined by joint inspection with Council representatives)</i>
<i>Sheeted Width</i>	<i>5m (or varied as determined by joint inspection with Council representatives)</i>
<i>Sheeted Shape</i>	<i>6% cross fall</i>
<i>Sheet Thickness</i>	<i>100mm</i>
<i>Sheet Material</i>	<i>Pit material (gridded or rock busted)</i>

Prior to commencement of any construction, approval under Section 138 of the Roads Act 1993 must be obtained.

Note.

- I. Within 28 days of the issue of this amended consent, a joint inspection with the Applicant and Council is to be undertaken to identify site specific locations where pavement width can be varied;
- II. Within 28 days of the joint inspection being carried out, detailed design documentation is to be prepared that identifies location and standards of the specific works to be undertaken;
- III. All the identified works are to be completed with all costs borne by the Applicant within a further 84 days of the documented design being agreed and issued by Council.

Original Condition 12

- 12 *A minimum 50m seal is required from Lue Road to prevent carrying of clay and dust along with the truck wheels in accordance with the following standard:*

<i>Item</i>	<i>Requirement</i>
<i>Road pavement width</i>	<i>6m</i>
<i>Seal</i>	<i>Two-coat flush seal</i>

Comment:

The applicant is seeking to remove or amend this condition. They consider that the costs associated with sealing the pavement is too onerous and have suggested that as an alternative, that a road stabilisation additive can be added to the pavement to reduce dust.

The applicant is suggesting that the condition be modified to provide for the application of an approved dust suppression treatment and watering, as an interim measure, with the sealing to be carried out after a twelve (12) month period. An interim measure is proposed, so as to allow the applicant time to investigate alternate access routes with Bowdens Silver. The new route would be shared with Bowdens Silver, and would avoid rural residences, and the Village.

This condition only relates to the initial 50 metres of the access road from the Lue Road intersection. From an Engineering perspective and as a short-term treatment the proposed dust suppression treatment is generally satisfactory.

Action: Amend the condition by replacing with the following:

Proposed Condition 12

- 12 *As an interim measure for a period of 12 months only a minimum 50m road length from the existing Lue Road intersection is to be treated with an approved dust suppressant to prevent carrying of clay and dust along with the truck wheels onto Lue Road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period, after which the road must be sealed in accordance with the following standard:*

<i>Item</i>	<i>Requirement</i>
<i>Road pavement width</i>	<i>6m</i>
<i>Seal</i>	<i>Two-coat flush seal</i>

Original Condition 13

13 *The unsealed haulage route is required to be sealed to reduce dust nuisance to dwellings located less than 60 m from the road reserve in accordance with the following standard.*

<i>Item</i>	<i>Requirement</i>
<i>Road pavement width</i>	<i>6m</i>
<i>Seal</i>	<i>Two-coat flush seal</i>

Comment:

Due to high costs associated with sealing long sections of the road, the applicant has undertaken discussions with Bowdens Silver Mine, to enter into a cost sharing arrangement for sealing of the road at the necessary locations. They are proposing the use of a dust suppressant or stabiliser to manage and control dust supplemented by additional watering as required, as an interim measure, with sealing to be carried out after a twelve (12) month period, after the discussions have been finalised.

This condition only relates to two (2) sections of the road where houses are located within 60 metres of the road.

Action: From an Engineering perspective and as a short-term treatment the proposed dust suppression treatment is generally satisfactory. The condition might be amended by replacing the existing condition with the following:

Proposed Condition 13

13 *The unsealed haulage route is required to be treated with an approved dust suppressant to reduce dust nuisance to dwellings located less than 60 m from the road reserve. The extent of the road pavement to be treated must be no less than 120 metres in both directions from the closest point of the dwelling to the road. The dust suppressant or stabilising treatment is to be applied in accordance with product manufacturer recommended specifications and monitored for effectiveness and maintained in accordance with an approved Maintenance Schedule for no longer than a 12 month period after which the road must be sealed in accordance with the following standard:*

<i>Item</i>	<i>Requirement</i>
<i>Road pavement width</i>	<i>6m</i>
<i>Seal</i>	<i>Two-coat flush seal</i>

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 4.55(2) Other Modification

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

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified

Comment The proposed modification is considered to be substantially the same development as that approved, and modified as no significant changes are proposed to the physical or operational aspects of the approved quarry.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment No consultation required, as no concurrence or general terms of approval have been issued in relation to the subject DA/Modification.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, and
(ii) a development control plan,

Comment The S4.55 Application was notified to adjoining neighbours.

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

Comment Nil submissions made during the notification period.

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

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

4.15(1) Evaluation – Matters for consideration

a) The provisions of any environment planning instruments.

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

b) The provisions of any development control plan.

Not applicable – the proposed modification does not alter the approved development's compliance with the relevant provisions of *Mid-Western Regional Development Control Plan 2013*.

c) The provisions of any planning agreement.

Not applicable.

d) The regulations.

Not applicable.

- e) The likely impacts of development.

The proposed modification does not alter the impacts associated with the approved quarry

- f) The suitability of the site for the development.

The proposed modification does not alter the suitability of the site for the approved development.

- g) Any submissions received.

Nil.

- h) The public interest.

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

CONSULTATIONS

Health & Building

No consultation necessary.

Development Engineer

Commentary received 11 July 2019 has been included in the detailed report. Recommended conditions have been incorporated into the proposed modified consent.

Heritage Advisor

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013

Council Policies

Not Applicable

Legislation

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

Financial implications

Not Applicable

Associated Risks

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

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

19 July 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 MA0001/2020 - Demolition of Existing Buildings and Dwelling - Erection of Discount Department Store - Big W, Six (6) Specialty Shops and Associated Car Parking - 72-78 Market Street, Mudgee

REPORT BY THE TOWN PLANNER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, MA0001/2020

RECOMMENDATION

That Council:

1. receive the report by the Town Planer on MA000/2020 – Demolition of Existing Buildings and Dwelling – Erection of Discount Department Store – Big W, Six (6) Specialty Shops and Associated Car Parking – 72-78 Market Street, Mudgee Town Planner;
2. approve MA0001/2020 Demolition of Existing Buildings and Dwelling – Erection of Discount Department Store – Big W, Six (6) Specialty Shops and Associated Car Parking– 72-78 Market Street, Mudgee, subject to the following modified and added conditions.

Note. A full set of conditions is available in Attachment 2:

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans prepared by Thiessen Architects dated August 2003 drawing No: 01 to 05 received at Council on 2 September 2003, and amended plans submitted to Council on 13 October 2003, and 3 July 2019 as amended in red and varied by plans required by deferred commencement conditions and any conditions listed herein.

MODIFIED BY MA0001/2020

CAR PARKING

79. The proposed car parking modification to construct twelve (12 No.) additional car parking spaces must be constructed in accordance with the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.6 m;
 - Any disabled car parking spaces are to be in accordance with the provisions of AS 2890.6: 2009
 - The surface of the car park is to be sealed with an asphaltic concrete surface
 - Line marking, wheel stop and signage must be installed as per the relevant Australian Standard
 - Off street visitor parking is to be encouraged by the placement of prominent signs indicating the availability of parking
 - All car parking spaces and associated line-marking and signage must be maintained in a satisfactory condition at all times

ADDED BY MA0001/2020

80. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

ADDED BY MA0001/2020

81. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

ADDED BY MA0001/2020

82. Prior to the commencement of construction, appropriate erosion control, dust control and silt collection measures must be put in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

ADDED BY MA0001/2020

Executive summary

OWNER/S	Denlen Investments Pty Ltd
APPLICANT:	Fabcot Pty Limited
PROPERTY DESCRIPTION	72-78 Market Street, Mudgee (Lot 11 DP 1084498)
PROPOSED DEVELOPMENT	Demolition of Existing Buildings and Dwelling – Erection of Discount Department Store – Big W, Six (6) Specialty Shops and Associated Car Parking
ESTIMATED COST OF DEVELOPMENT:	Not Provided
REASON FOR REPORTING TO COUNCIL:	The original application was determined by Council at their Ordinary Monthly Meeting on 17 November 2003
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a proposed modification to DA0090/2004 that seeks to amend the configuration of the existing car parking area.

The original application was approved by Council on 17 November 2003, with a number of deferred commencement conditions, inclusive of the requirement to submit a landscape plan. Among other things, the approved landscaping plan involved the removal of a number of car parking spaces to soften the impact of car parking on the streetscape.

This application seeks to reinstate these car parking spaces by replacing the current parallel parking arrangement with 90 degree parking to kerb along the southern boundary, fronting Market Street. The reconfiguration will result in the removal of a 3m strip of lawn between the car park and the established fence, hedge and trees on the Market Street boundary. The works will increase the available spaces from 8 to 20, as was originally proposed in 2003.

The existing fence, and 1.5m high hedge, with mature trees on the Market Street boundary are to be retained.

The application was notified, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 30 July 2019. During the notification period, nil submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the original application was determined by Council at their Ordinary Monthly Meeting on 17 November 2003.

The application is recommended for approval.

Disclosure of Interest

Nil.

Detailed report

The Site

The subject site is located at 72-78 Market Street, Mudgee, containing the existing Big W complex. The building is located on the northern half of the site, with car parking provided in the forecourt between the complex and Market Street. Vehicular access/egress is gained via Perry Street, and is not proposed to be changed/altered.

Background

The Big W complex was approved by Council at their Ordinary Meeting on 17 November 2003. The Occupation Certificate was approved in October 2005, and the complex has since been in operation.

The development was approved subject to a number of 'deferred commencement' conditions. Specific to this modification was the requirement to provide a landscaping plan for the front forecourt/car parking area, with suitably advanced trees and shrubs to be established prior to occupation of the building. This plan involved, among other things, the reduction of car parking spaces and landscaping distributed along the Market Street frontage to soften the visual impact of the car park on Market Street.

Council's Heritage Advisor, at the time, provided a recommendation that a 1.5m dense hedge would provide a soft edge and good screening. As shown in **Figure 1**, the hedge is dense and well established, providing an effective visual barrier between the car park and Market Street. The hedge and trees are to be retained as part of this modification.



Figure 1 – View from Market Street

The Proposed Development

The applicants seek to reconfigure the car parking arrangement along the southern boundary of the site. The current arrangement is eight parallel car parking spaces running east to west (**Figure 2**). It is proposed to remove approximately 3m of existing lawn (**Figure 4**) between the hard stand parking surface and boundary hedge, fence and trees, to create 20 car parking spaces at 90 degrees to the kerb, running north to south (**Figure 3**). This is an increase of 12 car parking spaces.

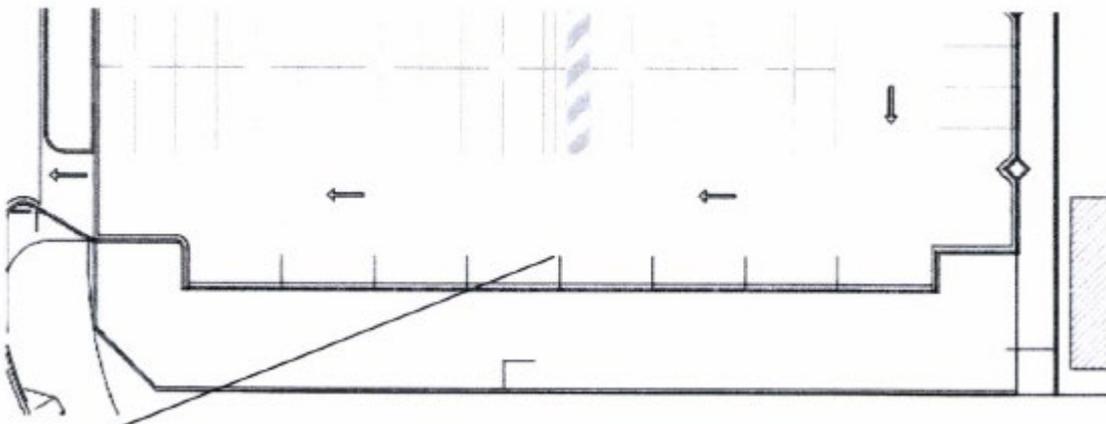
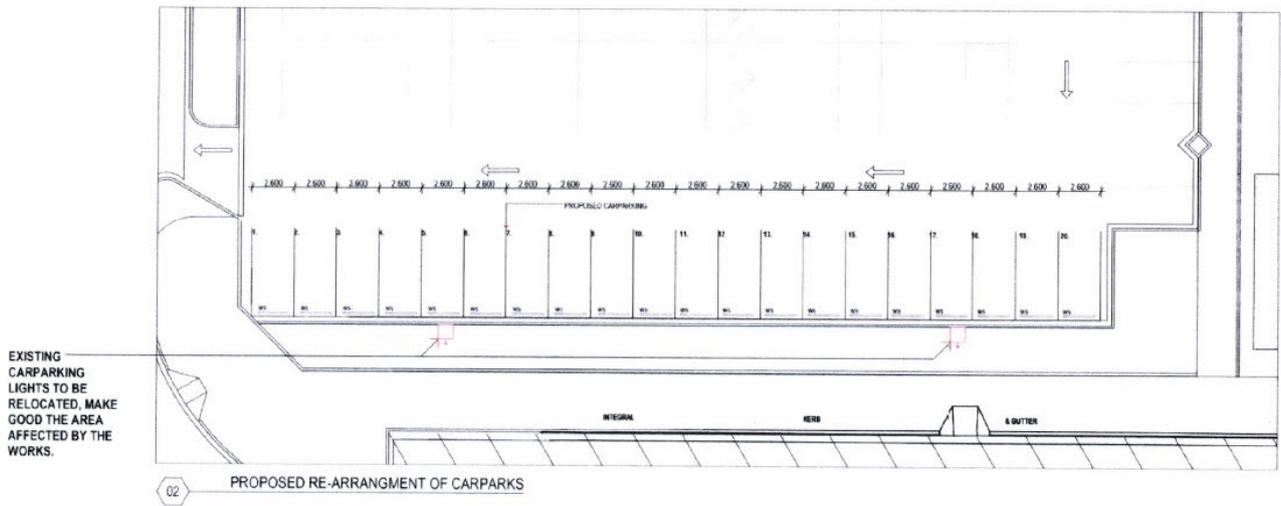


Figure 2 – Existing car parking arrangement



NB. Perimeter fencing, Market Street facing hedge and established trees remain unchanged

Figure 3 – Proposed car parking arrangement



Figure 4 – Lawn to be removed for car parking. Hedges and trees to be retained.

In deciding whether the removal of grass is appropriate, it is important to identify the extent of the impact, and the reasonableness of, and necessity for the additional car parking.

Landscaping is the main safeguard, protecting the streetscape from visual impacts associated with a large car park in a heritage conservation area. **Figure 1** clearly demonstrates the effectiveness of the dense hedge, and to a lesser extent, the mature trees in providing a visual barrier between Market Street and the car park in the forecourt of the complex.

The 90-degree rotation of the car parking spaces will bring cars approximately 3m closer to the boundary. However, the extent of the impact will be negligible in comparison with the existing arrangement, due to the well-established 1.5m high hedge. Parked cars will remain largely obscured from view owing to the existing landscaping. Only the peak of larger vehicles will be visible over the hedge as **Figure 1** so aptly illustrates, with the roof racks of a car visible on the very right of the picture, under the Big W sign. This is not unexpected, nor is it out of character with the area. It should be noted that cars parked on Market Street are more visually prominent, with the Big W car park fitting into the background behind the landscaped buffer.

Whilst the grassed area was considered to be important at the time, the Big W complex was approved, time has shown this to be an unusable area that no longer contributes to the visual buffer. This buffer provided relief whilst the hedge and trees reached maturity, the hedge now singlehandedly provides an effective visual barrier, meaning the grassed area is now obsolete. The now defunct area could serve a more functional purpose as usable parking, particularly in the Mudgee CBD area where there is, at times, pressure on car parking availability.

For these reasons, a gain of 12 car parking spaces at the expense of the 3m grass strip is not unreasonable. On balance, the need for additional parking far outweighs the negligible visual impacts arising from the reconfiguration of the car park.

Condition 1 has been modified to reflect the new car parking arrangement plan, and Conditions 79, 80, 81 and 82 have been added to regulate the operation of the car park, standards of civil construction and environmental controls.

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 4.55(2) Other Modification

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

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified

Comment The proposed modification is considered to be substantially the same development as that approved, as no significant changes are proposed to the physical or operational aspects of the approved discount department store.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the

approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment No consultation required, as no concurrence or general terms of approval have been issued in relation to the development application.

- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan,*

Comment The S4.55 Application was notified to adjoining neighbours.

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

Comment Nil submissions made during the notification period.

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

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

4.15(1) Evaluation – Matters for consideration

- a) The provisions of any environment planning instruments.

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

- b) The provisions of any development control plan.

Not applicable – the proposed modification does not alter the approved development's compliance with the relevant provisions of *Mid-Western Regional Development Control Plan 2013*. The number of car parking spaces will be increased by 12.

- c) The provisions of any planning agreement.

Not applicable.

- d) The regulations.

Not applicable.

- e) The likely impacts of development.

The proposed modification does not alter the impacts associated with the approved discount department store.

- f) The suitability of the site for the development.

The proposed modification does not alter the suitability of the site for the approved development.

- g) Any submissions received.

Nil.

- h) The public interest.

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

IMPACT OF DEVELOPMENT

Context and Setting

The site is located within the Mudgee Commercial Core zone, an area typified by commercial premises. The commercial Big W complex has been operating within this precinct for approximately 15 years. The increase in car parking will allow for more traffic within the Mudgee CBD area.

Access, transport and traffic

The proposed arrangement will result in an increase of 12 car parking spaces, and therefore does not impact the parking conditions imposed in the original consent. Access and egress points will remain unchanged, as will the flow of traffic within the site and onto the public road network.

Public domain

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

Utilities

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

Heritage

The proposed reconfiguration of the car park is not anticipated to have an impact on the heritage character of the area. In order to protect the heritage character of the area, the original consent was granted on the proviso the hedge and trees along Market Street were implemented. These landscaping measures have proven themselves as effective measures and will be retained to perform their function.

Other land resources

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

Water

No significant impact expected.

Soils

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

Air and Microclimate

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

Flora & fauna

The proposal involves the removal of a small strip of lawn. No native flora or fauna will be impacted by this modification.

Waste

Not Applicable.

Energy

Not Applicable.

Noise & vibration

Not Applicable.

Natural Hazards

Not applicable – the site is in the low risk flood prone area, however the reconfiguration of the car park will not be impacted.

Technological hazards

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

Safety, security and crime prevention

No significant impact.

Social impact in the locality

Generally positive.

Economic impact in the locality

Generally positive. Additional parking accommodate additional people frequenting the Mudgee CBD area.

Site design and internal design

The redesign of the car park will allow for an additional 12 car parking spaces on site that will assist in creating a more functional and less congested car park.

Construction

Civil works to comply with Council standards.

Cumulative Impacts

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

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

Yes. There are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

Are the site attributes conducive to development?

Yes. The project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS***Public Submissions**

The application was notified, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 30 July 2019. During the notification period, nil submissions were received.

Submissions from public authorities

No submissions were sought or received from public authorities.

*THE PUBLIC INTEREST***Federal, State and local government interests and community interests**

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

*CONSULTATIONS***Health & Building**

No consultation necessary.

Development Engineer

Council's Development Engineer provided comments and recommended conditions on 2 August 2019 and has not raised any concerns with the proposal.

Heritage Advisor

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013

Council Policies

Not Applicable

Legislation

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

Financial implications

Not Applicable

Associated Risks

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

CAMERON AMOS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

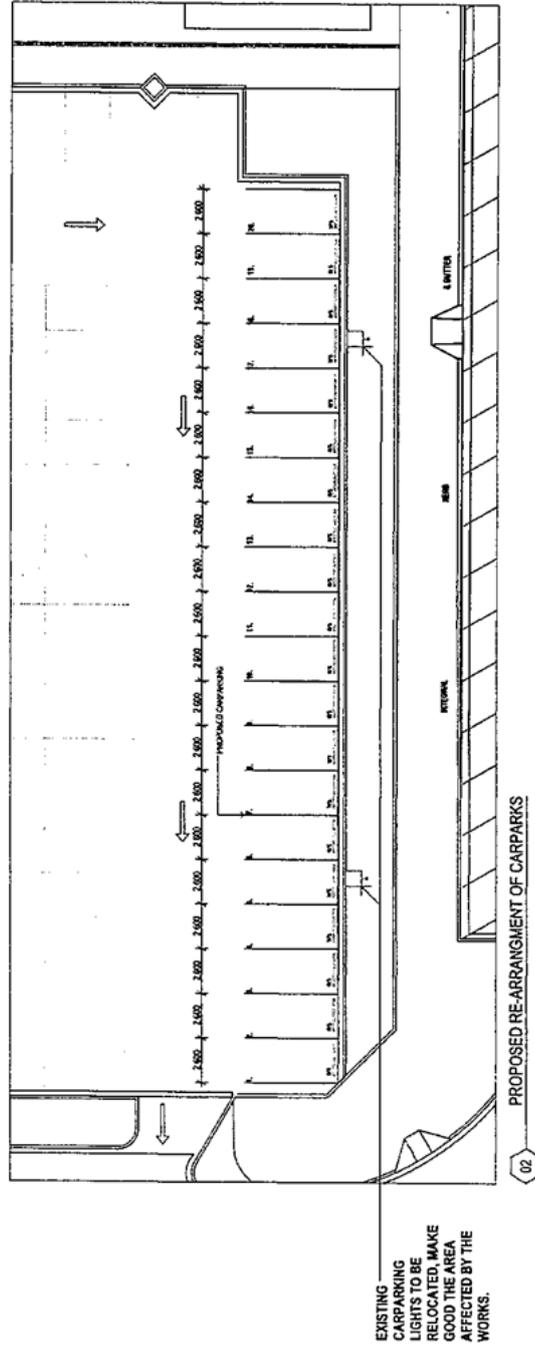
29 July 2019

Attachments: 1. MA0001/2020 Proposed Car Parking Plan.
2. MA0001/2020 Full Set of Conditions.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Proposed car park rearrangement details



NB. Perimeter fencing, Market Street facing hedge and established trees remain unchanged

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans prepared by Thiessen Architects dated August 2003 drawing No: 01 to 05 received at Council on 2 September 2003, and amended plans submitted to Council on 13 October 2003, and 3 July 2019 as amended in red and varied by plans required by deferred commencement conditions and any conditions listed herein.

MODIFIED BY MA0001/2020

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

2. Provision of landscaping in accordance with approved landscaping plan as required in deferred condition 2. Trees are to be a minimum height of 3 metres. All landscaping is to consist of appropriately advanced trees and shrubs that are to be established prior to occupation of the development. A landscaping bond of \$20,000 is to be paid to Council prior to issue of the Construction Certificate. Such bond will be refunded upon satisfactory completion of the landscaping.

Note: Landscaping adjacent to the vehicular driveways or public roads and intersections shall be designed and maintained so as not to obstruct the sight lines of drivers.

3. A security deposit of \$10,000 shall be lodged with Council prior to the issue of the construction certificate. This will be refunded after the completion of the building providing there has been no damage to Council's footpath/kerb and gutter or that any damages have been restored at full cost to the developer.
4. An Erosion and Sediment Control Plan is to be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate. The Plan should be prepared in accordance with the Department of Land and Water Conservation's Urban Erosion and Sediment Control Field Guide.
5. The applicant shall submit to Council for approval Utility Services Impact Report (USIR) identifying relocation of existing services, augmentation of existing services and provision of new services. The USIR shall include all design details. Water supply, sewerage, electricity and telephone services are to be dealt with in the USIR. Please note that the relocation of existing sewer mains should occur so that they are located at least 2 metres clear of any building.
6. The applicant shall demonstrate adequate provision has been made for pedestrian movement, in terms of location and volume of pedestrians, on and adjacent to the development site. Reference to relevant standards shall be detailed.

- 7. The applicant shall submit to Council for approval a Construction Phase Management Plan (CPMP) with the objective of minimizing disruption to the Mudgee CBD. The CPMP shall include, but not limited to, particular consideration of traffic and pedestrian movement.
- 8. Council or the Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
- 9. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mudgee Shire Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

(a) Transport Improvements	\$925.00
(b) Drainage	\$0.00
(c) Carparking	\$173,320.00
TOTAL PAYABLE	\$174,245.00

- 10. The developer shall obtain a *Certificate of Compliance* under the Water Supply Authorities Act. This will require:

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

Water	\$4355
Sewerage	\$3189

The adjustment of any existing services or installation of new services is to be at the full cost of the developer.

The existing sewerage mains are to be relocated in accordance with Council's Policy on "Requirements for Structures Near Council's Services", the WSAA Sewerage Code of Australia - WSA 02-2002 and the requirements of Council's Manager - Water Supply & Waste. Please note that Council does not permit other parties to carry out works involving modifications/ connections to live sewer mains and/ or the temporary diversion of sewer flows.

- 11. The developer is to submit, with the application to erect the building, a survey certificate signed by a Registered Surveyor certifying the level of an appropriate benchmark on the site in relation to the Australian Height Datum.
- 12. The minimum floor level of any building or structure on the property is to be located a minimum height of 500mm above the 1% Annual Exceedance Probability flood level in the Cudgegong River floodplain. Engineering plans showing the natural surface levels, finished levels, depths and extent of the fill are to accompany the application for Construction Certificate.
 Note: Council are able to supply flood level information upon payment of the prescribed fee.
- 13. The applicant shall submit an engineer's report certifying that the development will not increase flood affection elsewhere.

14. The submission of a detailed report from a practising consulting engineer demonstrating that any proposed structures are able to safely withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate and all structures to have flood compatible building components below or at the 100 year ARI flood level (plus free board).
15. The garbage bin storage area shall be roofed, provided with hose down facilities and the floor graded and drained to the sewer system. Details of compliance with this condition shall be provided to Council for approval prior to the release of a Construction Certificate.
16. The applicant shall submit to Council for approval engineering plans in triplicate which are consistent with the approved TIKP. The engineering plans shall be prepared in accordance with AUSPEC #1, as modified by Mudgee Shire Council.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in accordance with the relevant requirements.

17. Compliance with the provisions of the Environmental Planning and Assessment Act and Regulations and the Building Code of Australia.
18. Compliance with the relevant codes of the Standards Association of Australia adopted by the Building Code of Australia and subject to any limitations made by the Building Code of Australia.
19. Prior to work commencing a Construction Certificate must be issued by Council or an Accredited Private Certifier.
20. The site shall be fully enclosed by a suitable hoarding to prevent access onto the building site by the public. The hoarding shall be a minimum of 1.8m in height, and maintained in a sound condition throughout the course of construction.
21. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
22. When foundations are excavated, if filled ground is found, footings shall be designed by a Structural Engineer and Council must be notified in writing.
23. Prior to the commencement of works on site, the applicant shall advise Council's Design Section, in writing, of any existing damage to Council property.
24. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building - including the erection of any fences or hoardings.

25. Soil erosion prevention measures (to the satisfaction of the Department of Land and Water Conservation) are to be erected prior to the commencement of site works and maintained until vegetation cover is established on the disturbed areas.
26. Landscape protection works shall be undertaken prior to any works commencing on site. These works must be consistent with the approved landscape plan and include:
 - Fence off existing vegetation and ensure that the root zone is protected.
 - No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced area.
27. A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.

CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards:

28. Any material used in the building shall comply with the requirements for the "flammability" index and the "smoke developed" index as specified in The Building Code of Australia Specification C1.10.
29. Fire hydrants shall be available in accordance with the requirements of Clause E1.3 Building Code of Australia.
30. Emergency lighting, exit signs and warning systems are to be provided in accordance with Part E4 of the BCA and are to comply with AS/NZS 2293. Full details shall be provided to the certifying authority prior to the issue of a Construction Certificate.
31. To ensure the proper operation of the plumbing and drainage system, existing plumbing and drainage fixture affected by the building work shall be modified or relocated.
32. Fire hose reels shall be provided in accordance with the requirements of Clause E1.4 Building Code of Australia and shall be designed and installed in accordance with the requirements of AS2441.
33. A system of Smoke Hazard Management shall be installed in the building in accordance with Part E2 of the Building Code of Australia. Details of the system shall be provided to the certifying authority prior to the issue of a Construction Certificate.
34. The building shall be provided with a sprinkler system in accordance with the provisions of Part E1.5 of the Building Code of Australia.

35. The performance of external walls in fire shall satisfy the provisions of Part C1 of the Building Code of Australia.
36. Doors serving as, or forming part of, a required exit (including doors installed within the path of travel) shall be readily openable:
 - a) without a key; and
 - b) by means of a single handed downward action on a single device which:-
 - i) is located between 900mm and 1200mm above the floor; and
 - ii) does not comprise a bolt or a padlock or a separately operated deadlock;
 - c) from the side that would face any person seeking egress from the building.
37. On completion of the building work, the owner of the building shall cause the Council to be furnished with a certificate from a competent person with respect to each essential service nominated in the attached schedule. The certificate shall be in accordance with the relevant provisions of the Building Code of Australia and Local Government (Approvals) Regulation 1993.
38. At least once in each period of 12 months after a certificate is required to have been furnished to Council, the owner of the building shall cause the Council to be furnished with a further certificate with respect to each essential service nominated in the attached schedule.
39. The proposal shall satisfy the provisions of Council's Development Control Plan "Design For Accessibility". Full details of compliance shall be submitted to Council for approval prior to the issue of a Construction Certificate.
40. The applicant is requested to consider providing ramps compliant with AS 1428.1 to serve required exits currently proposed to be provided with stairs.
41. Exit stairs, landings and doors shall not encroach onto public space.
42. The building shall satisfy the provisions of Part D3.3 *Parts of Buildings to be accessible* of the Building Code of Australia.
43. The toilets are to be made available for public use at all times when the store is open.
44. Toilets are to be maintained in a fully operable, clean and hygienic condition at all times.
45. The garbage bin storage area shall be accessible to garbage collection vehicle's that enable bins to be emptied by direct vehicle approach. Details of compliance with this condition shall be submitted to Council for approval prior to the issue of Construction Certificate.

46. **Plumbing and drainage shall be carried out by a Licensed Plumber and Drainer and be in accordance with the National Plumbing and Drainage Code.**
47. **Sanitary facilities for people with disabilities are to be provided in accordance with requirements of Part F2.4 of BCA.**
48. **External access is required to the building entry in accordance with AS1428.1 and must be provided:-**
 - i) **from the allotment boundary at the main points of entry; and**
 - ii) **from any accessible car parking space on the allotment in accordance with D3.5; and**
 - iii) **from any adjacent and associated accessible building on the allotment; and**
 - iv) **through the principal public entrance.**
49. **The water service is to be of adequate size and design to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.**
50. **The construction of a full width, 100mm thick pedestrian footpath for the full frontage of the subject land to Market Street and Short Street. All construction is to be in accordance with Aus-Spec #1, as modified by Mudgee Shire Council, prior to occupation or use of the development.**
51. **Stormwater runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1 and Australian Standard 3500.**
52. **The applicant shall obtain a "Certificate of Compliance" under the Water Supply Authorities Act. This will require:**
 - a) **The adjustment of any existing services or installation of new services is to be at the full cost of the developer.**
53. **All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**
54. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed and constructed so that the Aust roads design prime mover and semi trailer 19.0 metres in length may perform a right turn into the site, turn around, and turn left out of the site in a forward direction without crossing the road centreline.**

HERITAGE

55. **Should excavation and/or demolition of the archaeological remains of the 1907 building be required, a permit under Section 139 of the New South Wales Heritage Act shall be obtained prior to the commencement of work.**

56. Should any archaeological remains of the 1907 building be uncovered, a full photographic record and measured survey of the remains shall be undertaken in accordance with Heritage Office guidelines. “Guide to photographic documentation of heritage sites, buildings and structures”. A copy of the report is to be lodged at Mudgee Shire Council, New South Wales Heritage Office and Mudgee Historical Society.
57. Archival recording to be undertaken of the existing Kellett’s building, the old stables and Parkinson’s residence and shed in accordance with the Heritage Office guidelines. “Guide to photographic documentation of heritage sites, buildings and structures”. A copy of the report is to be lodged at Mudgee Shire Council, New South Wales Heritage Office and Mudgee Historical Society.
58. Any machinery remaining in the Parkinson’s shed, after the applicant has secured ownership of the site, and the incinerator at the rear of Kellett’s should be offered to the Mudgee Historical Society or other appropriate organization. The applicant is advised the Mudgee Shire Council Heritage Committee may be able to assist in discussions with the Historical Society.
59. That the bricks from the old stables and any other “Mudgee bricks” be salvaged and either re-used on the subject site or within Mudgee Shire.

ADVERTISING SIGNS

60. The proposed pylon sign on the corner of Perry and Market Streets is not approved.
61. Any additional signage other than the sign on the eastern elevation requires a separate approval from Council. A total concept plan for advertising signs, including advertising signs for the six specialty stores shall be devised and submitted prior to the lodgement of any development application for additional signage.

Sign on Western Elevation (corner of Perry and Short Streets)

62. The sign is to be securely affixed to the wall and is not to flash, move or be objectionably glaring or luminous.
63. The sign is to have a maximum dimensions of 5.5m x 2.3m and is not to project beyond the edge of the building.
64. The sign is to advertise only the name of the business.
65. The sign shall not be internally illuminated. Illumination of the sign from an external light source, eg. Floodlight, is permitted, provided such floodlight does not create a glare nuisance or distract motor vehicle drivers.

PRIOR TO THE OCCUPATION OF THE BUILDING

66. All traffic infrastructure shall be constructed and all traffic management measures implemented prior to the issue of the Occupation Certificate for the subject development.

GENERAL

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

67. A 1.8 metre high rendered brick wall shall be provided along the eastern boundary of the subject site adjoining the former commercial bank building for the length of the building as shown in red on the approved plan. The wall shall be increased to a height of 3.0 metres for the length of the private courtyard area.
68. No external storage of goods is permitted on the subject site.
69. Prior to commencement of the proposed use, the applicant shall submit to Council a list of any hazardous chemicals proposed to be used or stored, and a written statement to this effect shall be submitted.
70. All vehicles are to enter and exit the site in a forward direction at all times.
71. All vehicle parking and manoeuvring areas are to be sealed in accordance with AS 2890.1 & 2, and graded towards an approved drainage location prior to occupation or use of the development.
72. The construction of a minimum of sixty two off-street car parking spaces (including two (2) disabled accessible spaces) in accordance with AS 2890.1. Car spaces to be sealed and line marked and kept clear for parking at all times. All car parking and associated driveway.
73. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads
74. Trolley bay to be provided in the “Post Office” car park.
75. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.
76. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.
77. All entry and exit points are to be clearly signposted, all signs to be designed and erected in accordance with the requirements of AS 1742. All parking bays

are to be clearly marked and the marking maintained in good condition as well as pavement arrows marking vehicle direction flows.

78. Landscaping provided in accordance with this consent to be maintain by the applicant at no cost to Council.

CAR PARKING

79. The proposed car parking modification to construct twelve (12 No.) additional car parking spaces must be constructed in accordance with the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.6 m;
 - Any disabled car parking spaces are to be in accordance with the provisions of AS 2890.6: 2009.
 - The surface of the car park is to be sealed with an asphaltic concrete surface
 - Line marking, Wheel stop and signage must be installed as per the relevant Australian Standard
 - Off street visitor parking is to be encouraged by the placement of prominent signs indicating the available of parking
 - All car parking spaces and associated line-marking and signage must be maintained in a satisfactory condition at all time

ADDED BY MA0001/2020

80. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

ADDED BY MA0001/2020

81. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

ADDED BY MA0001/2020

82. Prior to the commencement of construction appropriate erosion control, dust control and silt collection measures must be put in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

ADDED BY MA0001/2020

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

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

Other Approvals: 'Not Applicable'

Advisory Notes

- 1 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 2 If you are dissatisfied with this decision section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- 3 To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.
4. To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the Act.
5. The amendment of this development consent does not extend the date from which approval is current i.e., 17 November 2003
6. The applicant is hereby advised that they may have responsibilities under the Federal Disability Discrimination Act 1992. Attention is drawn to the proposed location of staff dining, lockers and rest areas at mezzanine level, which does not have appropriate access for persons with disabilities.
7. Construction near any council service is to be in accordance with Council's policy 'Structures near Council Services'.
8. Council's Access Committee requests the following to be provided within the proposal:
 - (i) Tactile tiles to be provided between the disabled car spaces and the building entrances.
 - (ii) The provision of 25mm square light switches within the building.

8.6 Planning Proposal Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, LAN900094

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome;**
2. **provide initial support for the Planning Proposal in relation to the rezoning of part of Lot 2 DP 1055152, 85 Rocky Waterhole Road, Mount Frome from RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management and change the minimum lot size from 100 hectares to 20 hectares and 400 hectares for the area to be zoned RU4 Primary Production Small Lots and E3 Environmental Management respectively;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal to rezone part of Lot 2 DP 1055152 from RU1 Primary Production to RU4 Primary Production Small Lots and E3 Environmental Management and reduce the minimum lot size from 100 to 20 hectares and 400 respectively. The potential future maximum lot yield would be three; however, a concept subdivision plan has been provided that demonstrates a two-lot subdivision.

The subject site measures approximately 113 hectares and is split zoned RU1 Primary Production (measuring approximately 76 hectares) and E3 Environmental Management (measuring approximately 37 hectares).

The subject site is currently developed with a dwelling; a vineyard (16.5 hectares), cherry orchard (3 hectares) and cellar door (with an attached secondary dwelling) and is located at 85 Rocky Waterhole Road.

The Planning Proposal provided as Attachment 1 has been prepared generally in accordance with the structure outlined in the NSW Department of Planning and Environment's (DP&E) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

A key consideration for staff is agricultural capability and the provision of an adequate water supply to support various intensive agricultural uses on any future lots. The proponent has appropriately demonstrated this and addressed it in the body of the report.

The staff recommendation is to provide initial support for the Planning Proposal and to send to Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DP&E for Gateway Determination.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

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

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DP&E's A Guide to Preparing Local Environmental Plans.

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	December 2018
Staff Undertake Initial Assessment	✓	December 2018 – August 2019, further information requested, submitted by the proponent during this period and assessed by Council staff. The focus of the further information was around the provision of an adequate water supply.
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 21 August 2019 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

CONTEXT

The subject site is located at 85 Rocky Waterhole Road, Mount Frome and is developed with a dwelling, vineyard, cherry orchard and cellar door (with an attached secondary dwelling). The site is currently spilt zone RU1 Primary Production and E3 Environmental Management and has minimum lots size of 100 and 400 hectares respectively.

The area of the lot zoned E3 Environmental Management is under the minimum lot size of 400 hectares and is currently vegetated, the vegetation and Soil Class 8 (Extreme Limitations) extends beyond the E3 Environmental Management zone boundary. The Planning Proposal includes the rezoning of this area from RU1 to E3 Environmental Management. This will increase the area of land zoned E3 Environmental Management from 37 hectares to approximately 45.8ha (subject to a survey). This will result in an area of approximately 65 hectares to be zoned RU4 Primary Production Small Lots.

Clause 4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots of the LEP stipulates requirements for the erection of dwellings houses on land in Zone RU4 Primary Production Small Lots. Clause 4.2B (2) (b) and (d) details the requirements of the land being used for an intensive agricultural pursuit and has a water supply to support that pursuit. Accordingly, the proponent was required to demonstrate the agricultural capability of the land and detail an adequate water supply.

Agricultural Capability

The subject site has a land and soil capability of Class 4 Moderate to Severe Limitations and Class 8 Extreme Limitations. There is no Class 1 Extremely High Capability Land located within the local government area and only limited Class 2 Very High Capability Land located on the northern extremities of the local government area.

The area zoned currently and the area proposed to be zoned E3 Environmental Management generally aligns with the area of the site identified at Class 8 Extreme Limitations.

Within the local government area, the land currently zoned RU4 Primary Production Small Lots comprises land and soil capability Class 3 High Capability Land and Class 4 Moderate Capability Land. The proponent also detailed the agricultural capability of the land with the consideration of the Soil Landscapes of Dubbo; this further supports the potential agricultural capability of the land.

Water Supply

The Water Resources Plan (Plan) details a licenced water supply of 228 mega litres. Copies of the licences have been provided. The Plan details a water application rate of 4.9 mega litres per hectare. This application rate is consistent with rates previously approved by Council and the Australian Bureau of Statistics, Water Use on Australian Farms by Commodity.

The Planning Proposal would result in an area of 68 hectares to be zoned RU4 Primary Production Small Lots. The minimum lot size for the RU4 zone is 20 hectares. This equates to a maximum lot yield of three. It has been demonstrated with previous approvals of Council that an intensive agricultural pursuit area of 15 hectares is reasonable to assume.

Accordingly, utilising the water application rate of 4.9 hectares at 15 hectares per lot, results in a required water volume of 73.5 mega litres per lot. The potential maximum lot yield is three multiplied by 73.5 mega litres, which equates to 220.5 mega litres, and therefore there is sufficient licenced water to support a variety of future intensive agricultural uses on the potential lots created.

INTENDED OUTCOMES

The intended outcome is that the area of Lot 2 DP 1055152 currently zoned RU1 Primary Production with a minimum lot size of 100 hectares, be rezoned to RU4 Primary Production Small Lots and E3 Environmental Management with a minimum lot size of 20 and 400 hectares respectively.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved with an amendment to the *Mid-Western Regional Local Environmental Plan 2012*:

1. Amending the zone indicated on Land Zoning Map – Sheet LZN_006 from RU1 Primary Production **to** RU4 Primary Production Small Lots and E3 Environmental Management.
2. Amending the minimum lot size indicated on the Lot Size Map – Sheet LSZ_006 from (AD) 100 hectares **to** (AB3) 20 hectares and (AF) 400 hectares.

JUSTIFICATION

The DPIE guide to preparing Planning Proposals outlines eleven questions to be addressed in the Planning Proposal, the proponent has addressed the eleven questions.

NEXT STEP

The recommendation of staff is to provide initial support for the Planning Proposal and forward to DPIE for a Gateway Determination. If Council accepts this recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DP&E seeking a Gateway Determination.

Community Plan implications

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

Strategic implications

Council Strategies

The Planning Proposal will result in the reduction of one RU1 Primary Production zoned lot and an additional two RU4 Primary Production Small Lots. Council currently has 623,192 hectares of land zoned RU1 Primary Production. This reduction of land represents 0.012 percent of the total. This reduction is considered acceptable. Council’s Comprehensive Land Use Strategy has limited detail around the need for additional land zoned RU4 Primary Production Small Lots, so this Planning Proposal has been considered on its merit and specific emphasis has been placed on agricultural capability and water supply to recommend initial support.

Council Policies

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

Legislation

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

Financial implications

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

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

24 April 2019

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Acceptance of Grant Funding for Upgrade to Bylong Valley Way

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, GRA600045

RECOMMENDATION

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding for Upgrade to Bylong Valley Way;
2. accept grant funding of \$3,888,750 from Restart NSW Resources for Regions fund to upgrade 9.4km of Bylong Valley Way;
3. authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW State Government; and
4. amend the 2019/20 Budget and Delivery Program 2017/21 as follows:
 - in 2019/20 allocate a project expenditure budget of \$1,100,000 for upgrades to Bylong Valley Way including \$825,000 from Restart NSW, and \$275,000 from Regional Road Block Grant.
 - in 2020/21 allocate a project expenditure budget of \$1,890,000 for upgrades to Bylong Valley Way including \$1,417,500 from Restart NSW, and \$472,500 from Regional Road Block Grant.
 - in 2021/22 allocate a project expenditure budget of \$1,260,000 for upgrades to Bylong Valley Way including \$945,000 from Restart NSW, and \$315,000 from Regional Road Block Grant.
 - in 2022/23 allocate a project expenditure budget of \$935,000 for upgrades to Bylong Valley Way including \$701,250 from Restart NSW, and \$233,750 from Regional Road Block Grant.

Executive summary

The purpose of this report is to accept the grant funding of \$3,888,750 from Restart NSW Resources for Regions fund for the upgrade of 9.4km of Bylong Valley Way. This will require an amendment to Council's Delivery Program and Budget to include relevant grant income and project expenditure to complete this project.

Disclosure of Interest

Nil

Detailed report

Council has been successful in receiving \$3,888,750 from the NSW State Government under the Restart NSW Resources for Regions fund to provide significant upgrades to 9.4km of Bylong Valley Way.

The Bylong Valley Way route requires essential upgrades to enable a continuous link to Rylstone, Kandos and surrounding areas in the region and state. The proposed project is for the capital upgrade of a 9.4km section of the Bylong Valley Way in five segments including the Bylong township, which is approximately 51.5km from the township of Rylstone. The project will be delivered over a 4-year timeframe.

It is recommended that Council accept the grant funding of \$3,888,750 and endorse the proposed amendments to the Budget and Delivery Program to allow the road improvements to be made.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

The Mid-Western Towards 2030 Community Plan has a range of strategies supported by this project including providing a safe road network.

Council Policies

Nil

Legislation

Nil

Financial implications

The upgrades to Bylong Valley Way will be completed over a 4-year timeframe. The following table summarises the funding each year.

	2019-20	2020-21	2021-22	2022-23	Total
Total costs	\$1,100,000	\$1,890,000	\$1,260,000	\$935,000	\$5,185,000
Resources for Regions Fund	\$825,000	\$1,417,500	\$945,000	\$701,250	\$3,888,750
Council Regional Road Block Grant	\$275,000	\$472,500	\$315,000	\$233,750	\$1,296,250

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	-	x	✓
Future Years	-	x	✓

Associated Risks

Staff will manage the construction project risks such as program and cost.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

30 July 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.8 Events Assistance Late Application from Mudgee Touch Football Association

REPORT BY THE EVENTS OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, FIN300181

RECOMMENDATION

That Council:

1. receive the report by the Events Officer on the Events Assistance Late Application Mudgee Touch Football Association; and
2. provide Events Assistance to Mudgee Touch Football Association for the Don Green Touch Championships to the value of \$2,500 for 2019 and \$2,500 for 2020.

Executive summary

This report considers a late application for Events Assistance under Council's Events Assistance Policy. It relates to an event to be held between 1 July and 30 December 2019, which has been received outside the application period.

Disclosure of Interest

Nil.

Detailed report

Council's Events Assistance Program is designed to assist local community events that benefit the local economy and attract visitors to the Region. A maximum of \$2,500 per event per year is recommended. Under this program, the highest priority should be for events which:

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

The completed application for this event can be found in Attachment 1.

The proposed event is to host the **Don Green Touch Football Championships** at Glen Willow Regional Sports Complex. The event will include the hire of a range of fields and the main stadium (Complete Stadium: for 16 and 17 Nov at \$3,140.00, Field 2: 2 days x \$240.00 = \$480.00, Fields 3-6: \$480 x 2 days = \$960.00, Soccer Touch building: \$89.00 per day x 2 days = \$178.00, delivery and removal of 15 x bins = \$317. Total hire fees for this event are \$5,075.

The event has an expected attendance of 4,000 people with 75% from outside the Mid-Western Region. The scoring of this event against the Events Assistance scoring system resulted in the maximum points issued. If Council wishes to support the event in 2019, the recommended amount based on the Events Assistance scoring scale is the maximum funding amount of \$2,500 towards the cost of ground hire, noting that there will be a short fall of \$2,575.

The event is part of a multi-year hosting deal by Mudgee Touch Football and is planned to run again in November 2020. The event meets the multi-year funding criteria as outlined in the Events Assistance Policy. It is also recommended that the funding of \$2,500 also be approved for the 2020 event.

It is noted that the recently adopted Events Assistance Policy states that late applications will not be accepted outside application windows, however this application was received before the revised Events Assistance Policy was formally adopted.

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

Local community/volunteer participation in event		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

Capacity to ensure event continues and develops in the future		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

Economic activity generated from event		
Score	Definitive Answers	Value Judgement
0	\$0-\$25K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
8	\$150K-\$200K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
14	\$300K+	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)

Additional Points In-Kind Requests		
Score		Value Judgement
10		All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded.

Community Plan implications

Theme Building a Strong Local Economy

Goal An attractive business and economic environment

Strategy Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest and visit. By supporting events which provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

Council Policies

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

Legislation

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

Financial implications

Funding of \$40,000 is provided in the 2019/20 Budget for Events Assistance. Based on the scoring system above, the recommendation of staff is to provide \$2,500 in Events Assistance for this round of funding. This leaves a balance of \$9,796.00

The recommendations is to also provide \$2,500 in 20/21 for this event.

Associated Risks

If Council does not support this event, there is a risk that it may not go ahead in the future or that it is held at another location and therefore, there is the potential of lost economic benefits to the Mid-Western Region. There is also a risk that the applicant provides false or fraudulent information in order to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

JOANNA LINDSAY
EVENTS OFFICER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 July 2019

Attachments: 1. Mudgee Touch Events Assistance Application.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Event Assistance Funding Application - 1 July to 31 December 2019

#37

COMPLETE

Collector: Late Applications (Web Link)
Started: Tuesday, July 23, 2019 4:59:19 PM
Last Modified: Tuesday, July 23, 2019 7:12:24 PM
Time Spent: 02:13:05
IP Address: 49.195.91.75

Page 2: CONTACT DETAILS

Q1 Please enter your contact details below:

Name: Kathy Lang
Organisation: Mudgee Touch Association
ABN: 64346876127
Address: PO Box 493
Suburb: Mudgee
State: NSW
Post Code: 2850
Email Address: mudgeetouch@outlook.com
Phone Number: [REDACTED]

Q2 Website/Social Media

Website: mudgeetouch.com.au
Facebook Page: Mudgee Touch Football Association
Other: Instagram and Twitter

Page 3: EVENT INFORMATION

Q3 Name of event:

Don Green Western Junior Championships

Q4 Event Date/s:

Saturday 16 and Sunday 17 November 2019

Q5 Number of days event is held:

2

Event Assistance Funding Application - 1 July to 31 December 2019

Q6 Event location:

Glen Willow Stadium and Sporting Complex

Q7 Year the event was established:

2010

Q8 How often is the event held?

Annual

Q9 Event description:

Junior touch football elite championships for boys and girls from under 8's to under 18's.

Q10 Event aims and objectives:

To provide a quality touch football competition in a safe and friendly environment.

Q11 Desired outcomes of event:

To deliver a touch football competition at a quality venue and to give local children from Mudgee, Gulgong and Kandos touch football competitions the opportunity to compete at a higher level.

Q12 Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

Local Participants	300
Local Spectators	700
Visitor Participants	1000
Visitor Spectators	2000
Total Expected Attendance	4000

Q13 What methods do you use to collect data on attendance and visitor numbers?

Players are required to register for their respective teams via an online registration process. Spectators are estimated as no gate fees are charged for entry.

Q14 Target audience:

Local and visiting touch football enthusiasts as well as the general public. There is no charge for entry and is accessible for a range of spectators and ages.

Event Assistance Funding Application - 1 July to 31 December 2019

Q15 Local community involvement (including local businesses and number of volunteers):

Volunteers from Mudgee Touch Association will run the canteen and provide administrative assistance to run the event.

Q16 Economic benefits of the event:

Local businesses, accommodation establishments, restaurants, cafes and takeaway stores will benefit as well as petrol stations etc

Q17 Community and social benefits of the event:

The community benefits from the money being spent in the community and by having the opportunity to showcase the local area. Social benefits are that of being able to provide the opportunity for the young people of our community to participate in a fun and organised touch football event.

Q18 How will Council's support of the event be recognised?

Council will be recognised for their support by mentioning them over the PA during the event and are encouraged to provide advertising material to display at the event.

Q19 How do you plan to market and promote the event?

The event will be marketed and promoted through Mudgee Touch social media platforms as well as through the Hornets Touch Football website and social media platforms

Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

Q20 Please provide details of your event income:

Events Assistance Funding Requested:	\$3000 or the maximum allowed
Expected Sales Revenue (including entry/ticket sales):	no ticket sales, no entry charged. Revenue only from canteen sales. Approximately \$1500 to \$2000
Contribution from your Organisation/Club:	Volunteers provide their time and shortfall from event assistance funding
Sponsorship:	Nil
Stallholder Fees:	Nil
Total Income:	\$1500 to \$2000

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Q21 Please provide details of your event expenditure:

Marketing:	\$1000
Venue Hire:	\$2780
Event Infrastructure:	Tents approximately \$3000
Waste Management:	as per council charges
Traffic Control:	not required
Staff Costs:	nil

Q22 Total Surplus/Deficit:

\$ 4000 (approximate deficit)

Q23 If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

No surplus

Q24 How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

Mudgee Touch has discussed the opportunity to organise sponsorship for the event and to include a levy on local player registrations

Q25 Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

Hornets Touch Technical Representative oversee the running of the event in conjunction with Mudgee Touch volunteers. All event staff are unpaid

Q26 Is your group/organisation Incorporated? Yes

Q27 Is your group/organisation not-for-profit? Yes

Q28 Have you registered for GST? Yes

Q29 Do you have an ABN? Yes,
ABN::
64346876127

Q30 Has your event previously received funding from Council? Yes,
If yes, please list year(s) of funding and amount(s) received::
\$2000

Event Assistance Funding Application - 1 July to 31 December 2019

Q31 Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding. **Yes**

Q32 Please upload a copy of your Certificate of Currency

2019 Mudgee Touch Certificate of Currency.pdf(129KB)

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

Q33 Please provide details of IN-KIND support requested AND value of support (dollar amounts):(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire	Venue Hire fee including the stadium and 5 outside fields
Traffic Management	not required
Waste Management	as per bins provided by council
Total:	total as above

Q34 Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Total: **Nil cash funding sought**

Page 6: AUTHORISATION OF APPLICANT

Q35 Authorisation of Applicant:

Name:	Kathryn Lang
Position	Secretary
Date:	23/07/2019

Q36 I confirm: **that the information contained in the application form and within the attachments are true and correct.**
 ,
that this application has been submitted with the full knowledge and support of the applicant.

8.9 Land & Housing Supply Monitor 1 January 2019 - 30 June 2019

REPORT BY THE MANAGER, STRATEGIC PLANNING
 TO 21 AUGUST 2019 ORDINARY MEETING
 GOV400067, LAN900042

RECOMMENDATION

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 January 2019 - 30 June 2019.

Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process. This report provides the latest data for the six month period ending 30 June 2019.

Disclosure of Interest

Nil.

Detailed report

The table below provides data for the last five years and the most recent six month period ending 30 June 2019.

	2013/14	2014/15	2015/16	2016/17	2017/18	1 July – 31 Dec 2018	1 January – 30 June 2019	TOTAL 2018/2019
SUBDIVISION								
Residential subdivision applications (no. of lots approved – DA's)	710	246	80	30	22	46	40	86
Rural subdivision applications (no. of lots approved – DA's)	-	-	-	-	3	0	0	0
Industrial subdivision applications (no. of lots approved – DA's)	-	-	-	-	34	0	0	0
SUBDIVISION CERTIFICATES								
Residential subdivision certificate (no. of lots released)	95	135	18	34	17	12 lots (< 1000m2) 5 lots (2000m2) TOTAL = 17 lots	22 lots (< 1000m2) 1 lots (2000m2) TOTAL = 23 lots	40
Rural subdivision certificate (no. of lots released)	-	-	-	-	30	9 lots (2 - 12ha) 0 lots (20ha) 0 lots (100ha) TOTAL = 9 lots	0	9
Boundary adjustment subdivision certificate	-	-	-	-	-	7	5	12
DWELLINGS								

DA approval for dwellings and dual occupancies (no. of dwellings approved)	148	123	95	87	101	38	27	65
CDC's for dwellings and dual occupancies (no. dwellings)	50	23	38	46	47	37	47	84
Occupation certificates (no. dwellings)	51	91	22	159	94	36	23	59

Community Plan implications

Theme Looking After Our Community

Goal Vibrant towns and villages

Strategy Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

The preparation of this report is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

30 July 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.10 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067,

RECOMMENDATION

That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.

Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation to development assessment and determination of applications.

Disclosure of Interest

Nil.

Detailed report

Included in this report is an update for the month of July 2019 Development Applications determined and Development Applications processing. The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information
- Median and average processing times for development applications
- A list of determined development applications
- Currently processing development applications and heritage applications

Community Plan implications

Theme	Looking After Our Community
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Goal	Vibrant towns and villages
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Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

1 August 2019

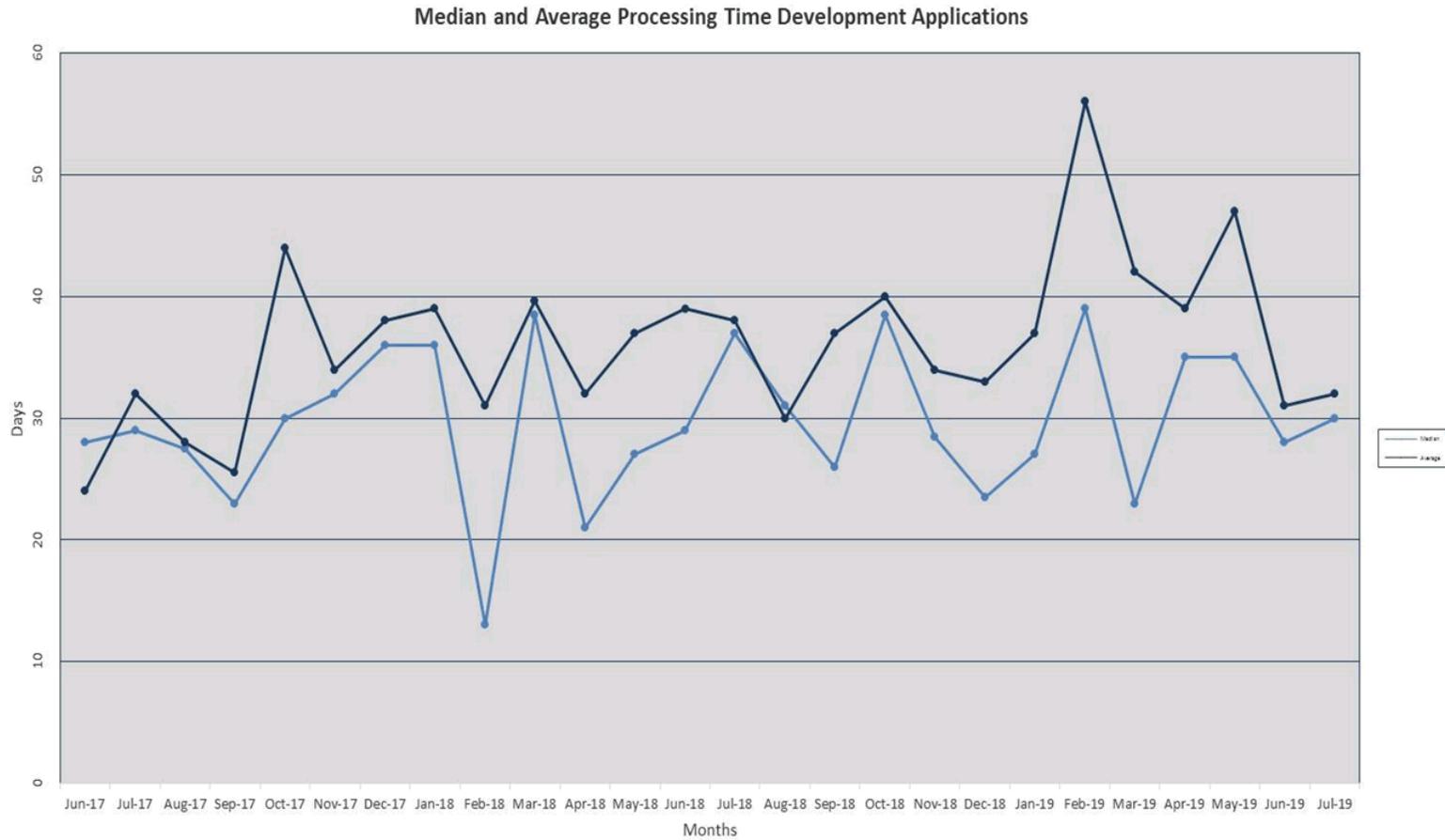
Attachments: 1. Monthly Development Applications Processing and Determined - July 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

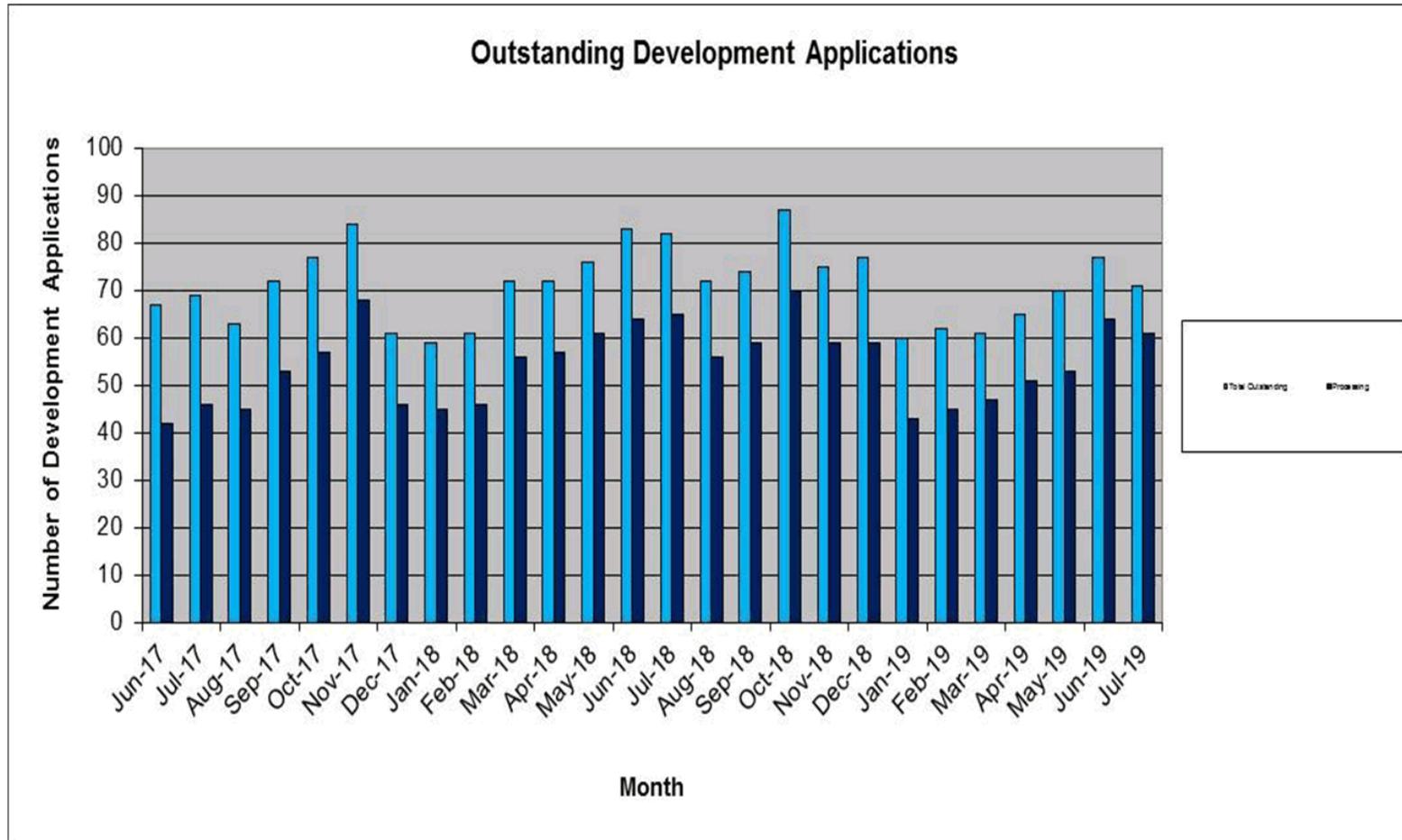
Monthly Development Application Processing Report – July 2019

This report covers the period for the month of May 2019. Graph 1 indicates the processing times up to 31, July 2019 with the month of July having an average of 32 days and a median time of 30 days.



Monthly Development Application Processing Report – July 2019

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



Monthly Development Application Processing Report – July 2019

The Planning and Development Department determined 28 Development Applications either by Council or under delegation during July 2019.

Development Applications Determined – July 2019

Appl/Proc ID	Description	House No	Street Name	Locality
DA0321/2018	Alterations & Additions	20	Mudgee Street	RYLSTONE
DA0160/2019	Community Facility	16	Lindsay Street	HARGRAVES
DA0195/2019	Subdivision - Torrens Title	45	Callaghan Street	CLANDULLA
DA0224/2019	Dwelling House	257	Melrose Road	MOUNT FROME
DA0235/2019	Subdivision - Torrens Title	52	Wynella Street	GULGONG
DA0240/2019	Cellar Door Premises	1012	Westcourt Lane	EURUNDEREE
DA0244/2019	Subdivision - Torrens Title	479	Wallawaugh Road	HARGRAVES
DA0246/2019	Shed >150m2	2061	Lower Piambong Road	PIAMBONG
DA0249/2019	Dual Occupancy	8	George Street	KANDOS
DA0271/2019	Residential Shed	11	Butler Circle	BOMBIRA
DA0272/2019	Dwelling House	241	Riverlea Road	RIVERLEA
DA0274/2019	Residential Shed	6	Tebbutt Court	MUDGEE
DA0278/2019	Dwelling House	2063	Lower Piambong Road	PIAMBONG
DA0279/2019	Dwelling House	19	Hollingsworth Drive	GULGONG
DA0280/2019	Dwelling House	49	Growee Road	GROWEE
DA0281/2019	Residential Shed	247	Robertson Road	SPRING FLAT
DA0286/2019	Farm Building	1343	Lower Piambong Road	PIAMBONG
DA0287/2019	Subdivision - Strata Title	44	Spring Road	MUDGEE
DA0292/2019	Demolition	246	Mortimer Street	MUDGEE
DA0293/2019	Dual Occupancy	19	Madeira Road	MUDGEE
DA0296/2019	Change of use - Retail Premises	160	Church Street	MUDGEE
DA0297/2019	Dwelling House	18	Black Lead Lane	GULGONG
DA0298/2019	Shed >150m2	96	Beragoo Road	GRATTAI
DA0299/2019	Demolition	116	Inglis Street	MUDGEE
DA0301/2019	Residential Shed	57	Mortimer Street	MUDGEE
DA0303/2019	Change of use - Internal Fit Out	79	Market Street	MUDGEE
DA0003/2020	Residential Shed	3	Gawthorne Street	MUDGEE
DA0282/2019	Dwelling House	1780	Bara Road	BOTOBOLAR

Monthly Development Application Processing Report – July 2019

Development Applications currently being processed – July, 2019.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEES
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEES
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEES
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0226/2018	Dwelling House	308	Cypress Drive	YARRAWONGA
DA0250/2018	Community Centre	363	Ulan Road	EURUNDEREE
DA0301/2018	Commercial Premises	20	Sydney Road	MUDGEES
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0106/2019	Subdivision - Torrens Title	316	Broadhead Road	SPRING FLAT
DA0218/2019	Subdivision - Torrens Title	41	George Campbell Drive	EURUNDEREE
DA0225/2019	Dwelling House	1677	Windeyer Road	WINDEYER
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0234/2019	Boundary Adjustment	1891	Queens Pinch Road	MEROO
DA0247/2019	Dwelling House	231	Springwood Park Road	COPE
DA0250/2019	Dwelling House	977	Pugoon Road	TALLAWANG
DA0251/2019	Animal Boarding or Training Establishment	2255	Hill End Road	GRATTAI
DA0257/2019	Tourist and Visitor Accommodation	1257	Windeyer Road	WINDEYER
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG
DA0273/2019	Subdivision - Torrens Title	92	White Circle	MUDGEES
DA0275/2019	Residential Shed	47	Macquarie Drive	MUDGEES
DA0277/2019	Dwelling House	280	Gardiners Road	TWO MILE FLAT
DA0283/2019	Electricity Generating Works	129	Old Mill Road	GULGONG

Monthly Development Application Processing Report – July 2019

DA0284/2019	Subdivision - Community Title	32	Horatio Street	MUDGEE
DA0288/2019	Electricity Generating Works	3	Sydney Road	BURRUNDULLA
DA0289/2019	Dwelling House	3	Consadine Grove	SPRING FLAT
DA0290/2019	Dual Occupancy	203	Mount Pleasant Lane	BUCKAROO
DA0294/2019	Recreation Facility (major)	106	Ulan Road	BOMBIRA
DA0295/2019	Subdivision - Torrens Title	153	Bruce Road	MUDGEE
DA0302/2019	Dwelling House	28	Rodgers Street	KANDOS
DA0304/2019	Change of use - Shed to Dwelling and ancillary buildings	103	Wollar Road	BUDGEE BUDGE
DA0305/2019	Dual Occupancy	222	Camerons Road	RUNNING STREAM
DA0306/2019	Demolition	28	Rocly Waterhole Road	MILROY
DA0004/2020	Function Centre	90	Bartletts Road	RYLSTONE
DA0005/2020	Home Industry	698	Bocoble Road	BOCOBLE
DA0008/2020	Dwelling House	2350	Lue Road	LUE
DA0009/2020	Dwelling House	156	Bruce Road	MUDGEE
DA0010/2020	Extractive Industry	329	Quarry Road	KANDOS
DA0011/2020	Intensive Agriculture	80	Kemps Valley Road	KAINS FLAT
DA0012/2020	Dwelling House	6	Rowe Street	MUDGEE
DA0014/2020	Dwelling House	142	Suzanne Road	TALLAWANG
DA0015/2020	Pergola	280	Church Street	MUDGEE
DA0016/2020	Awning	79	White Rock Road	RYLSTONE
DA0019/2020	Dwelling House	99	Plenty Road	SPRING FLAT
DA0020/2020	Shed >150m2	20	Bumberra Place	BOMBIRA
DA0021/2020	Residential Shed	39	Winter Street	MUDGEE

Monthly Development Application Processing Report – July 2019

Heritage Development Applications currently being processed – July, 2019.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEES
DA0215/2019	Commercial Alterations/Additions	88	Louee Street	RYLSTONE
DA0242/2019	Change of use - Church to Health Consulting Rooms	103	Mortimer Street	MUDGEES
DA0254/2019	Dual Occupancy	100	Inglis Street	MUDGEES
DA0276/2019	Commercial Alterations/Additions	19	Inglis Street	MUDGEES
DA0285/2019	Alterations & Additions	42	Lawson Street	MUDGEES
DA0291/2019	Boundary Adjustment	140	Mayne Street	GULGONG
DA0300/2019	Demolition	80	Madeira Road	MUDGEES
DA0307/2019	Multi Dwelling Housing	5	Costigan Court	MUDGEES
DA0001/2020	Commercial Alterations/Additions	65	Church Street	MUDGEES
DA0002/2020	Camping Ground	11	Nicholson Street	MUDGEES
DA0006/2020	Change of use - Medical Centre to Office Premises	142	Church Street	MUDGEES
DA0007/2020	Demolition	30	Robertson Street	MUDGEES
DA0013/2020	Electricity Generating Works	93	Mortimer Street	MUDGEES

Item 9: Finance

9.1 Review - Procurement Policy

REPORT BY THE PROCUREMENT MANAGER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Manager on the Review - Procurement Policy;**
2. **accept the increased Tendering threshold of \$250,000 (from \$150,000) and amendments to existing spend thresholds in the Procurement Policy;**
3. **place the revised Procurement Policy on public exhibition for 28 days; and**
4. **adopt the revised Procurement Policy if no submissions are received.**

Executive summary

A review of Council's Procurement Policy (the Policy) has again been required due to legislative amendments to the Local Government Act 1993. The Local Government Amendment Bill was passed through Parliament on Wednesday, 19 June the amended Act commenced on the 23 July 2019 (28 days after it was Assented).

Changes to Legislation regarding Procurement are:

- Increase in Tender threshold to \$250,000
- Use of a disability employment organisation under the Public Works and Procurement Act 1912 without going to Tender

Disclosure of Interest

Nil.

Detailed report

Due to an IPART review, the above legislative changes have now been adopted and are reflected in the Local Government Act. The increase of the tendering threshold from \$150,000 to \$250,000 enables Council's to reduce the 'red tape' when undertaking procurement activities, however, Council still have an obligation to ensure that procurement activities have been undertaken with transparency, probity and value for money for our community.

The purpose of tendering is to test the appropriate markets for the required goods and services with the objective of obtaining value for money for our ratepayers and reaching the objective specified in the tender as per the requirements of the community. The tender process is very time consuming for staff and costs to Council and the community often outweigh the benefits. It can take approximately 6 months for an appropriate Tender process to occur from start to finish. The adoption of the new tendering threshold and the associated amendments to our additional spend thresholds assist Council in alleviating the long delays in undertaking projects, particularly those with conditional spend such as grant money, however continues to ensure appropriate financial controls are in place to ensure Council meets its obligations surrounding procurement activities and maintain competitiveness in the market.

Council may also now utilise a disability employment organisation under the Public Works and Procurement Act 1912 without going to tender. This amendment is currently covered in the Procurement Policy under Tendering by specifying 'Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993'.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the recommendation, Council is endorsing the Procurement Policy changes to be placed out on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

The Local Government Act 1993, section 55, sets out the parameters of tendering, and this is referenced in the Policy.

The Local Government Amendment Act 2019 endorsed the increase in the Tendering threshold to \$250,000.

The Local Government Regulations also provide provisions around tendering process.

Financial implications

Not Applicable

Associated Risks

The recommended spend thresholds in the Policy are designed to improve usability and efficiency, whilst appropriately addressing procurement risks.

KRISTIE WARD
PROCUREMENT MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 July 2019

Attachments: 1. POLICY – REVIEW – Procurement Policy - JULY 2019(1).

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

	POLICY			
	Procurement Policy			
	ADOPTED	VERSION NO		2.0
	COUNCIL MEETING MIN NO	REVIEW DATE		JULY 2020
DATE:	FILE NUMBER	GOV400047		

Objective

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing
- Maintaining a high standard of health & safety management

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- WHS Act 2011

Related policies and plans

- Local Preference Policy
- Service Provider Management Policy
- Gifts & Benefits Policy
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Disposal of Assets Policy
- [HRWHS-008-WHS Responsibilities](#) [WHS Risk Management Procedure](#)
- [HRWHS-059 \(Procedure\) Framework for the Safety Management of Contractor & Construction Project Works](#)

PAGE 1 OF 14 | MID-WESTERN REGIONAL COUNCIL

POLICY: ~~PROCUREMENT POLICY~~~~PROCUREMENT POLICY~~~~PROCUREMENT POLICY~~ | _____

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Policy

In entering into contracts for the carrying out of work, or the supply of goods and services, Council officers will have regard to Mid-Western Regional Council's purchasing objectives as set out above.

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

Breach of the requirements of this policy may result in disciplinary action.

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- to respond to an emergency, community safety issue or potential public liability issue at a cost not exceeding \$50,000;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. The Delegation of Authority for the General Manager at item 3.2 allows the General Manager to accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2005* are met.

Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

POLICY: ~~PROCUREMENT POLICY~~~~PROCUREMENT POLICY~~~~PROCUREMENT POLICY~~ | _____

NO OFFICER OTHER THAN THE GENERAL MANAGER MAY HAVE A PROCUREMENT DELEGATION EXCEEDING \$150,000.

Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Council's Gifts and Benefits Policy.

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. A budget allocation must have been made by Council in the Operational Plan or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the Operational Plan, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council has the opportunity to utilise contracts offered by Prescribed Entities (Local Government Procurement & Procurement Australia). Council Officers are encouraged to seek opportunities to aggregate purchases within these alliances as well as other groups when applicable.

Local ~~supplier~~[Service Provider](#)s should be encouraged to submit a quotation or tender in these circumstances (with the Prescribed Entities), and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

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Purchase of Goods and Services ~~up to \$100~~ and up to \$1,000

Purchases may be made via corporate credit cards or out of petty cash except as defined otherwise by the General Manager. ~~An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred.~~ Council staff may either request a specific purchase order or utilise Council's monthly order process.

~~Petty cash limits are defined in the Petty Cash Procedure.~~

~~The use of official purchase orders is also available, but not preferred.~~

Purchase of Goods and Services above \$100 and up to \$4,000

Purchases may be made via corporate credit card except as defined otherwise by the General Manager. ~~The use of an official purchase order is preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process. An alternative to a purchase order is the use of a purchase request form upon receipt of the invoice.~~

~~For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice~~

~~An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process.~~

~~For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice.~~

Purchase of Goods and Services above \$4,000 and up to \$240,000

Purchases must be made by submitting an official purchase order to the ~~supplier~~Service Provider. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA) (via Vendor Panel where applicable) or
- Obtaining at least two quotes (sole supplier situations excepted); including consideration for Council's Local Market Place on Vendor Panel;

In exceptional circumstances where two quotes cannot be obtained; for example, there is not any viable alternative products or ~~supplier~~Service Providers or due to warranties and/or

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manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your application as to why two quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

or

- Accessing Government contract pricing.

An exemption from obtaining two written quotations may only be issued by the Chief Financial Officer or the General Manager. An exemption must be obtained in writing using the approved form.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a [supplier-service provider](#) from an arrangement because of poor [supplier](#) performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above ~~\$240,000~~ and up to ~~\$50100,000~~

Purchases must be made by submitting an official purchase order to the [supplierService Provider](#). Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Director or Council's Manager Procurement will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Obtaining at least three written quotes (sole supplier situations excepted) including consideration for Council's Local Market Place on Vendor Panel ([providing public advertising to appropriately test the market](#)); or
- [Accessing Government contract pricing.](#) Or
- -

An exemption from obtaining three written quotations may be issued by the CFO. An exemption must be obtained in writing using the approved form.

In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or [supplierService Providers](#) or due to warranties and/or manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your exemption application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

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All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a [supplierService Provider](#) from an arrangement because of poor [supplier](#) performance or [ensure](#) the inclusion of Council's Service Provider Management Policy.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above ~~\$50100,000~~ and up to ~~\$450250,000~~

Purchases must be made by submitting an official purchase order to the [supplierService Provider](#).

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Accessing Government contract pricing; or
- Public advertising for quotations. The responsible Director or Chief Financial Officer will assess the coverage of such public advertising.
- An exemption from obtaining three written quotations may be issued by the General Manager. An exemption must be obtained in writing using the approved form.
- In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or [supplierService Providers](#) or due to warranties and/or manufacturer requirements, the General Manager can provide an exemption providing sufficient evidence is provided with your application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

An exemption from public advertising for quotations may only be issued by the General Manager. Should such an exemption be issued, a minimum of three written quotations must still be obtained. If three quotes are not obtainable, both the General Manager and the CFO must sign the exemption.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

[An instrument of engagement must be used when procuring goods and/or services with this threshold, for example a formal Contract or Instrument of Agreement. The terms and conditions relevant to this procurement must be made evident during the quoting process \(attached to the Request for Quote\)](#)

[The instrument of engagement must include any proposed retention, bank guarantee requirements, payment milestones or any other conditions. The instrument of engagement must be agreed upon with the successful applicant \(and signed\) prior to the issuance of purchase order.](#)

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When engagement via an SOA, PSA or PQA & Government Pricing occurs, confirmation of the existing Terms & Conditions is recommended prior to engagement of any listed service provider.

At the end of major procurements, the performance of the contractor or supplierService Provider should be assessed. This information can be used in the assessment process for the award of future contracts.

Purchase of Goods and Services above \$2450,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Prior to proceeding on any form of procurement for this value, a budget and a job number must be allocated to the specific project

An official purchase order must be raised, and submitted to the supplierService Provider.

At the end of major procurements the performance of the contractor or supplierService Provider should be assessed. This information can be used in the assessment process for the award of future contracts.

Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$150250,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.

The General Manager must approve the selective tendering methods prior to advertising (as an alternative to the open tendering method). The General Manager must also approve those selected tenderers from the Expression of Interest prior to undertaking the selective tender process.

- Or, Accessing a Standing Offer Arrangement (SOA); accessing a Preferred Supplier Arrangement (PSA); or accessing a Pre-qualified Supplier Arrangement

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Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. This toolkit must be used for all tenders conducted by Council.

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

[An instrument of engagement must be used when procuring goods and/or services via a tender. For example a formal contract or Instrument of Agreement. The terms and conditions relevant to this procurement must be made evident during the tendering process \(attached to tendering documentation\).](#)

[The instrument of engagement must include any proposed retention, bank guarantee requirements, payment milestones or any other conditions. The instrument of engagement must be agreed upon with the successful applicant \(and signed\) prior to the issuance of purchase order.](#)

Accessing tenders through external organisations & prescribed entities

Council has the option to access tenders conducted by external organisations. This practice eliminates the need for Council to tender as an individual when there is demonstrated value for money from our alternatives due to a 'bulk buy' methodology.

Council can access current tenders listed with Local Government Procurement (Prescribed Entity), Procurement Australia (Prescribed Entity), Regional Procurement & Centroc by following the relevant participation procedures. Council is not limited to utilising tender arrangements as sought by the abovementioned organisations and is encouraged to utilise the most effective method of Tendering for Council's purchasing objective.

Council have the capability to compare pricing and if an alternative is deemed better value for money than we are capable of obtaining as a single organisation we may utilise these alternatives. Considerations must also be given to Contract terms and conditions of the alternative tender to ensure the needs and expectations of Council are met

When Council participate in an external organisations tenders the project manager should assess the qualification criteria including compliance, standing offer deed, specifications and any evaluation criteria if available. Considerations must also be given to contract terms and conditions of the tender to ensure the needs and expectations of Council are met.

When accepting a tender conducted by an external organisation appropriate approvals must still be sought from either Council or the General Manager, depending on estimated contract value.

When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied, Council may choose to do business with one or all of the [supplierService Providers](#). Where Council spend for any one quote is estimated to exceed \$150,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the Manager Procurement or the CFO through Council's Procurement Evaluation Plan and the relevant Director. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required.

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The Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government must still be considered during the evaluation phase of the responses from the request for quote. The same responsibilities apply to a tender with regards to the security of documentation and pricing as well as commercial in confidence information.

The evaluation of the responses (quotes) must align to the methodology stated in the approved Procurement Evaluation Plan. An Approval Memorandum must be submitted to the General Manager for acceptance of the recommended applicant unless delegated otherwise.

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations and/or variations. 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).

All approved increases must be responded to in writing from Council's delegate.

Due Diligence

Due diligence of [supplierService Providers](#) is to be carried out, where appropriate, where a tender is not required.

Due diligence of any [supplierService Provider](#) must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Bitumen sealing
- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these [supplierService Providers](#) via VendorPanel.

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Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified [supplierService Providers](#) of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these [supplierService Providers](#) via VendorPanel prior to engagement.

Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$50,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

Council is responsible for:

Risk Assessments

A purchasing risk assessment ([HRWHS-025](#)) must be undertaken for all items/goods with regards to its potential use at the workplace. [Supporting documents are available on Council's Intranet.](#) In undertaking the risk [assessmentassessment](#), the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose
- Hazards and risks presented by the item (including biological and chemical products) to be purchased
- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use

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- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

Plant & Equipment

In respect to the purchase of plant and equipment including furniture, the [supplierService Provider](#) will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

Hazardous Substances

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all [supplierService Providers](#) must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

Personal Protective Equipment [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

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All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

Pre - Purchase Trials

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

Making a Decision to Purchase

If after the risk assessment, trials and/or the provision of information from the potential supplierService Provider, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

WHS Standards for Procurement of Service Providers

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

If a service provider is deemed a regular or high-risk service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace site-specific inductions.

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

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Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Councils Local Preference Policy can be found on Council's website.

Service Provider Management Policy

The Service Provider Management policy aims to ensure Council's 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 [SupplierService Provider](#) Rates and Ethical Behaviour & Fair dealing

Full details of Councils Service Provider Management Policy can be found on Council's website.

Variations of this policy

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

Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place [supplierService Providers](#) in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and [supplierService Providers](#) are numbered from 1 to say 5 during the evaluation process. In the first instance Council must contact the number 1 [supplierService Provider](#) and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.

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- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Due Diligence

- Is an investigation of a business or person prior to signing a contract, or an act with a certain standard of care.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- [Approved Electronic Tendering & Quoting Portals](#)
- [Social Media](#)
- [Council's Website](#)
- [VendorPanel](#)

9.2 Service Provider Management Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Service Provider Management Policy Review;**
2. **note that no submissions were received during the exhibition period;**
3. **approve the administrative changes to the policy included in this report; and**
4. **adopt the revised Service Provider Management Policy.**

Executive summary

A review of Council's Service Provider Management Policy (the Policy) has been undertaken, and recommended changes are designed to improve usability, and provide a simplified framework that should be easier for Service Providers to understand.

A report was presented to Council on the Policy at the 19 June 2019 Council Meeting. Council requested an additional report be returned to Council to consider submissions and adopt the Service Provider Management Policy after public exhibition.

The Exhibition period expired on 19 July 2019 and the no submissions have been received. This policy is now returned to Council to be adopted as per the June resolution of Council.

Disclosure of Interest

Nil

Detailed report

Prior to the exhibition period, there were material changes made to the Service Provider Management Policy. These changes were designed to make the Policy easier to understand and use, cover off on Councils improved WHS processes and deliver clear set of parameters for managing service providers.

This policy provides the requirements to service providers and communicates the process that will be followed by Council.

No submissions were received on the Policy during the exhibition period; however, a slight administrative amendment is recommended to be made to the Policy. The changes relate to the seventh dot point of the heading 'Service Provider Performance Management' and can be found on page 10 of the document. The changes are as follows:

From:

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.

To:

Service Providers that have tendered (and accepted) for a preferred supplier list may be re-prioritised as a consequence from the receipt of a non-conformance and/or face potential removal as per the matrix depending on the severity of the breach. All other service providers are based on the non-conformance matrix and the severity of the breach.

The changes have been tracked in the attached policy for consideration by Council.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Nil

Legislation

The Policy references the WHS Act 2011

Financial implications

Nil

Associated Risks

This policy is designed to manage and reduce associated risks that may arise when managing external service providers. Such risks include breach of process contract, WHS requirements, procurement requirements, chain of responsibility.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

25 July 2019

- Attachments:*
1. POLICY - REVIEW - Service Provider Management Policy. (separately attached)
 2. POLICY - REVIEW - Service Provider Management Policy - Tracked changes. (separately attached)
 3. POLICY - Post Exhibition Edits - Service Provider Management Policy . (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Budget Revotes From 2018/19 to 2019/20

REPORT BY THE MANAGER FINANCIAL PLANNING
 TO 21 AUGUST 2019 ORDINARY MEETING
 GOV400066, FIN300201

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Budget Revotes From 2018/19 to 2019/20; and
2. amend the 2019/20 budget to reflect the revote of \$321,980 capital expenditure with funding as follows:

General Fund Unrestricted Cash	\$20,000
General Fund Internal Reserves	\$120,000
General Fund Unspent Grant/Contributions	\$137,480
General Fund Grants/Contributions	\$44,500

3. amend the 2019/20 budget to reflect carried forward expenditure of \$3,900,383 for multi-year projects with funding as follows:

General Fund Unrestricted Cash	\$67,314
General Fund Internal Reserves	\$179,246
General Fund Developer Contributions	\$673,408
General Fund Unspent Grant/Contributions	\$1,031,219
General Fund Grants/Contributions	\$1,329,383
Saleyards Fund Unspent Grant/Contributions	\$28,792
Saleyards Fund Grants/Contributions	\$20,500
Water Fund Reserves	\$226,060
Water Fund Developer Contributions	\$131,715
Water Fund Unspent Grant/Contributions	\$65,123
Sewer Fund Reserves	\$35,197
Sewer Fund Grant/Contributions	\$12,435
Waste Fund Reserves	\$99,991

4. amend the 2019/20 budget to reflect the revote of \$1,566,818 operating expenditure with funding as follows:

General Fund Unrestricted Cash	\$122,446
General Fund Internal Reserves	\$5,000
General Fund Developer Contributions	\$44,370
General Fund Unspent Grant/Contributions	\$139,413
General Fund Grants/Contributions	\$1,215,990
Water Fund Unspent Grant/Contributions	\$39,599

Executive summary

This report recommends the revoting of budgets into 2019/20 for projects not yet completed as at 30 June 2019. Attachment 1 shows each project recommended for revote, the amount of expenditure and the funding source.

Disclosure of Interest

Nil.

Detailed report

The total budget amendment in this report of \$5,789,181 includes \$3,900,383 identified as multi-year projects and \$956,562 of State Roads Order Works. These are projects where works were commenced and expected to take place over more than one financial year. Due to some delays in construction and the allowance for variability in timing of works, the full budget allocation was not expended in 2018/19. As these projects were commenced to various stages, but as at 30 June 2019 were not completed they are not technically “revotes” in accordance with the Regulations (as per s211(3)), and they are reported to Council as carry forward projects for completeness.

The total revotes of \$932,236 are made up of \$321,980 capital works and \$610,256 operating projects. Whilst the planning of these projects were also commenced at 30 June 2019, Council had not made commitments and therefore we have termed these projects a revote.

Community Plan implications

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

Strategic implications

Council Strategies

The recommendation if approved will amend the 2019/20 budget.

Council Policies

Not Applicable.

Legislation

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

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

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

Financial implications

Council has sufficient funds in Reserves, Unspent Grants and Contributions, and Developer Contributions in each of the individual funds to be allocated to the continuing projects. Council’s unrestricted funds balance as at 30 June 2019 will be finalised as part of the 2018/19 financial statement process, and confirmed by external audit, however the forecast budget indicates that sufficient unrestricted funds will be available to meet the General Fund revenue-funded revotes.

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

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	✘	✘	✔
Future Years	-	-	-

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 July 2019

Attachments: 1. Revotes from 2018/19 to 2019/20.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Proposed Revotes into the 2019/20 Operational Plan

Project	Project Number	Capital (C) /Operating (O)	Expenditure	Funding				
				Unrestricted Cash	Reserves	S94/S64/VPA	Unspent Grants/ Contributions	Grant/ Contributions
MULTI-YEAR PROJECTS								
GENERAL FUND								
Ulan Wollar Road - Stage 1	61254	C	1,395,800				501,361	894,439
Glen Willow Sports Ground Upgrades	50608	C	349,560			349,560		
Art Gallery Facility	51050	C	300,000			150,000	150,000	
Glen Willow Scoreboard	50636	C	270,449				180,384	90,065
Rehab Bylong Valley Way 1030,1035,1050,1055	61513	C	190,409				61,191	129,218
District Adventure Playground	50950	C	109,722			109,722		
Rylstone Kandos Preschool Extension	75858	C	89,030			64,126	24,904	
Mudgee Showgrounds - Amenities	50648	C	86,725		75,000		11,725	
Waratah Park Scoreboard	50670	C	82,901				32,900	50,001
Wollar Road Stage 4	62808	C	49,566					49,566
Mudgee Water Park	50945	C	43,765	43,765				
Property Subdivision Saleyards Lane	75610	C	39,565					39,565
Ulan Road - Moggs Ln to Wollar Rd	64616	C	39,403		39,403			
Glen Willow Player Seating	50634	C	34,626				14,626	20,000
Munghorn Gap Realignment	61826	C	26,003				13,002	13,001
Bus Access to Red Hill	60410	C	25,409					25,409
Putta Bucca Wetlands Extension	35725	C	15,281				15,281	
IT Special Projects - Bookable	15600	C	14,798	14,798				
Lawson Park West Pipe Extension	35651	C	13,930		13,930			
Mudgee Admin Building Upgrade	15100	C	13,850		13,850			
Irrigation Rylstone Showground	50766	C	11,347					11,347
Rylstone Library Branch	50053	C	11,048		11,048			

Proposed Revotes into the 2019/20 Operational Plan

Project	Project Number	Capital (C) /Operating (O)	Expenditure	Funding				
				Unrestricted Cash	Reserves	S94/S64/VPA	Unspent Grants/ Contributions	Grant/ Contributions
Cudgegong Waters Caravan Park	75151	C	10,831				10,831	
Operations Admin Capital	15138	C	10,000		10,000			
Mudgee Airport Subdivision	75601	C	9,523		9,523			
IT Corporate Software - Intranets	15602	C	8,751	8,751				
Victoria Park Gulgong Showers	35948	C	6,492		6,492			
Victoria Park Gulgong - Lighting Cap Upgrade	50666	C	5,994				5,994	
Wollar Road Stage 1 rectification	62809	C	5,641				5,641	
Ulan-Wollar Road Realignment design	61229	C	5,200					5,200
Rylstone Council Building	15122	C	3,379				3,379	
ANZAC Park Gulgong	50939	C	1,572					1,572
TOTAL GENERAL FUND			3,280,570	67,314	179,246	673,408	1,031,219	1,329,383
SALEYARDS FUND								
Saleyards Canteen	75530	C	49,292				28,792	20,500
TOTAL SALEYARDS FUND			49,292	-	-	-	28,792	20,500
WATER FUND								
Water Meter Replacement	40970	C	144,717		79,594		65,123	
Water Augmentation - Mudgee Headworks	40406	C	131,715			131,715		
Water Mains - White St Gulgong	40687	C	63,785		63,785			
Reservoirs - Rylstone, Kandos, Charbon, Clandulla	40904	C	55,000		55,000			
Water Mains - Herbert St Station to Queen	40686	C	27,681		27,681			
TOTAL WATER FUND			422,898	-	226,060	131,715	65,123	-

Proposed Revotes into the 2019/20 Operational Plan

Project	Project Number	Capital (C) /Operating (O)	Expenditure	Funding				
				Unrestricted Cash	Reserves	S94/S64/VPA	Unspent Grants/ Contributions	Grant/ Contributions
SEWER FUND								
Sewer Augmentation - Charbon	45420	C	27,632		15,197			12,435
Sewer Mains - Capital Budget Only	45600	C	20,000		20,000			
TOTAL SEWER FUND			47,632	-	35,197	-	-	12,435
WASTE FUND								
Rural Waste Depot Upgrades - Goolma	35461	C	62,342		62,342			
Sediment Pond and Paper Blow Fencing	35508	C	33,577		33,577			
Gulgong WTS Office Replacement	35505	C	4,072		4,072			
TOTAL WASTE FUND			99,991	-	99,991	-	-	-
MULTI-YEAR PROJECTS TOTAL			3,900,383	67,314	540,494	805,123	1,125,134	1,362,318
CAPITAL PROJECTS								
GENERAL FUND								
Lawson Park Culvert Replacement	35660	C	110,000		110,000			
Seal Extension - Spring Flat Lane South	62130	C	82,980				82,980	
Rylstone Caravan Park - Capital	75155	C	60,000	20,000			20,000	20,000
Mudgee Library Technology Fit-Out	50055	C	49,000				24,500	24,500
Cox St Inlet Pit	35661	C	10,000		10,000			
Town Entrance Signage	75264	C	10,000				10,000	
TOTAL GENERAL FUND			321,980	20,000	120,000	-	137,480	44,500

Proposed Revotes into the 2019/20 Operational Plan

Project	Project Number	Capital (C) /Operating (O)	Expenditure	Funding					
				Unrestricted Cash	Reserves	S94/S64/VPA	Unspent Grants/ Contributions	Grant/ Contributions	
CAPITAL TOTAL				321,980	20,000	120,000	-	137,480	44,500
OPERATING PROJECTS									
GENERAL FUND									
State Roads - Apple Tree Flat Safety	67635	O	362,550	-	54,383				416,933
State Roads - Razorback Safety	67636	O	347,042	-	134,187				481,229
State Roads - Heavy Patching	67550	O	246,970	-	37,046				284,016
Plans of Management - Crown Lands	15516	O	94,087				94,087		
Development - Legal Expenses & Student Planner	35075	O	58,850		58,850				
Purchase of Mobile Devices	15560	O	58,000		23,000		35,000		
Youth Services Administration	30400	O	44,917		44,917				
Mudgee Traffic Study Update	35106	O	44,370			44,370			
Staff Training	15402	O	42,400		42,400				
Heritage Near Me	35107	O	33,812						33,812
Audit and Risk Committee	10070	O	33,498		33,498				
Records Operations - ELO Upgrade	15202	O	32,000		32,000				
Weeds Inspection - Drones and training	25200	O	30,000		30,000				
Risk Management Contract	15400	O	23,000		23,000				
Workplace Health and Safety	15450	O	21,826		11,500		10,326		
Flirtation Hill Tree Removal	50816	O	14,084		14,084				
Environment - Riverbed Regeneration	35704	O	11,798		11,798				
IT Operations - Firewall Configuration	15550	O	11,725		11,725				
Environment - Rylstone Common Pathways	35701	O	11,290		11,290				

Proposed Revotes into the 2019/20 Operational Plan

Project	Project Number	Capital (C) /Operating (O)	Expenditure	Funding				
				Unrestricted Cash	Reserves	S94/S64/VPA	Unspent Grants/ Contributions	Grant/ Contributions
Gulgong Memorial Hall Kitchen Items	50278	O	5,000		5,000			
TOTAL GENERAL FUND			1,527,219	122,446	5,000	44,370	139,413	1,215,990
WATER FUND								
Orana Water Utilities Alliance	40002	O	39,599				39,599	
TOTAL WATER FUND			39,599	-	-	-	39,599	-
OPERATING TOTAL			1,566,818	122,446	5,000	44,370	179,012	1,215,990
GRAND TOTAL			5,789,181	209,760	665,494	849,493	1,441,626	2,622,808

9.4 Naming of an unnamed road off Burrendong Dam Road, Yarrabin

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, R0790041

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of an unnamed road off Burrendong Dam Road, Yarrabin; and**
2. **formally approve the name of Merrendee Road for this unnamed road; and**
3. **include Warren in the Pre-Approved Names List.**

Executive summary

Formal approval is requested to name the unnamed road off Burrendong Dam Road in the Locality of Yarrabin, Merrendee Road.

Disclosure of Interest

Nil.

Detailed report

Council has a requirement under the Addressing Standard to provide clear and concise addressing for all properties in the Council area. The sale of three parcels of land from a property on Worlds End Road necessitates the naming of an unnamed road reserve running from Burrendong Dam Road along the boundary between Mid-Western Regional Council and Dubbo Regional Council, to allow for individual addresses to be allocated to the accesses for the three possible new properties.

Council staff have liaised with Dubbo Regional Council regarding the naming of this road. They are in agreement with the naming and will adhere to the outcome for the section of unnamed road reserve within their Council area.

Council wrote to the affected property owners requesting their naming suggestions on 30 January 2019. Public consultation was also invited in an advertisement placed in the 15 February 2019 issue of the Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the name of Merrendee Road at their 17 April 2019 meeting.

Merrendee relates to the name of a historical village nearby. The village was named Merinda on the original village plan dated 1887 but it appears the village was known as Merrendee by, at least, the 1890s when the village plan was mooted to be cancelled. The village plan was eventually cancelled in 1904 but the area was still occupied and was still referred to as

Merrendee. In 1923 however, the name of Merrendee was “wiped off the map” in a move by the Australian Postal Department due to the similarity in name to Menindee in far western NSW. The village was then renamed Yarrabin before it was finally abandoned as a result of the creation of Burrendong Dam between 1958 and 1967.

The Geographical Names Board has been advised of this road name and has no objection.

Merrendee Road was advertised in the 7 July 2019 Mudgee Guardian and on Council’s website with two additional submission received. One was for the inclusion of the name of Warren Edwards Way and the other raised questions related to the condition of the road, which is not related to the naming of the road.

The Geographical Names Board has been advised of this additional road name and has the following objection to Warren Edwards Way: The use of given or first names in conjunction with a surname is not acceptable for road naming per Section 6.7.5 of the NSW Addressing User Manual. There is no objection to Warren Way or Edwards Way.

Notices of the new road name were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA via the NSW Online Road Naming System with no objections received.

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

In accordance with Council’s Road Naming Policy, should Council formally endorse the naming of this unnamed road, notice of the approved name will be:

1. published in the Government Gazette, the Mudgee Guardian and on Council’s website.
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service,
 the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road –
 the RMS.

Community Plan implications

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

Strategic implications

Council Strategies
 Not applicable.

Council Policies

Road Naming Policy.

Legislation

Roads Act 1993.

Roads Regulation 2008.

Geographical Names Act 1996.

Geographical Names Board of NSW Addressing User Manual

Financial implications

The cost of and installation of one street sign and a "No Through Road" sign at the intersection of Burrendong Dam Road and the road being named is currently within existing street signage budgets.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 July 2019

Attachments:

1. Letter to GNB dated 20/2/19.
2. Response from GNB dated 26/2/19.
3. Letter to GNB dated 31/7/19.
4. Response from GNB dated 1/8/19.
5. Submission.
6. Submission.
7. Submission.
8. Submission.
9. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

PO BOX 13
MUDGEE NSW 28586 Market Street MUDGEE
109 Herbert Street GULGON
77 Louee Street RYLSTONPh: 1300 765 002 or (02) 6378 285
Fax: (02) 6378 281
email: council@midwestern.nsw.gov.a

CA: R0790041

20 February 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795**NOTIFICATION OF NEW PROPOSAL TO NAME**

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name the road as shown below and have received public submissions for the following names in the locality of Yarrabin:

- Canning Road
- Merrendee Road

Please refer to attached map for location.

Canning relates to the Parish of Canning, through which the road being named runs. The road to be named also to the Canning Trig Station.

Merrendee was the name of a village nearby. The village, eventually renamed Yarrabin, was abandoned as a result of the creation of Burrendong Dam.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

A handwritten signature in black ink, appearing to read "Diane Sawyers", written in a cursive style.

Diane Sawyers
Manager Revenue and Property

 Tue 26/02/2019 11:24 AM
SS GNB <SS-GNB@finance.nsw.gov.au>
RE: Names submitted for road naming - off Burrendong Dam Road

To Carolyn Atkins
Cc SS GNB
Retention Policy Inbox - 18 Months (1 year, 5 months)

Hi Carolyn

No issues with either name.

Regards
Susan



PO BOX 131
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2811
email: council@midwestern.nsw.gov.au

CA: R0790041

31 July 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795

NOTIFICATION OF NEW PROPOSAL TO NAME

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name the road as shown below and have received public submissions for the following names in the locality of Yarrabin:

- Warren Edwards Way
- Warren Way
- Edwards Way

Please refer to attached map for location.

Warren Edwards (1946-2018) was respected member of the Mudgee and district community. He was a returned Serviceman having served during the Vietnam War as an engineer and was wounded under rocket fire while driving his dozer. Some of the land being accessed by this road was owned by Warren and he was responsible for building the majority of the road being named.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully


Diane Sawyers
Manager Revenue and Property

From: SS GNB <SS-GNB@finance.nsw.gov.au>
Sent: Thursday, 1 August 2019 12:46 PM
To: Carolyn Atkins
Cc: SS GNB <SS-GNB@finance.nsw.gov.au>
Subject: [EXTERNAL] RE: URGENT REQUEST - Names submitted for road naming - off Burrendong Dam Road

Good afternoon Carolyn,

I have reviewed the suggested names as requested. You are correct that **Warren Edwards Way** does not meet the road naming principles, and **Warren Way** would be the most logical name for the road as it is the most unique. However, given the distance of the road from Edwards Close (30+km), both **Edwards Way** and **Warren Way** are acceptable.

NB: Please note this is only a pre-approval - a thorough investigation would still need to be completed for the road name if submitted in NORNS.

Aaron Thomas
Statutory Officer, Geographical Names Board

Spatial Services | Department of Customer Service
p 02 6332 8062 |
e aaron.thomas@finance.nsw.gov.au | www.spatialservices.finance.nsw.gov.au | www.customerservice.nsw.gov.au
346 Panorama Ave, Bathurst NSW 2795



Customer
Service Hi

Please consider the environment before printing this email

Merrendee Station Pastoral Co Pty Ltd

ACN 607 528 021
Rozelle NSW 2039
Rozelle NSW 2039
Phone (02)
Fax (02)

8 February 2019

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



Dear Sir,

I thank you for your invitation to submit a name or names for the road from Burrendong Dam Road across the Council boundary into Dubbo Regional Council area.

I wish to put forward the following two suggestions:

Salvatore Lane or Road

or

Merrendee Lane or Road

I trust these suggestions are acceptable and look forward to your reply.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Salvatore Spano".

Salvatore Spano

2/8/2019

Yarrabin, New South Wales - Wikipedia

Coordinates: 32°35′37.043″S 149°17′38.657″E﻿ / ﻿32.5936125°S 149.2932381°E﻿ / -32.5936125; 149.2932381

WIKIPEDIA

Yarrabin, New South Wales

Yarrabin (formerly known as **Merrendee**) is a ghost town near the junction of the Meroo and Cudgegong rivers in the New South Wales Orana Region. The village of Merrendee was established after the discovery of gold in that area around 1851 and was located approximately 23 miles west of Mudgee.^{[1][2]} The locality was renamed **Yarrabin** by postal authorities in 1923.^[3]

History

Gold was discovered by European settlers at Merrendee in approximately August 1851.^[4] By August 1857 a correspondent for *The Sydney Morning Herald* described how "bark and comfortable slab huts [had taken] the place of calico tents, and a little village [had] sprung up". This early account of Merrendee describes the village as being made up of "an excellent building ... being erected for a public house, and Mr. F. B. Gulley's new store, a neat pine building with verandah, fitted out quite in the Sydney style ... [as well as] ... a very neat and substantial slab store".^[5]

The first General Publicans' License in Merrendee was issued for "the house situated at Merindee [sic], in the district of Avisford, to be known as the Cricketers Arms". The license was granted to Joseph Cox and transferred to a Mr. Jones in May 1863. Other licensed establishments in the town included Richard Knight's "Merrendee Inn" (c1858) and Robert Forbes Milne's "Royal George Inn" (c1858). By 1904 the only public house in the town was Herbert Francis McGrath's "Merrendee Hotel". McGrath conducted the hotel from July 1904 until its closure in 1923 "as a result of the decree of [the] Licenses Reduction Board".^[6] The Australian tennis champion Vivian McGrath, son of Herbert and Florence McGrath, was born at the "Merrendee Hotel" in 1916.

A post office was established at Merrendee in July 1859.^[7]

By 1908 the *Mudgee Guardian* reported that "Merrendee of to-day, with its paucity of population, its deserted appearance, abandoned shafts, grassless paddocks, its monotony and general activity, presents a striking contrast to the Merrendee of about fifty years ago".^[8] By 1927 there were only 12 pupils enrolled at the Merrendee Provisional School "and as a rule an average daily attendance of 9 pupils and over".^[9] The school was first referred to as Yarrabin Public School in 1925.^[10]

A church operated in Yarrabin until at least 1947.^[11]

References

- ↑ "MINES AND MINING" (<http://nla.gov.au/nla.news-article70461421>). *Australian Town and Country Journal*. II, (33). New South Wales. 20

Yarrabin (formerly Merrendee) New South Wales



Don Endacott's general store at Yarrabin, NSW. The foundations of the McGrath homestead "Murray King" are also visible at right.



Coordinates 32°35′37.043″S 149°17′38.657″E﻿ / ﻿32.5936125°S 149.2932381°E﻿ / -32.5936125; 149.2932381

Established circa 1851

LGA(s) Mid-Western Regional Council

.2/8/2019.

Yarrabin, New South Wales - Wikipedia

- August 1870. p. 10. Retrieved 11 December 2017 – via National Library of Australia.
2. "Many Years Ago" (<http://nla.gov.au/nla.news-article161911696>). *The Mudgee Guardian and North-Western Representative*. New South Wales. 10 May 1934. p. 16. Retrieved 11 December 2017 – via National Library of Australia.
 3. "MERRENDEE OFF THE MAP" (<http://nla.gov.au/nla.news-article155634095>). *The Mudgee Guardian and North-Western Representative*. New South Wales. 6 December 1923. p. 17. Retrieved 11 December 2017 – via National Library of Australia.
 4. "GOLD FIELDS" (<http://nla.gov.au/nla.news-article128759535>). *The Northern Times* (75). New South Wales. 29 April 1857. p. 3. Retrieved 10 January 2018 – via National Library of Australia.
 5. "MERRENDEE" (<http://nla.gov.au/nla.news-article12998900>). *The Sydney Morning Herald*. XXXVIII (5978). New South Wales, Australia. 4 August 1857. p. 9. Retrieved 10 January 2018 – via National Library of Australia.
 6. "CLOSING HOTELS" (<http://nla.gov.au/nla.news-article155638676>). *The Mudgee Guardian and North-Western Representative*. New South Wales. 22 November 1923. p. 19. Retrieved 8 January 2018 – via National Library of Australia.
 7. "NEW POST OFFICE" (<http://nla.gov.au/nla.news-article18644151>). *The Mailland Mercury and Hunter River General Advertiser*. XVII (1739). New South Wales. 14 July 1859. p. 4. Retrieved 11 December 2017 – via National Library of Australia.
 8. "Old Merrendee Reminiscences" (<http://nla.gov.au/nla.news-article157662843>). *The Mudgee Guardian and North-Western Representative*. XIV (1618). New South Wales. 10 December 1908. p. 19. Retrieved 11 December 2017 – via National Library of Australia.
 9. "Merrendee School" (<http://nla.gov.au/nla.news-article155937386>). *The Mudgee Guardian and North-Western Representative*. New South Wales. 3 October 1927. p. 6. Retrieved 11 December 2017 – via National Library of Australia.
 10. "COMMONWEALTH OF AUSTRALIA" (<http://nla.gov.au/nla.news-article81052363>). *The Singleton Argus*. New South Wales. 27 October 1925. p. 3. Retrieved 11 December 2017 – via National Library of Australia.
 11. "WEDDING" (<http://nla.gov.au/nla.news-article156401344>). *The Mudgee Guardian and North-Western Representative*. New South Wales. 25 September 1947. p. 10. Retrieved 11 December 2017 – via National Library of Australia.



Don Endacott's store and McGrath family home "Murray King" at Yarrabin (then Merrendee), NSW. Approx. 1920



Merrendee Hotel (left) and post office (right). Photographer and date unknown. Approx. 1920.



Site of former Yarrabin (Merrendee) Post Office.



A chimneystack on the site of the teacher's residence at Yarrabin.

2/8/2019

Yarrabin, New South Wales - Wikipedia



Looking towards the site of Yarrabin (Merrendee) township from the southern bank of the Meroo River. The original crossing is visible at right.

Retrieved from "https://en.wikipedia.org/w/index.php?title=Yarrabin,_New_South_Wales&oldid=854016263"

This page was last edited on 8 August 2018, at 11:46 (UTC).

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Dunedoo

NSW 2844

30.7.2019.

Mid Western Regional Council
Market St
Budgee NSW

To Whom It May Concern,

It has recently come to my attention that council is considering naming an unnamed road that comes off the Gurrabin Road to the left a couple of kilometres before the Budgee of River Park on Burrendong Dam. I would like to submit a name involving a good friend now deceased, the name of the person is Warren Edwards who along with myself owned the country that the road was put into access, 3 roughly 1200 acre blocks in the mid 1980's.

Warren was called up for service in the Vietnam War in the mid 1960's he was in the engineers and drove a dozer over there and was wounded and survived rocket fire whilst driving his machine. He returned home and continued his dozer driving and was considered a top operator, he was responsible for putting many roads in in mountainous country where no roads previously

2.

erected including the earlier mentioned road. He was known to many people in the shire and worked dozens for a lot of them, he was a highly respected member of the Studgee district and a returned serviceman. The name I would like to put forward for the road to be called is
WARREN EDWARDS WAY

Thanking you,
PETER COLLEY

Peter Colley

FABIAN JAMES CHUBB COLLEY

MUDGEES NSW 2850

Mobile:

Email: |

30 July 2019

The General Manager
Mid-Western Regional Council
86 Market Street
MUDGEES NSW 2850

Dear Sir/Madam

RE: PROPOSED MERRENDEE ROAD OFF BURRENDONG DAM ROAD

I am writing in relation to the proposed Merrendee Road, Report 9.1 of Mid-Western Regional Council's Ordinary Minutes of 17 April 2019.

It is my understanding that Mid-Western Regional Council is currently proposing the naming of a current paper road.

The naming of this road is proposed to eventually service future developments.

The following issues are raised in consideration of this proposed road:

1. As you are aware at present, significant portions of the unnamed road are paper roads only. At these sections, thoroughfare along the unnamed road is only permissible along Right of Ways benefited to myself and two other land holders. This Right of Way commences at the entrance of Lot 351 in Deposit Plan 776208.

There hasn't been any landholder consultation regarding the upkeep and/or maintenance of this Right of Way if access to the future developments is proposed to be via the Right of Way.

2. Myself and other landholders who would be impacted by the potential use of this Right of Way are wondering what safeguards or guarantees will be provided for the upkeep of this Right of Way if this is the proposed thoroughfare for access for the future developments?

Alternatively, is it Council's intention to establish an actual road along the current paper road?

3. If it is Council's intention to implement an actual road along the Crown Reserve; in the first paragraph of Council's letter to me dated 30 January 2019 the need for valid numbered addressing to assist emergency vehicles and to help others to locate properties is raised.

The current physical road on portions of the Crown Land Road runs along a steep ridge and in places is single vehicle access only. Can you please advise the works Council proposes to carry out that will promote a safe local road and a high-quality road network that is safe and efficient as set out in the Community Plan Implications if the proposed Merrendee Road is to proceed.

If there is increased thoroughfare along the current unnamed road considerable works would need to be carried out on the entire road. Specifically, areas along the ridge which are currently one lane access only.

The main concerns are eventual deterioration of the road leading to slips/falls and inability to handle two lane traffic in the event of a bushfire.

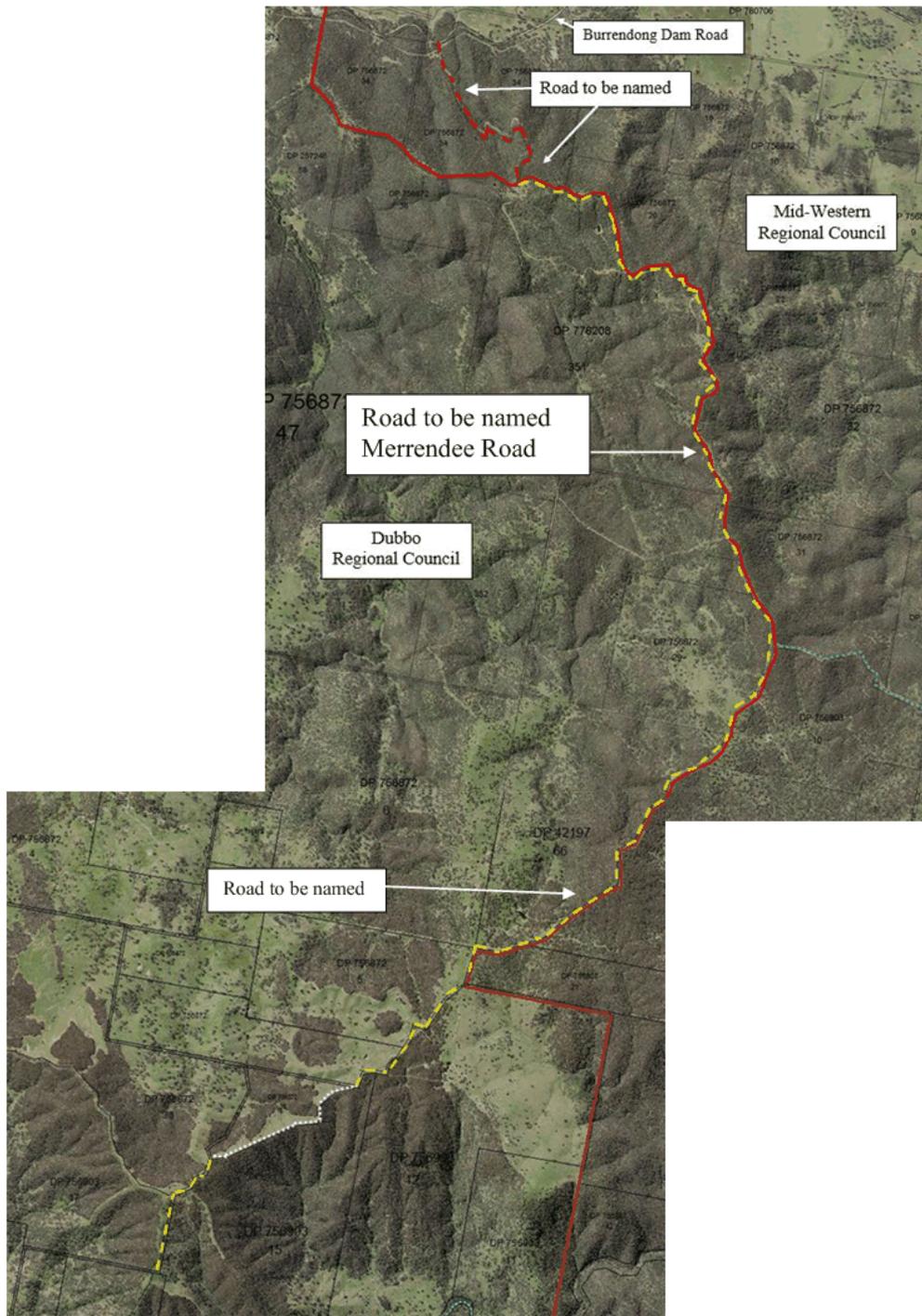
4. Is there any proposed road upgrading for the current unnamed road that traverses Lot 34 Deposited Plan 756872?

Thank you for your consideration of these submissions

I look forward to hearing from you.

Yours faithfully

FABIAN COLLEY



9.5 Naming of an unnamed Lane off Bulga Steet, Gulgong

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, R0790141

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of an unnamed lane off Bulga Street, Gulgong; and**
2. **formally approve the name of Dougan Lane for this unnamed lane.**

Executive summary

Formal approval is requested to name the unnamed lane off Bulga Street in the town of Gulgong, Dougan Lane.

Disclosure of Interest

Nil.

Detailed report

Council received a request to name a street or park in Gulgong as a memorial to a long-term resident. After looking at unnamed streets, lanes and parks in Gulgong, the family requested an unnamed lane running from Bulga Street to Wynella Street be considered.

Council wrote to the affected property owners requesting their naming suggestions on 19 February 2019. Public consultation was also invited in an advertisement placed in the 22 February 2019 issue of the Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the name of Dougan Lane at their 17 April 2019 meeting.

Donald (Don) Dougan (1902-1990) was a returned soldier, President of the Gulgong RSL and was the Gulgong Chemist from 1933 until his retirement in the mid-1980s.

The Geographical Names Board has been advised of this road name and has no objection.

Dougan Lane was advertised in the 5 July 2019 Mudgee Guardian and on Council's website with no additional submissions received.

Notices of the new road name were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA via the NSW Online Road Naming System with no objections received.

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

In accordance with Council’s Road Naming Policy, should Council formally endorse the naming of this unnamed road, notice of the approved name will be:

1. published in the Government Gazette, the Mudgee Guardian and on Council’s website.
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – the RMS.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road Naming Policy.

Legislation

Roads Act 1993.

Roads Regulation 2008.

Geographical Names Act 1996.

Geographical Names Board of NSW Addressing User Manual

Financial implications

The cost of and installation of two street signs at the intersections of the unnamed lane with Bulga Street and Wynella Street is currently within existing street signage budgets.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 July 2019

- Attachments:*
1. Letter to GNB dated 7/3/19.
 2. Response from GNB dated 22/3/19.
 3. Submission.
 4. Submission.
 5. Submission.
 6. Submission.
 7. Submission.
 8. Submission.
 9. Submission.
 10. Submission.
 11. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



CA: R0790041

PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

7 March 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795

NOTIFICATION OF NEW PROPOSAL TO NAME

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name the lane as shown below and have received public submissions for the following names in the town of Gulgong:

- Dougan Lane
- Bayliss Lane
- Crossley Lane
- Perring Lane

Please refer to attached map for location.

Dougan relates to Don Dougan (1902-1990) who was a returned soldier, President of the Gulgong RSL and was the Gulgong Chemist from 1933 until his retirement in the mid 1980s.

Bayliss relates to Charles Bayliss (1850-1897) a travelling photographer who worked with Beaufoy Merlin. Bayliss finished the, nearly completed, Holtermann Collection project after Merlin's death.

Crossley relates to Philip Crossley (1924-1995) who worked to save and rebirth the historic Prince of Wales Opera House in Gulgong.

Perring relates to Eric Perring (1926-2015) a carpenter who came to Gulgong in 1952, married a local girl and built many of the houses in the town, including working on the Gulgong Memorial Hall and the Ulan Dam.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Sawyers", written over a light blue horizontal line.

Diane Sawyers
Manager Revenue and Property



Carolyn Atkins

From: SS GNB <SS-GNB@finance.nsw.gov.au>
Sent: Friday, 22 March 2019 2:43 PM
To: Carolyn Atkins
Subject: RE: Names submitted for road naming - off Bulga Street

Hi Carolyn,

I have checked the names: Dougan Lane, Bayliss Lane, Crossley Lane and Perring Lane and they should be ok.

Cheers,

Rhet



**Geographical
Names Board**

PO Box 143 Bathurst NSW 2795

346 Panorama Avenue, Bathurst NSW 2795

Tel 1800 025 700 | 02 6332 8214 | ss-gnb@finance.nsw.gov.au

www.gnb.nsw.gov.au

From: Jackie
Sent: Tuesday, 4 September 2018 10:54 PM
To: Council
Subject: Request for Park, Road or Lane in Gulgong be named after Eric Richard Perring - Jackie Perring

Dear Mr Cam,

I would like to request my late father-in-law's name be considered for any new roads or currently un-named lanes, or perhaps even a park in the Gulgong area.

Eric Richard Perring was born 30/9/1926 in Plymouth, Devon, England. He migrated to Australia as a Ten Pound Pom in 1950. He was a fully qualified Carpenter & Joiner. On his arrival he started working at Garden Island in Sydney then moved down to the Snowy River Scheme where he constructed workers huts at Island Bend between Jindabyne and Guthega.

In 1952 he moved to Gulgong after answering an advertisement in the Sydney Morning Herald for carpenters in Gulgong and he remained there for 54 years. He married a local girl Grace Haley and had two children, Michael & Michelle, who were raised in Gulgong.

Eric was a well known identity in Gulgong, he assisted in building many of the houses & laid the Tallow Wood floor in the Gulgong Memorial Hall which is still there today. He worked on the building of the Ulan Dam (now part of one of the mines) in the late 1950's. In the early 1960's he was approached by Jim McCowan to manage the Timber Yard for Lonergans of Gulgong where he remained until his retirement.

Eric was also a long-time member of the Manchester Unity Group.

Eric was very well thought of in the town of Gulgong. He is buried at the Gulgong Cemetery and still has grandchildren living in Gulgong today.

It would be a fitting honour to have a new road or park named after him.

Yours Sincerely,

Jackie Perring

From: Jackie
Sent: Saturday, 9 March 2019 11:48 AM
To: Council
Cc: Jackie Perring Home
Subject: FW: Request for Park, Road or Lane in Gulgong be named after Eric Richard Perring
- Jackie Perring

Hello Carolyn,

Further to my previous email, I would like to provide further information on Eric Perring for the proposal to name a road after him.

Eric was a member of Manchester Unity for over 25 years. Manchester Unity's aim was to assist those in need. Manchester Unity has been in existence in NSW since 1948 and since then have opened dispensaries, dental clinics, granted land to establish homes for aged and disadvantaged members, opened aged and War Memorial nursing homes, gave financial assistance and provided health care and home care services. Obviously Eric was not involved in all of that but was a very kind gentleman, going shopping for housebound residents of Gulgong, mowing their lawns, driving them to appointments, making repairs to homes and being a general all around helper to those in need.

He was frequently called out at all hours of the night to fix doors and windows damaged by vandals/drunks thereby securing the premises in quick time. He helped people because he enjoyed it. He did not want fanfare or accolades, he just quietly went about his day, doing things that he saw needed to be done.

Eric built many houses, sheds and shearing sheds in the Gulgong area with quality workmanship that still stand strong today.

Eric was a quiet achiever and was well respected in the Gulgong Community.

I hope this helps with my request to have a park, road or lane in Gulgong named after a man who's heart was certainly in the town.

Cheers,

Jackie Perring



From: Jackie ·
Sent: Saturday, 9 March 2019 12:08 PM
To: Council
Subject: Submission in support of road or park naming after Eric Richard Perring - Michael Perring

Attention Carolyn Beamish.

Hello Carolyn,

I am writing to support my wife Jackie's request for a road, park, or lane be named after my late father Mr Eric Richard Perring.

In 1952 he moved to Gulgong after answering an advertisement in the Sydney Morning Herald for carpenters in Gulgong and he remained there for 54 years. He married a local girl Grace Haley and had two children, myself & my sister Michelle, who were raised in Gulgong.

Dad was a well know identity in Gulgong, he assisted in building many of the houses & laid the Tallow Wood floor in the Gulgong Memorial Hall which is still there today. He built many houses, sheds and shearing sheds in the local area. He worked on the building of the Ulan Dam (now part of one of the mines) in the late 1950's. In the early 1960's he was approached by Jim McCowan to manage the Timber Yard for Loneragans of Gulgong where he remained until his retirement.

Dad was a member of Manchester Unity for over 25 years. The aim of the Manchester Unity was to help others and he certainly went out of his way to do just that.

My father was a kind man who would help anyone in need. He went grocery shopping for neighbours and housebound residents. He mowed many lawns and repaired many houses for no other reason than they needed it and he could.

I remember that Dad was frequently called out at all hours of the night to fix doors and windows damaged by vandals/drunks thereby securing the premises in quick time. He helped people because he enjoyed it. He did not want fanfare or accolades, he just quietly went about his day, doing things that he saw needed to be done.

Dad was a member of Manchester Unity for over 25 years. The aim of the Manchester Unity was to help others and he certainly went out of his way to do just that.

My father was a kind man who would help anyone in need. He went grocery shopping for neighbours and housebound residents. He mowed many lawns and repaired many houses for no other reason than they needed it and he could.

I remember that Dad was frequently called out at all hours of the night to fix doors and windows damaged by vandals/drunks thereby securing the premises in quick time. He helped people because he enjoyed it. He did not want fanfare or accolades, he just quietly went about his day, doing things that he saw needed to be done.

Eric was a quiet achiever. He may not have been a big name about town, be he was certainly a well-respected man in the Gulgong Community.

Dad was also an entertainer. He was a very talented and self-taught musician. He played his Hammond Organ for weddings and parties and he also played his piano accordion with other local identities at the local pubs and other festivities.

Dad passed away in January 2015. He is buried at the Gulgong Cemetery and still has grandchildren living in Gulgong today.

I hope this helps with Jackie's request to have a park, road or lane in Gulgong named after a man who's heart was certainly in the town. I feel that it would be a fitting honour to have a new road or park named after him. Please do not hesitate to contact me if you require any further information.

Yours sincerely,
Michael Perring

Gulgong NSW 285

25th February 2019

The General Manager,
Midwestern Regional Council,
PO Box 156,
Mudgee NSW 2850



Dear Sir,

I would like to respond to a letter from Diane Sawyers, dated 19th February regarding the naming of the road reserve off Bulga Street.

Firstly I would like to point out that some years ago a decision was made to close it to through traffic and Council put in place a number of roadside signposts across the Bulga Street end. Over a period of time motorists have simply driven over them and snapped them off. I would be interested to know how things stand regarding through traffic now, as there are a few drivers who are using it in a dangerous manner. Also, the surface is hardly suitable for regular traffic.

On the subject of a name for this road reserve, although I appreciate the sentiments of the Perring family in wishing to remember Eric in this way, I think there may be other options to consider.

As it is in the conservation area of the town, perhaps a name relating to the town's early history would be worth considering. With the current interest in, and development relating to the Holtermann collection, perhaps a name honouring the one of the photographers Beaufoy Merlin or Charles Bayliss might be appropriate. As far as I know there is no street in town honouring Henry Lawson either.

Another possibility would be to consider honouring one of the people who worked tirelessly in the 1960s and 1970s to preserve and raise the profile of the town's historic character and were responsible for the saving and rebirth of buildings such as the Prince of Wales Opera House and the Henry Lawson Centre. The town owes much to people such as Phil Crossley, Frank Halloran and Teresa Lane for their foresight and commitment.

Yours faithfully,

A handwritten signature in cursive script that reads "Kaye Warner".

Kaye Warner



Gulgong NSW 2852
13th March 2019

Mrs Diane Sawyers,
Manager Revenue and Property,
Mid-Western Region Council

Dear Mrs Sawyers,

RE NAMING OF UNNAMED LANE OFF BULGA STREET

Thank you for your letter of 6th March regarding this subject.

I would like the names of Beaufoy Merlin and Charles Bayliss to be considered for the naming process.

Charles Bayliss is considered a pioneer in panoramic and landscape photography in Australia. He was born in England in 1850 and arrived in Australia in 1854 with his parents. He met Beaufoy Merlin in Melbourne when Merlin was working there, and became his assistant.

They travelled extensively in Victoria and New South Wales and met Bernard Holtermann at the Hill End goldfields. Holtermann commissioned them to produce a series of photographs that could be used to advertise the colonies and encourage migration. These photographs included the now famous series of Gulgong and Hill End, taken in 1873.

When Merlin died at the end of 1873, Bayliss continued to work on the project and went on to take many historically significant photographs, many using a giant plate camera that allowed panoramas to be captured.

He died on 4th June 1897, aged 47 years. It is worth noting that both he and Merlin died from respiratory complications at a relatively young age, perhaps as a result of their constant exposure to the volatile and harsh chemicals needed to take photographs at that time.

At some stage it would be appropriate for both Merlin and Bayliss to be recognised, given the unique historical legacy that exists because of their work.

Yours faithfully,

A handwritten signature in cursive script that reads "Haye Walker".

February 26, 2019

GULGONG

Mid Western Council
PO Box 156
MUDGEE

Dear Carolyn Atkins,

Re Naming the lane between Bulga and Wynella Streets in Gulgong

A more appropriate name would be Dougan or Dougan's Lane after Don Dougan was the Chemist in Gulgong from 1933 until his retirement in the mid 1980s.

He was the president of the Gulgong RSL, a Returned Soldier. A member of the Gulgong Pioneer's Museum from when it started in 1960, he always supported other activities in the town. He lived in Bulga Street from 1955 until 1987 when he moved to a Veteran's Retirement Home in Sydney

Donald Hunter Dougan died 17th January, 1990

Yours Faithfully,



Ruth Davis



February 26, 2019

Mid Western Council
PO Box 156
MUDGEE

Dear Carolyn Atkins,

Re Naming the lane between Bulga and Wynella Streets in Gulgong

A more appropriate name would be Dougan or Dougan's Lane after Don Dougan
Who was the Chemist in Gulgong from 1933 until his retirement in the mid 1980s.

He was the president of the Gulgong RSL, a Returned Soldier. A member of the Gulgong
Pioneer's Museum from when it started in 1960, he always supported other activities
in the town. He lived in Bulga Street from 1955 until 1987 when he moved to a Veteran's
Retirement Home in Sydney

Donald Hunter Dougan died 17th January, 1990

Yours Faithfully,

NEIL + MAXINE RYAN



Carolyn Atkins

From: Peter Ryan
Sent: Wednesday, 13 March 2019 9:03 AM
To: Council
Subject: Street naming gulgong

ATTENTION CAROLYN ATKINS

We agree with Ruth Davis that the lane at the rear of our property should be Dugan Lane Colleen & Peter Ryan
Gulgong

Sent from my iPhone



9.6 Naming of a new street in a subdivision off Kilkenny Avenue, Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, R0790141

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Kilkenny Avenue, Mudgee; and**
2. **formally approve the name of Mulholland Court for this new street.**

Executive summary

Formal approval is requested to name the new street in a subdivision off Kilkenny Avenue in the town of Mudgee, Mulholland Court.

Disclosure of Interest

Nil.

Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. Following the approval of a new subdivision off Kilkenny Avenue, Council wrote to neighbours of the subdivision on 6 March 2019 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 8 March 2019 issue of the Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the name of Mulholland Court at their 17 April 2019 meeting.

Mulholland relates to brother and sister, Ray and Christine Mulholland. Their parents, Pat and Val Mulholland have a long history in Mudgee with Pat being a local butcher for many years and Val running the corner store near the railway. Ray and Christine are their only children and did not have children of their own. Christine was killed in a horrific traffic accident in Sydney in January 2014 and Ray passed away suddenly in January of this year.

The Geographical Names Board has been advised of this street name and has no objection.

Mulholland Court was advertised in the 5 July 2019 Mudgee Guardian and on Council's website with no additional submissions received.

Notices of the new road name were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW

Police Force, NSW SES and NSW VRA via the NSW Online Road Naming System with no objections received.

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

In accordance with Council’s Road Naming Policy, should Council formally endorse the naming of this new street, notice of the approved name will be:

1. published in the Government Gazette, the Mudgee Guardian and on Council’s website.
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – the RMS.

Community Plan implications

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

Strategic implications

Council Strategies

No applicable.

Council Policies

Road Naming Policy.

Legislation

Roads Act 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

Geographical Names Board of NSW Addressing User Manual.

Financial implications

The cost of and installation of one street sign at the intersection of Kilkenny Avenue and the unnamed street will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

4 July 2019

Attachments:

1. Letter to GNB dated 27/3/19.
2. Response from GNB dated 2/4/19.
3. Submission.
4. Submission.
5. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



PO BOX 156
MUDGEE NSW 2850

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

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

CA: R0790141

27 March 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795

NOTIFICATION OF NEW PROPOSAL TO NAME

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name the lane as shown below and have received public submissions for the following names in the town of Mudgee:

- Kildare Court
- Galway Court
- Waterford Court
- Mulholland Court

Please refer to attached map for location.

Kildare, Galway & Waterford relates to the Irish theme of the main street going through this development, Kilkenny Avenue.

Mulholland relates to the Mulholland family who have a long history in Mudgee. Pat was a butcher for many years, his wife Val ran the corner store near the railway station. Pat and Val are still living but their children have both passed. Their son Ray worked for the Mudgee Guardian before running a hairdressing salon for many years. He passed suddenly in January this year. Their daughter Christine, a publishing executive, was in the process of buying her own property in Mudgee when she was killed in a traffic accident in Sydney.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

A handwritten signature in black ink, appearing to read "Diane Sawyers", written over a light blue horizontal line.

Diane Sawyers
Manager Revenue and Property



From: SS GNB <SS-GNB@finance.nsw.gov.au>
Sent: Tuesday, 2 April 2019 8:39 AM
To: Carolyn Atkins
Cc: SS GNB
Subject: RE: Names submitted for road naming - off Kilkenny Avenue

Hi Carolyn

I have assessed the proposed names and advise:

Kildare Court – no issues with duplication

Galway Court – no issues with duplication

Waterford Court – **objection**, there is a Waterworks Drive approx. 2kms away

Mulholland Court – no issues with duplication (however please note that names of people still living should not be used)

Regards

Susan

K. Purcell

Mudgee. NSW. 2850

8th. March, 2019

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

Dear Sir,

I refer to a letter received from Dianne Sawyers regarding naming of a cul-de-sac in a new subdivision between Bellevue Rd. and Kilkenny Ave. Mudgee. (copy attached). I owned the land for over 40 years prior to selling it to the present developer. I am a 4th. generation girl and my ancestors came to Mudgee from Ireland in the early 1800's. An Irish influence name such as Kildare Court, Galway Court, or Waterford Court would be my recommendation for naming the road in question This would be in keeping with the main road that goes right through the development (Kilkenny Ave.) .

Yours,faithfully



K. Purcell



The General Manager
Mid-Western Regional Council
P O Box 156
Mudgee
2850

Karen Palmer &
Mandy Turner

Blaxland
2774

Monday, 18th March 2019.

Dear Sir/Madam

Re: Proposed Street Names

We are writing to nominate **Mulholland** as the name for the new road reserve running off Kilkenny Avenue in Mudgee.

The Mulholland family have a long history in the town, Pat being a local butcher for many years and his wife Val's family (Smith) ran the little shop near the railway station and she was a regular bowls player at the Mudgee Bowling Club.

We have personally known the family throughout our lives, being at school with Ray, and living with him at various times in Sydney. He worked at the Mudgee Guardian in his youth and ran a hairdressing salon in Market Street for a number of years.

He and Christine were great animal lovers and Christine was in the process of buying a property to move back to the Mudgee District to be close to her parents and her "retirement nirvana" when she was tragically killed in an horrendous bus accident in Sydney.

Ray Mulholland also died an untimely death on News Year's Day this year of a heart attack.

With the premature deaths of both of Pat and Val's children, Raymond Charles and Christine Helen, and with no grandchildren to keep their memory alive, it would be a timely and fitting name for prosperity in Mudgee.

Thanking you for your consideration of this application.

Mandy Turner & Karen Palmer (nee Small of Mudgee).

Karen Palmer
Mandy L. Turner





9.7 Naming of a new street in a subdivision off Robertson Road, Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, R0790141

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Robertson Road; and**
2. **name this street Geelan Court.**

Executive summary

A new subdivision off Robertson Road in Mudgee includes a new cul-de-sac. Addressing requirements for the new subdivision will necessitate the naming of this new street.

Disclosure of Interest

Nil.

Detailed report

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

Council wrote to the neighbours of the subdivision on 9 July 2019 requesting their naming suggestions. Public consultation was also invited in an advertisement place in the 12 July 2019 issue of the Mudgee Guardian. Submissions closed on 2 August 2019 and during this period, two responses were received from the subdivision developer with the following names suggested:

- Geelan
- Orth

The Geographical Names Board has been advised of the possible street names and has no objection to Geelan Court or Orth Place.

The recommended name of Geelan relates to Edna Geelan (1943-2016). Edna was a nurse at the Sydney Adventist Hospital in Wahroonga then worked for her brother, a GP, as his registered nurse for 30 years.

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this new street will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads

authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months' notice of the proposed name."

In accordance with Council's Road Naming Policy, the name that Council endorses for this lane will be:

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

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road Naming Policy.

Legislation

The Roads Act, 1993.
Road Regulation 2008.
Geographical Names Act, 1996.

Financial implications

Cost and installation of one street sign at the intersection of Robertson Road and the unnamed street will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 July 2019

- Attachments:*
1. Letter to GNB dated 29/7/19.
 2. Letter to GNB dated 1/8/19.
 3. Response from GNB dated 1/8/19.
 4. Submission.
 5. Submission.
 6. Submission.
 7. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



CA: R0790141

PO BOX 156
MUDGEE NSW 285086 Market Street MUDGEE
109 Herbert Street GULGONG
77 Louee Street RYLSTONEPh: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
email: council@midwestern.nsw.gov.au

29 July 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795**NOTIFICATION OF NEW PROPOSAL TO NAME**

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name the lane as shown below and have received public submissions for the following names in the town of Mudgee:

- Geelan Court

Please refer to attached map for location.

Geelan relates to Edna Geelan (30/5/1943-13/12/2016). Edna was a nurse at the Sydney Adventist Hospital in Wahroonga then worked for her brother, a GP, as his registered nurse for 30 years.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

Diane Sawyers
Manager Revenue and Property





CA | R0790141

1 August 2019

The Secretary
Geographical Names Board
PO BOX 143
BATHURST NSW 2795

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**NOTIFICATION OF NEW PROPOSAL TO NAME**

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending the name a new street in a subdivision as shown below and have received a public submission for the following name in the town of Mudgee:

- Orth Place

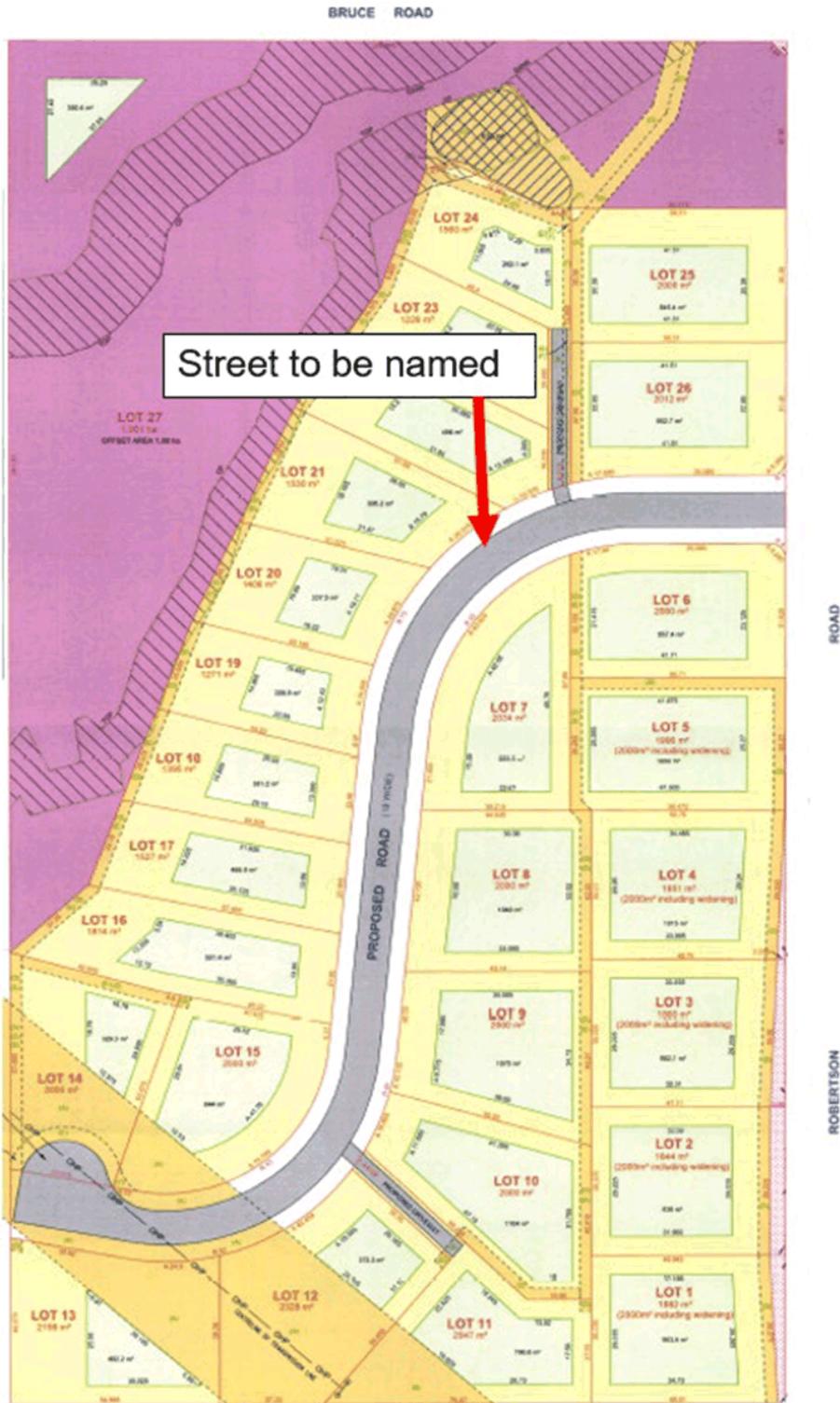
Please refer to attached map for location.

Harold Orth (1900-1975) lived in Mudgee all his life operating a stock carrying business which continued on in his family for a further 20 years after his passing.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

DIANE SAWYERS
MANAGER REVENUE & PROPERTY



From: SS GNB <SS-GNB@finance.nsw.gov.au>
Sent: Thursday, 1 August 2019 12:27 PM
To: Carolyn Atkins
Cc: SS GNB <SS-GNB@finance.nsw.gov.au>
Subject: [EXTERNAL] RE: Name submitted for road naming - off Robertson Road

Hi Carolyn,

The road **Geelan Court** is pre-approved for use providing it does not commemorate a living person or could be construed to be supporting a business. Please be aware the road type of **Court** is only to be used for a cul-de-sac.

NB: Please note this is only a pre-approval - a thorough investigation would still need to be completed for the road name if submitted in NORNNS.

Kind Regards,
Aaron Thomas
Statutory Officer, Geographical Names Board

Spatial Services | Department of Customer Service
p 02 6332 8062 |
e aaron.thomas@finance.nsw.gov.au | www.spatialservices.finance.nsw.gov.au | www.customerservice.nsw.gov.au
346 Panorama Ave, Bathurst NSW 2795



Customer
Service

Please consider the environment before printing this email

From: SS GNB <SS-GNB@finance.nsw.gov.au>
Sent: Thursday, 1 August 2019 12:28 PM
To: Carolyn Atkins
Cc: SS GNB <SS-GNB@finance.nsw.gov.au>
Subject: [EXTERNAL] RE: Name submitted for road naming - off Robertson Road

Hi Carolyn

The road **Orth Place** is pre-approved for use providing it does not commemorate a living person or could be construed to be supporting a business. Please be aware the road type of **Place** is only to be used for a cul-de-sac.

NB: Please note this is only a pre-approval - a thorough investigation would still need to be completed for the road name if submitted in NORNNS.

Kind Regards,
Aaron Thomas
Statutory Officer, Geographical Names Board

Spatial Services | Department of Customer Service
p 02 6332 8062 |
e aaron.thomas@finance.nsw.gov.au | www.spatialservices.finance.nsw.gov.au | www.customerservice.nsw.gov.au
346 Panorama Ave, Bathurst NSW 2795



Customer
Service

Please consider the environment before printing this email



Dwight Geelan ·

Carolyn Atkins; Paul LeMottee; Sarah Pringle; Kate Wheeler ·

Tue 16/07

[EXTERNAL] Re: Query re DA0191/2015 subdivision 196 Robertson Road - re new Road Naming

Retention Policy [Inbox - 18 Months \(1 year, 5 months\)](#)

i You replied to this message on 24/07/2019 11:28 AM.

G'Day All, Edna Geelan was my mothers name. Mum died on the 13 of December 2016 and i would like to name this road after her.

Regards Dwight

From: Dwight Geelan ·

Sent: Wednesday, 24 July 2019 1:01 PM

To: Carolyn Atkins

Subject: [EXTERNAL] Re: Query re DA0191/2015 subdivision 196 Robertson Road - re new Road Naming

G'Day Carolyn,

Mum was born 30th May 1943, She spent he whole life at Arcadia 2159. She was a nurse at the Sydney Adventist Hospital at Wahroonga and then worked for her brother who was a GP as his registered nurse for about 30 years. I will try to get a photo to you.

Regards Dwight

Mid Western Regional Council

86 Market St

MUDGEE 2850

30th JULY 2019

Dear Sir

Request for Submissions – Proposed Street Name – Robertson Rd Mudgee.

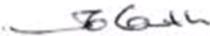
I would like the name to be: ORTH COURT – ORTH PLACE- or ORTH ROAD

My husband John Orth's family lived in Mudgee all their lives His parents Harold and Madge Orth (deceased) lived in Lawson St for 46 years operating a stock carrying business which continued on for another 20 years until the passing of their son Peter.

I would like the Road etc to be named in memory of the late Harold Orth.

Please give this submission your consideration.

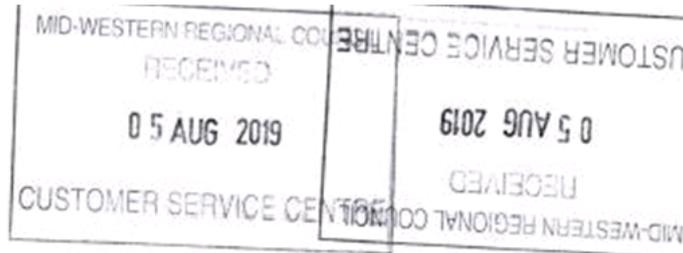
Yours faithfully



MARGARET ORTH (Mrs)



1st August 2019
Mid Western Regional Council
86 Market St
Mudgee 2850



Dear Sir / Madam

Request for submission - Proposed new Street Name off - Robertson Rd Mudgee.

Names put forward by John & Margaret Orth are Orth Place/Street/Court/Drive

Thank you for your phone call of today requesting more info re the Orth Family.

HAROLD ORTH was born 15th August 1900 and later in life married Madeline Crowley-

They had two sons Peter Orth born 6th February 1934 and passed away 29th August 2006.

John Orth born 15th February 1940 only surviving member. Harold's and his parents had a small Inn "Glenwood" on the Ulan Road. Harold bought a small truck to pick up rabbits and transported them to a freezer at Gulgong. He then made a small wooden crate for it and started carrying sheep to the Mudgee Saleyards. Harold & Madeline then moved into Lawson Street Mudgee where they lived until their death Harold passed away 18th March 1969 aged 68 years Madeline passed away 7th November 1975 aged 73yrs. When they moved to town they operated a local trucking business They both worked long hours seven days a week. When their son Peter was old enough he worked with Harold and the bought a bigger truck. Brother John also joined the partnership at the age of 17.

One of their loyal customers was Havilah Station Havilah -owned by Mr Peter White Mr White helped Harold financially and they purchased a much larger truck carrying Wool Sheep and Cattle for Tongy Station at Cassilis owned by the Ballieu family. The name of the business was then H O Orth & Sons. They transported Stud stock to Brisbane Show also to the Sydney Royal Show for the White family.

The longest trip was from King Ranch in Bowral to Lone Ranch in Queensland. After Harold and Madeline passing the Business was sold. Son Peter passed away 29th August 2006 and John continued working with other transport companies before his retirement in 2017

Sincerely - Margaret & John Orth



Owner of Photo
John Orth
Mudgee.

Peter Orth.
Load of Wool from Tongy Station Cassilis -
to Sydney.
24 Bales. 1st Bottom Row
36 " 2nd Middle "
18 " 3rd Top "



Harold Orth. Driver
The empty fuel drums were picked up from
the properties when the wool was collected on
route to Sydney.



Harold Orth. First truck purchased from property.
"Glenwood" was they first lived on the Glen Rd

Owner of photo J. Orth
Pl. 6

Madeline



Harold Orth.
Madeline Orth
John Orth

Owner of photo
John Orth
Madeline



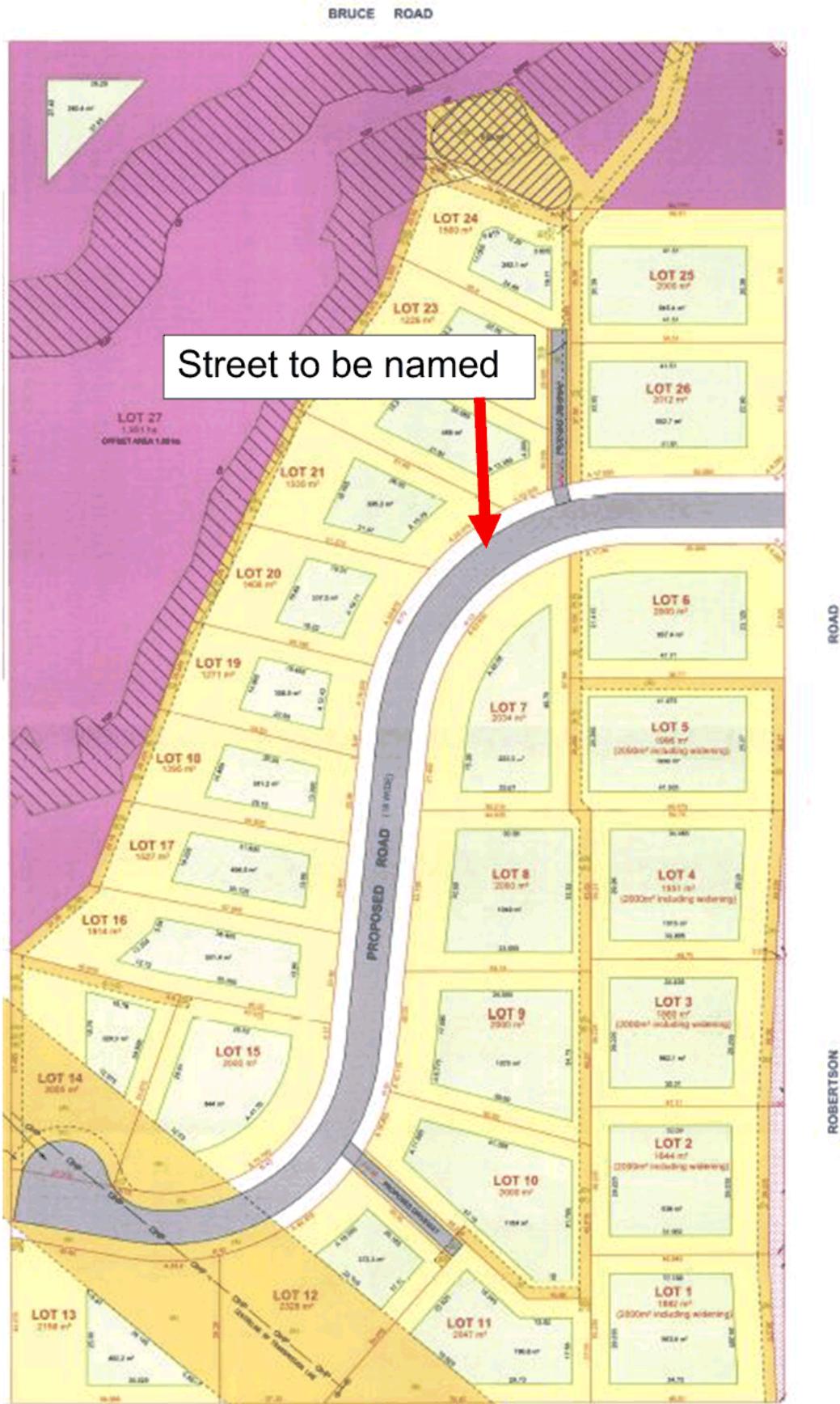
Harold Orth in Truck (Driver)

Ivy Gould, Emily Gould, William Gould, standing back do not know, Olive Gould check dress Edna Gould nursing Neta Gould, Elsie Gould, Harold Orth in truck, his mother Mrs Orth - Glenwood their property now owned by John Webb, son of Elsie Gould.

Owner of photo

John Orth

W. Webb



9.8 Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos

REPORT BY THE REVENUE AND PROPERTY MANAGER

TO 21 AUGUST 2019 ORDINARY MEETING

GOV400067, P1509511

RECOMMENDATION

That Council:

1. **receive the report by the Revenue and Property Manager on the Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos; and**
2. **notes that Transport for NSW cannot support the sale of the Former Gang Shed premises at Kandos until their investigation is complete and a final decision is made, which may take up to two years to finalise.**

Executive summary

This Report details the result of the submission made by Council to Transport for NSW (TfNSW) to acquire the former Gang Shed premises (the Premises) at Kandos. This action followed as a result of Council's resolution made on 20 March 2019 - Council Minute No. 55/19.

Disclosure of Interest

Nil.

Detailed report

On 20 March 2019, Council was presented with a report regarding Kandos Rylstone Men's Shed Inc. (KRMS) representations for Council to acquire the Premises owned by TfNSW which are currently occupied by KRMS under a hold-over licence agreement.

Council resolved to decline to purchase the Premises at the market value and instead moved to seek opportunities and representations to acquire the Premises at no or little cost to the community. The 20 March 2019 Council report and minute are appended as Attachment 1.

Following Council's resolution, a written representation was made on 18 April 2019 to Minister for Transport and Roads.

A response was received from the Minister on 9 July 2019 advising that TfNSW is still investigating whether the land is required for the possible reinstatement of rail freight operations and, while these investigations are ongoing, TfNSW does not support the sale of the Premises. A final decision cannot be made until the investigation is complete, which may take up to two years to finalise. TfNSW's response is appended as Attachment 2.

KRMS has been advised of this response and discussions will now take place around a further licence agreement between KRMS and Council in the interim until the TfNSW investigation is complete and a decision is made.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy – consideration of individual circumstances.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

6 August 2019

Attachments: 1. Council Report & Minute 23 March 2019.
2. Response from Minister 9 July 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT
COUNCIL MEETING: 20 MARCH 2019

9.2 REPRESENTATION BY KANDOS RYLSTONE MEN'S SHED
FOR COUNCIL TO ACQUIRE THE FORMER GANG SHED
PREMISES AT KANDOS

GOV400067, P1509511

55/19

MOTION: Shelley / Martens**That Council:**

1. **receive the report by the Revenue and Property Manager on the Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos;**
2. **decline to purchase, at market value, the former Gang Shed premises at Kandos as described in the plan appended as Attachment 2 and instead seek opportunities and representations to acquire the premises at no or little cost to the community; and**
3. **receive a further report detailing the results of the submissions and representations in due course.**

The motion was carried with the Councillors voting unanimously.

9.2 Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos

REPORT BY THE REVENUE AND PROPERTY MANAGER

TO 20 MARCH 2019 ORDINARY MEETING
GOV400067, P1509511

RECOMMENDATION

That Council:

1. **receive the report by the Revenue and Property Manager on the Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos;**
2. **decline to purchase, at market value, the former Gang Shed premises at Kandos as described in the plan appended as Attachment 2 and instead seek opportunities and representations to acquire the premises at no or little cost to the community; and**
3. **receive a further report detailing the results of the submissions and representations in due course.**

Executive summary

The purpose of this Report is to seek Council's deliberations regarding Kandos Rylstone Men's Shed Inc. (KRMS) recent representations requesting that Council acquire the former Gang Shed premises (the Premises) at Kandos which are currently occupied by KRMS under a licence agreement.

Disclosure of Interest

Nil.

Detailed report

Recent representations have been made to Council by KRMS requesting that Council consider acquiring the Premises at Kandos which are currently occupied by KRMS. The request is appended as Attachment 1 to this Report.

The Premises comprise an area of land amounting to 440m² and the building, formally known as the Gang Shed and which forms part of the Country Regional Network state rail lines and land across NSW. The plan of the Premises is appended as Attachment 2 to this Report.

In order to expeditiously facilitate KRMS's initial occupation of the Premises in January 2010, Council entered into a head licence with the owner of the Premises, Transport for NSW (TfNSW) through TfNSW agent, John Holland Rail P/L (John Holland). This relationship then allowed Council to sub-licence the Premises to KRMS.

2

The head licence and the sub-licence agreements have been held for two 5 year terms since 2010. The current term for the head and sub-licences expired in January 2019 and both are now operating on hold-over provisions.

The sub-licence rent is commensurate to the cost of the head licence rent being \$1,560 (inclusive of GST) for 2018/2019.

Since August 2013, KRMS has expressed interest in obtaining ownership of the Premises and to this end has made representations to the Local Member, Transport for NSW, Minister for Transport John Holland and Council.

KRMS has cited frustration in dealing with two bodies (Council as sub-licensor and John Holland as agent for TfNSW) in order to gain authorisation for improvements and works etc. and also for the desire to protect the tenure of these assets into the future as to the reasons behind pursuing acquisition instead of continuing occupation via the licence arrangement.

KRMS has always had the option to enter into a licence agreement directly with John Holland. It has been suggested to KRMS on a number of occasions that dealing directly with John Holland may alleviate the frustrations and hindrances associated with the tenure of the sub-lease and provide more security over their assets. However, KRMS has considered this option undesirable.

A number of representations have also been made by Council over this period to Minister for Transport, TfNSW and John Holland supporting KRMS's interest in obtaining ownership of the Premises. Relevant documentation regarding previous representations and advice are appended as Attachment 3 to this Report.

KRMS has continued to canvass to obtain the Premises and has now requested that Council formally consider acquiring same.

The Minister for Transport and Infrastructure has recently confirmed that the Premises must firstly be declared surplus to needs and cannot be directly sold to a single applicant - sale must be by way of expressions of interest or public auction or; if deemed surplus, the Premises may be sold directly to Council at market value on the condition that it be used exclusively for community purposes.

TfNSW has now invited Council to submit an application to purchase the Premises where, upon receipt of the application, TfNSW will conduct an in-depth assessment of the proposal.

It is estimated that the cost to purchase the Premises would be within the range of \$80,000-\$100,000 (includes valuation, survey, subdivision, legal & purchase price).

It is recommended that Council decline to purchase the Premises at market value and instead seek opportunities and representations to acquire the Premises at no or little cost to the community. A further report detailing these results will be presented to Council in due course.

In the meantime, it is proposed to enter into a new 5 year head licence and sub-licence agreement.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy - consideration of individual circumstances.

Legislation

Not Applicable

Financial implications

If the current agreement between TfNSW, Council and KRMS continues, there will be no additional costs for Council. At the present time the sub-licence rent is commensurate to the cost of the head licence rent. Costs, relating to the time taken to administer the head-licence and sub-licence, deal with authorisations etc. and licence document formalisation, would still apply.

Should KRMS secure a licence direct with TfNSW, there would be a saving in costs relating to the time taken to administer the head licence and sub-licence, deal with authorisations etc. and licence document formalisation.

Purchase of the Premises by Council would incur estimated costs within the range of \$80,000 to \$100,000. Ongoing maintenance and insurance costs would also be incurred.

Rent payable to Council by KRMS would need to be negotiated (currently \$1,560 pa inclusive of GST). Costs, including legal costs, relating to the time taken to administer the licence and deal with authorisations etc. would apply.

Associated Risks

If Council proposed to acquire the land, it is highly likely that conditions on title would restrict the use of the Premises to those of a specific nature and future transfer or sale of the Premises within the short to medium time frame, may be prohibited.

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 March 2019

Attachments: 1. KRMS request and current representations. (separately attached)
2. Plan former Gang Shed at Kandos. (separately attached)
3. Previous Council & KRMS representations. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Mr Stephen Bromhead MP
Parliamentary Secretary for Regional Transport

Our Ref: 00817225
Your Ref: LM: P1509511

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

Dear Mr Cam

Thank you for your correspondence to the Minister for Transport and Roads about the potential purchase of the Rail Gangers Shed at Kandos Station. The Minister asked me to respond on his behalf.

I note council's interest in acquiring this land and note the advice provided by the Minister to the Member for Bathurst who made representations on behalf of Kandos Rylstone Men's Shed.

I am advised that Transport for NSW is still investigating whether the land is still needed for the possible reinstatement of rail freight operations between Rylstone and Gulgong. While these investigations are ongoing Transport for NSW does not at this stage support the sale of buildings at Kandos Station. However, a final decision cannot be made until this complex investigation is complete. I understand this may take up to two years to finalise.

Should you require further information, Ms Vicki Oszko, Senior Property Manager at Transport for NSW can be contacted by phone on (02) 4907 7560 or by mobile on 0475 975 609.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink that reads 'Steve Bromhead'.

09/07/2019

Stephen Bromhead MP
Parliamentary Secretary for Regional Transport



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

LM : P1509511

18/04/2019

The Minister for Transport NSW
The Hon Andrew Constance
GPO Box 5341
SYDNEY NSW 2001

Dear Minister,

APPLICATION TO ACQUIRE RAIL GANG SHED OFF DAVIES ROAD KANDOS

I refer to previous representation made to Minister for Transport by Kandos Rylstone Men's Shed (KRMS) seeking to acquire the Rail Gangers shed at the Kandos Rail Station and to the Minister for Transport's invitation for Council to further explore the opportunity to acquire the site. I have enclosed a letter from your Office for your reference regarding this invitation.

Council resolved on 20 March 2019, to pursue this opportunity to acquire the land exclusively for community purposes (which reflects the current use of same by KRMS) at minimal or no cost to the community. The Council Report and Minute are appended.

The background information is that Council is leasing the premises from Transport for NSW through the Ministry's agent, John Holland. The KRMS sub-licence the premises from Council and have done so since January 2010.

It would be appreciated if you would now consider Council's proposal and let me have your deliberation in due course.

If you require further information please do not hesitate to contact me on (02) 6378 2850.

Yours sincerely,

A handwritten signature in black ink, appearing to be "BRAD CAM".

**BRAD CAM
GENERAL MANAGER**

Encl

Cc Paul Toole - Minister for Regional Transport and Roads



The Hon Andrew Constance MP
Minister for Transport and Infrastructure

Our Ref: 00711264
Your Ref: BA3729

The Hon Paul Toole MP
Minister for Lands and Forestry
Minister for Racing
Member for Bathurst
PO Box 2237
BATHURST NSW 2795

Dear Minister

Thank you for your correspondence on behalf of Mr John Medcalf, President of Kandos Rylstone Men's Shed, about the request for ownership of the Rail Gangers Shed at Kandos Station.

I note Mr Medcalf's comments and appreciate the reasons that prompted him to write.

I am advised that an initial assessment by Transport for NSW has found that this land is not available to the market as it may be required to support future operations.

Additionally, if the land and building were assessed as being surplus, Transport for NSW would need to comply with Treasury guidelines and offer the property to the open market. This is due to the land fronting a public road.

However, there is also the option of Mid-Western Regional Council applying to purchase this land if it was assessed as being surplus and would be sold on the condition that it be used exclusively for community purposes. Should Mid-Western Regional Council apply to purchase this land, a more in-depth assessment would be made. I am pleased to advise that Transport for NSW would welcome an application from Mid-Western Regional Council at any time.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink that reads 'A Constance'.

22/01/2019

THE HON ANDREW CONSTANCE MP

9.9 Monthly Statement of Investment and Bank Balances as at 31 July 2019

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 July 2019; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 July 2019.

Community Plan implications

Theme	Good Governance
-------	-----------------

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

Strategy	Prudently manage risks association with all Council activities
----------	--

Strategic implications

Council Strategies

Not applicable.

Council Policies

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

Legislation

As per Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer certifies that:

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

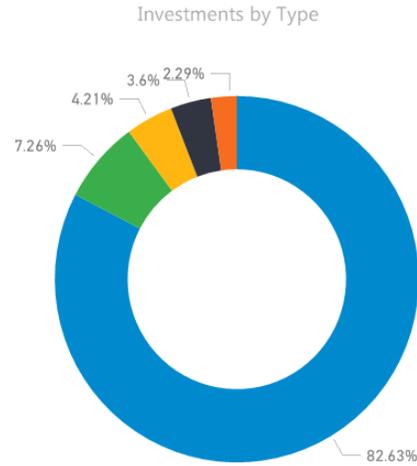
LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

7 August 2019

Attachments: 1. Investment Report July 2019.

APPROVED FOR SUBMISSION:

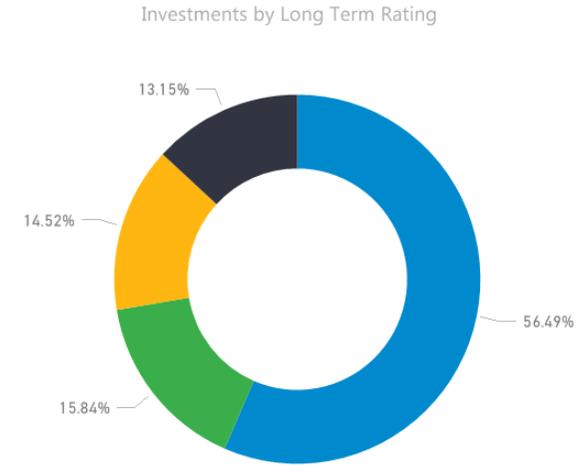
BRAD CAM
GENERAL MANAGER



**Mid-Western Regional Council
 Cash and Investments
 as at 31 July 2019**

Total Investment Portfolio

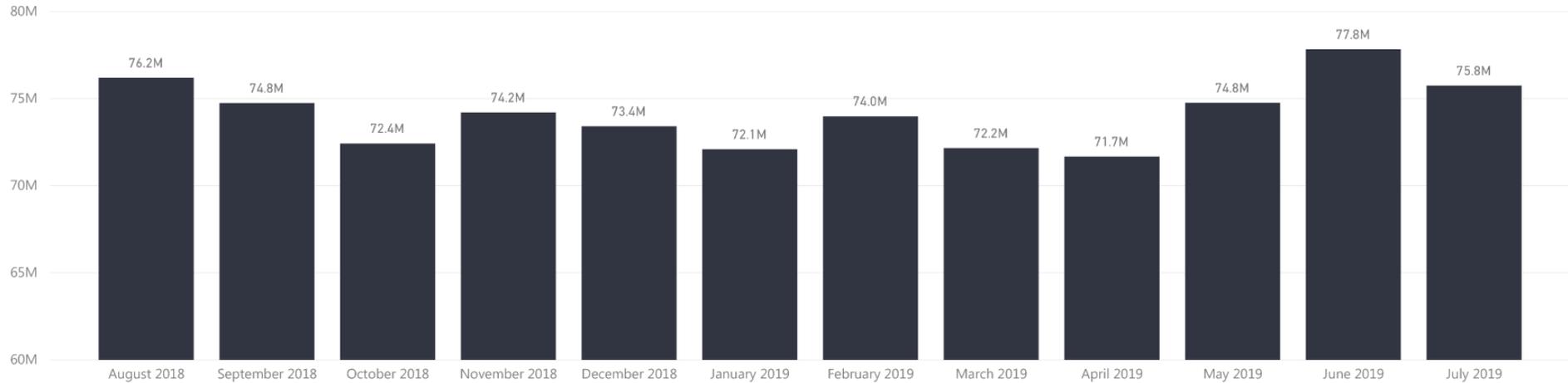
75.76M



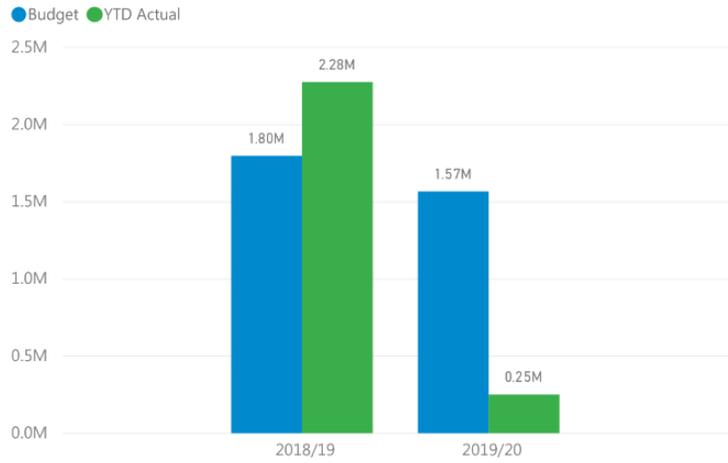
● Term Deposit ● TCorp - MTG Fund ● At Call ● TCorp - LTG Fund ● TCorp - Cash Fund

● AAA to AA- ● A+ to A- ● BBB+ to BBB- ● TCorp (Unrated)

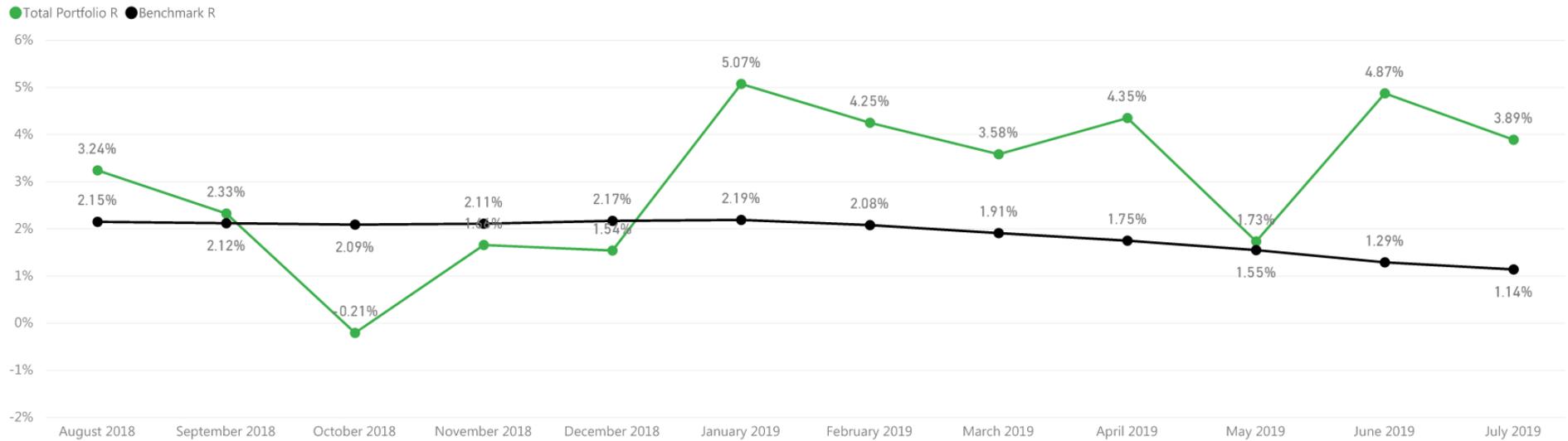
Portfolio Balance at End of Month



Income on Investments



Investment Performance



Institution	Investment Type	Term to Maturity	Principal Amount	Yield	Long Term Rating	Short Term Rating
NAB	Term Deposit	273	\$ 1,500,000	2.90%	AA-	A-1+
NAB	Term Deposit	21	\$ 1,000,000	2.72%	AA-	A-1+
NAB	Term Deposit	35	\$ 1,500,000	2.71%	AA-	A-1+
NAB	Term Deposit	28	\$ 1,500,000	2.71%	AA-	A-1+
NAB	Term Deposit	49	\$ 1,500,000	2.75%	AA-	A-1+
NAB	Term Deposit	56	\$ 2,500,000	2.75%	AA-	A-1+
NAB	Term Deposit	63	\$ 1,000,000	2.75%	AA-	A-1+
NAB	Term Deposit	77	\$ 2,000,000	2.73%	AA-	A-1+
NAB	Term Deposit	189	\$ 1,500,000	2.75%	AA-	A-1+
NAB	Term Deposit	140	\$ 1,500,000	2.44%	AA-	A-1+
NAB	Term Deposit	329	\$ 1,500,000	1.95%	AA-	A-1+
NAB	Term Deposit	329	\$ 1,500,000	1.79%	AA-	A-1+
NAB	Other	0	\$ 3,192,935	1.40%	AA-	A-1+
St George	Term Deposit	203	\$ 2,000,000	2.50%	AA-	A-1+
St George	Term Deposit	637	\$ 2,500,000	2.61%	AA-	A-1+
St George	Term Deposit	238	\$ 2,500,000	2.35%	AA-	A-1+
St George	Term Deposit	231	\$ 1,600,000	2.45%	AA-	A-1+
St George	Term Deposit	210	\$ 1,500,000	2.40%	AA-	A-1+
St George	Term Deposit	245	\$ 1,500,000	2.40%	AA-	A-1+
St George	Term Deposit	266	\$ 1,500,000	2.27%	AA-	A-1+
St George	Term Deposit	287	\$ 1,500,000	2.22%	AA-	A-1+
Westpac	Term Deposit	7	\$ 1,500,000	2.71%	AA-	A-1+
Westpac	Term Deposit	259	\$ 1,000,000	2.85%	AA-	A-1+
Westpac	Term Deposit	301	\$ 2,500,000	2.88%	AA-	A-1+
Westpac	Term Deposit	413	\$ 1,500,000	2.63%	AA-	A-1+
AMP	Term Deposit	161	\$ 2,000,000	2.75%	A	A-1
AMP	Term Deposit	77	\$ 1,000,000	2.75%	A	A-1
AMP	Term Deposit	119	\$ 1,000,000	2.80%	A	A-1
AMP	Term Deposit	119	\$ 1,000,000	2.80%	A	A-1
AMP	Term Deposit	133	\$ 1,500,000	2.80%	A	A-1
AMP	Term Deposit	140	\$ 1,000,000	2.80%	A	A-1
ING	Term Deposit	63	\$ 1,000,000	2.92%	A	A-1
ING	Term Deposit	217	\$ 2,500,000	2.86%	A	A-1
ING	Term Deposit	567	\$ 1,000,000	2.77%	A	A-1
Bank Of Queensland	Term Deposit	140	\$ 1,500,000	2.60%	BBB+	A-2
Bank Of Queensland	Term Deposit	259	\$ 1,000,000	2.07%	BBB+	A-2
Rural Bank	Term Deposit	105	\$ 1,500,000	2.73%	BBB+	A-2
Credit Union Australia	Term Deposit	21	\$ 1,000,000	2.75%	BBB	A-2
Credit Union Australia	Term Deposit	105	\$ 1,000,000	2.85%	BBB	A-2
Defence Bank	Term Deposit	91	\$ 2,000,000	2.80%	BBB	A-2
ME Bank	Term Deposit	175	\$ 1,500,000	2.38%	BBB	A-2
ME Bank	Term Deposit	315	\$ 1,500,000	1.93%	BBB	A-2
TCorp - Cash Fund	Other	1	\$ 1,733,306		TCorp (Unrated)	TCorp (Unrated)
TCorp - Long Term Growth Fund	Other	5	\$ 2,730,594		TCorp (Unrated)	TCorp (Unrated)
TCorp - Medium Term Growth Fund	Other	5	\$ 5,499,207		TCorp (Unrated)	TCorp (Unrated)
Total			\$ 75,766,042			

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	28,856,042	38%	38%	20%	OK
Between 3 months and 1 year	42,100,000	56%	93%	40%	OK
Between 1 year and 2 years	5,000,000	7%	100%	50%	OK
Between 2 years and 4 years	-	0%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
Total	75,756,042				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	NAB	30%	OK	29%	21,692,935
	St George	30%	OK	19%	14,600,000
	Westpac	30%	OK	9%	6,500,000
A	AMP	15%	OK	10%	7,500,000
	ING	15%	OK	6%	4,500,000
BBB+	Bank Of Queensland	5%	OK	3%	2,500,000
	Rural Bank	5%	OK	2%	1,500,000
BBB	Credit Union Australia	5%	OK	3%	2,000,000
	Defence Bank	5%	OK	3%	2,000,000
	ME Bank	5%	OK	4%	3,000,000
TCorp (Unrated)	TCorp - Cash Fund	15%	OK	2%	1,733,306
	TCorp - Long Term Growth Fund	15%	OK	4%	2,730,594
	TCorp - Medium Term Growth Fund	15%	OK	7%	5,499,207
Grand Total				100%	75,756,042

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	56%	42,792,935
A+ to A-	40%	OK	16%	12,000,000
BBB+ to BBB-	20%	OK	15%	11,000,000
TCorp (Unrated)	15%	OK	13%	9,963,107
Grand Total			100%	75,756,042

Monthly Investment Portfolio Activity

The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in Interest rate	Change in Term (days)	New Term Rate
NAB (At call account)	\$ 3,379		\$ 3,193			
TCorp - Cash Fund	\$ 1,730		\$ 1,733			
TCorp - Long Term Growth Fund	\$ 2,685		\$ 2,731			
TCorp - Medium Term Growth Fund	\$ 5,441		\$ 5,499			
NAB	\$ 2,000	\$ 500	\$ 1,500	-0.76%	63	1.95%
Bankwest	\$ 3,000	\$ 3,000		Redeemed		
NAB			\$ 1,500	New Deposit		1.79%
Total	\$ 18,235	\$ 3,500	\$ 16,156			7

9.10 RFT 2019/31 - Lease of the Kandos Olympic Swimming Pool

REPORT BY THE PROCUREMENT MANAGER
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COR400242

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Manager on the RFT 2019/31 - Lease of the Kandos Olympic Swimming Pool;**
2. **decline to accept the only tender received with respect to RFT 2019/31 – Lease of Kandos Olympic Swimming Pool, in accordance with Clause 178(1)(b) of Local Government Regulation 2005;**
3. **authorise the Director Community to enter into negotiations with Ross Lomax in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005. The reason for negotiations is to clarify compliance items specified in the tender in accordance with Clause 178(4)(a) and (b) of Local Government Regulation 2005;**
4. **decline to call fresh tenders and negotiate with others should a satisfactory outcome of negotiation not be achieved within two weeks of the commencement of negotiations. The reason for not calling fresh tenders and including the timeframe specified is that the Kandos Pool is due to be opened on the 28th September 2019;**
5. **delegate authority to the General Manager to finalise and sign a contract value not exceeding the approved Kandos Pool contractors budget; and**
6. **notify the tenderer of the outcome.**

Executive summary

Council recently sought tenders from suitably qualified organisations/persons to lease the Kandos Pool for the 2019-2022 pool seasons.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council.

On the closing date and time of the tender, only one tender response was received. The Tender Evaluation Panel (TEP) met on the 7 August 2019 to undertake the tender evaluation. This was stalled due to the compliance requirements of the tender not being met

Disclosure of Interest

Nil – All TEP members have signed the appropriate conflicts of interest and confidentiality declarations. One of the original panel members removed themselves from the panel due to a conflict of interest.

Detailed report

Kandos Olympic Swimming Pool caters to approximately 15,000 patrons per year, and Council have let the pool operations. Due to Council being unable to rectify staffing issues that were causing interruptions to pool opening and closing hours and also meeting the appropriate number of lifeguard to patron ratios. The purpose of the lease is to ensure that the pool remains open for the Community for the appropriate times required and for the full term of the swimming season.

The previous tender has expired, therefore Council is required to tender in accordance with the Local Government Act 1993.

Tender Specifics:

Advertised

The tender was advertised in the following media:

Publication Date	Media Source
02 July 2019, 08 July 2019	Sydney daily newspaper (in Tuesday Local Government Section)
28 June 2019	Mudgee Guardian
01 July 2019	MWRC Website
01 July 2019	VendorPanel

Tenders Received

Only one tender response was received - Ross Lomax.

Conforming Tenders

The single tenderer did not conform to the tendering requirements.

Evaluation Findings

As there was only one tender submission and it was the only submission. The TEP determined that the tenderer was capable of meeting the requirements of the tender, however, it was essential that the tender conform prior to any contract being offered. Tendered rates and details of the compliance requirements have been specified in the confidential section.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Procurement Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

Financial implications

Not Applicable

Associated Risks

There are risks inherent of engaging a supplier without the appropriate compliance requirements which will expose Council to the risk of litigation or risk the health and wellbeing of attending patrons. Therefore, the recommendation is to negotiate and finalise compliance requirements appropriately before entering into a contract.

There is also a risk of not being able to successfully negotiate with the single tenderer, therefore either delaying or restricting the opening of the Kandos Pool. Should negotiations fail, Council will bring another report back to Council with alternate options.

KRISTIE WARD
PROCUREMENT MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

7 August 2019

Attachments: 1. RFT2019-31 Kandos Pool Report Attachment. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Acceptance of Grant Funding - 2019/2020 NSW Government Active Transport Walking Communities Program

REPORT BY THE MANAGER WORKS
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, TRA300021

RECOMMENDATION

That Council:

1. **receive the report by the Manager Works on the Acceptance of Grant Funding - 2019/2020 NSW Government Active Transport Walking Communities Program; and**
2. **amend the 2019/20 Budget by allocating a project expenditure budget of \$100,000 for pedestrian refuges, being made up of \$50,000 from the NSW Governments Active Transport Program, and \$50,000 from Developer Contributions.**

Executive summary

The purpose of this report is to accept the grant funding of \$50,000 from the NSW Governments Active Transport Program. This will require an amendment to Council's Budget to include relevant income and project expenditure to complete this project.

Disclosure of Interest

Nil.

Detailed report

Council has been successful in receiving \$50,000 from the NSW Government's Active Transport Program for the 2019/2020 financial year. The funding is 50% funding requiring Council to contribute an additional \$50,000 toward the project.

It is appropriate to allocate Council's required \$50,000 from Developer Contributions.

The funding is based on projects as listed and prioritised in Councils Pedestrian Access Mobility Plan (PAMP), specifically those relating to increasing the safety of crossing points in key locations within our region through the construction of multiple pedestrian refuges and build outs.

Community Plan implications

Theme	Connecting Our Region
Goal	An active travel network within the region
Strategy	Develop and enhance walking and cycling networks accross the region

Strategic implications

Council Strategies

Pedestrian Access Mobility Plan 2016

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Receiving external grant funding deteriorates our Own Source Revenue ratio.
 Building new infrastructure will increase depreciation in future years, hence it has a negative impact on the Building & Infrastructure Renewal ratio.

Funding is being offered through the Roads and Maritime Service for the NSW Government's Active Transport Program as a 50% funding with the remaining 50% proposed from Developer Contributions.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	-	X	-
Future Years	-	-	X

Associated Risks

Staff will manage the construction project risks such as program and cost.
 Pedestrian Safety risks will be addressed through provision of improved crossing facilities.

ANDREW KEARINS
MANAGER WORKS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

7 August 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Policy Review - Water Pipes Across and Along Roads

REPORT BY THE MANAGER WORKS
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, A0100021

RECOMMENDATION

That Council:

1. receive the report by the Manager Works on the Policy Review - Water Pipes Across and Along Roads;
2. place the revised Water Pipes Across and Along Roads Policy on public exhibition for 28 days; and
3. if no submissions are received adopt the revised Water Pipes Across and Along Roads Policy.

Executive summary

The purpose of this report is to consider the reviewed Water Pipes Across and Along Roads Policy and place it on public exhibition prior to adoption.

Disclosure of Interest

Nil.

Detailed report

Staff have reviewed the Water Pipes Across and Along Roads Policy and made some relatively minor changes as shown in the attached version of the policy.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the recommendation, Council is endorsing the Water Pipes Across and Along Roads Policy changes to be placed out on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

Roads Act 1993 – Sect101 Restoration of Public Road Following Excavation etc.

Financial implications

Not Applicable

Associated Risks

Not Applicable

ANDREW KEARINS
MANAGER WORKS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

7 August 2019

Attachments: 1. Water Pipes Across and Along Roads 2019 review.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Water Pipes Across and Along Roads

*A prosperous
and progressive
community.*

ADOPTED	VERSION NO
COUNCIL MEETING MIN NO	REVIEW DATE 2018
DATE: 2ND OCTOBER 2018	FILE NUMBER A0100021

Objective

To ensure that all private pipelines and associated infrastructure constructed on/under public road reserves are carried out to a high uniform standard and that the pipeline may not be a burden on the community.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'.

Legislative requirements

- [Roads Act 1993 – Sect101 Restoration of Public Road Following Excavation Etc](#)
legislative requirements text here

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Related policies and plans

- [NA Community Plan](#)
- [Operational Plan – Fees and Charges](#)

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Policy

Where it can be practically located, Council will grant approval for a private pipeline to be located in a public road reserve subject to compliance with the following conditions:-

1. Submission of detailed engineering plans showing details of the proposed pipeline and any other associated infrastructure. The location of pipeline is to be in accordance with requirements of the General Manager.
2. All works are to be undertaken in accordance with Aus-spec #1 (as amended by Mid-Western Regional Council).
3. An assessment of the environmental effects of the proposed pipeline is to be undertaken in accordance with the Environmental Planning & Assessment Act and a review of environmental factors submitted to Council with the engineering plans.
4. A [Defects Liability Bond as set in Councils Fees and charges, must be paid bond of \\$10,000 \(or as amended by Mid-Western Regional Council\) shall be lodged with Council](#) to ensure that all defects in the works, which become apparent during the construction period and for a period of twelve (12) months after completion are remedied to the satisfaction of the General Manager. If these defects are not satisfactorily remedied Council may use bond moneys to carry out rectification works or disconnect the pipeline. Any unexpended bond money will be returned at the end of the twelve (12) month period, less the estimated cost of any outstanding works.

POLICY: [WATER PIPES ACROSS AND ALONG ROADS](#) | [WATER PIPES ACROSS AND ALONG ROADS](#) | [ERROR! REFERENCE SOURCE NOT FOUND.1.1](#), [ERROR! REFERENCE SOURCE NOT FOUND.7-DECEMBER-2017](#)

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5. Any adjustments to utilities necessary to allow construction are to be carried out to the satisfaction of the relevant authority. Written confirmation of same will be required to clear the refund of the bond money.
6. The applicant will be required to provide details of the Department of Environment, Climate Change & Water's concurrence with the site of any proposed pump station location and copies of the authority to extract water in quantities commensurate to the size of the pipeline.
7. The applicant is to provide appropriate ongoing insurance cover to indemnify Council against any claims and cover the cost of any damage to Council assets arising from the operation or failure of this pipeline. Details of this insurance cover must be approved by Council prior to commencing the work and a certificate submitted on a yearly basis.
8. The applicant is to complete an agreement with Council that any future maintenance would be carried out as and when required to Council's satisfaction and that the full cost of relocating or upgrading any section of the proposed pipeline affected by future realignment or upgrading of the adjoining roads will be met by the applicant.
9. Before any work is commenced, approval to the proposal must be obtained in writing. Prior written approval from the Roads & Traffic Authority is also required in respect of any roads under their control.

[10. All work to be carried out by suitably qualified persons.](#)

11. At the point of crossing the road, the pipe shall be sleeved in not less than 50mm diameter steel pipe or PVC pipe and such sleeve shall:
 - be laid at right angles to the centreline of the road
 - be not less than 0.5 metres below the road surface throughout its length
 - extend for not less than 1 metre beyond road shoulders/graded width on each side of the road.
12. The road surface must be fully reinstated and compacted to the General Managers requirements and shall be appropriately covered so as not to create a slippery surface. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.
13. A pipe may be replaced within an existing sleeve, which meets the above requirements at any time without further approval.
14. Location Post to be erected adjacent to fence lines, indicating existence of underground pipes.
15. At least 14 days notice shall be given before commencing any work and the exact position being pegged.
16. All work must be appropriately signed during construction and at own risk.
17. Any damage caused to the pipe, sleeve or location posts by Council or contractors engaged by council during maintenance/construction of the road to be repaired at the licensee's cost.
18. Council may at any time revoke this licence or alter the above conditions.
19. Council reserves the right to charge an annual fee for the leasing of land for the pipeline subject to negotiation with the General Manager.
20. Council reserves the right to decline any application.

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21. All completed work is to have WAE diagram including GIS location of all major infrastructure including pump stations, valves, change of directions, manholes or hydrants. All pipe sizes, class and pipe types (I.E. DICL, uPVC etc.).

Upon full compliance with these conditions, a Construction Certificate can be issued. Under the Roads Act, Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works.

Approvals are valid for a period of 2 years from the issue of the Construction certificate. The approval will lapse if the pipeline is not substantially commenced in that period.

POLICY: WATER PIPES ACROSS AND ALONG ROADSWATER PIPES ACROSS AND ALONG ROADS | ERROR! REFERENCE SOURCE NOT FOUND.4.4, ERROR! REFERENCE SOURCE NOT FOUND.7-DECEMBER-2017

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Application to Lay A Water Pipe Under Council Roads/Footpaths

Name:

Address:

Contact Phone #

Describe proposed location
(distance from nearest cross road / direction)

Estimate Date for construction

Supporting Information
(if deemed appropriate by the applicant)

Agreement:

Please find enclosed the fee applicable for granting of the permit as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until all conditions contained within Council's "Water Pipes Across and Along Roads" Policy have been complied with.

Signed & Dated (Applicant)

Office Use Only:

Complies with Policy (Yes / No)

Bond Paid / Drawings Supplied

Recommended course of action.

Assessment / Inspection Undertaken by (print)

Signed & Dated:

Project Approved to proceed if agreement signed and returned (reason if refused)?

Signed & Dated
(General Manager or Delegate):

POLICY: ~~WATER PIPES ACROSS AND ALONG ROADS~~ WATER PIPES ACROSS AND ALONG ROADS | ~~ERROR! REFERENCE SOURCE NOT FOUND.~~1.1, ~~ERROR! REFERENCE SOURCE NOT FOUND.~~7 DECEMBER 2017

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Roads Act 1993 – Sect 101

Restoration of public road following excavation etc

~~101 RESTORATION OF PUBLIC ROAD FOLLOWING EXCAVATION ETC~~

- ~~(1) A roads authority may direct any person by whom a public road is dug up to restore the road to its previous condition.~~
- ~~(2) If a public road is damaged as a result of a leakage from, or breaking or bursting of, any object or work placed in, on or over the road, the appropriate roads authority may direct the person:~~
- ~~(a) who was responsible for placing the object or work in, on or over the road, or~~
 - ~~(b) who has the care or control of the object or work, or~~
 - ~~(c) whose act or omission caused the leakage, breaking or bursting, to restore the road to its previous condition.~~
- ~~(3) A direction under this section may specify:~~
- ~~(a) the manner in which or the standard to which, and~~
 - ~~(b) the period (being at least 14 days) within which, the direction must be complied with.~~
- ~~(4) Instead of giving a direction under this section, a roads authority may take such action as is necessary to restore the road to its previous condition.~~
- ~~(5) The costs incurred by a roads authority in taking action under this section are recoverable from the person referred to in subsection (1) or (2), as a debt, in a court of competent jurisdiction.~~
- ~~(6) Nothing in this section authorises a roads authority to recover an amount greater than that necessary to restore the road to its previous condition.~~

Item 11: Community

11.1 Community Development and Targeted Early Intervention

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COS300015

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Community Development and Targeted Early Intervention; and**
2. **note the upcoming reform and the related change in direction for Council's Community Development activities and events.**

Executive summary

Council is funded by Family and Community Services to deliver a number of activities and events throughout the year that build capacity and support community sector development ('the Community Builders program'). The current value of that funding is approximately \$114,000 annually and extends until 30 June 2020.

The State Government, in reaction to increased statistics of children in statutory out of home care, will be reforming the current requirements of the Community Builders program and are recommending Council begin a shift towards Targeted Early Intervention ('TEI'), as this is expected to be the focus of contracts from 1 July 2020. It has been recommended that Council begin to realign community development projects in order that it may be in a position to continue TEI activities and events entirely from the commencement of any new contract after 30 June 2020.

Disclosure of Interest

Nil.

Detailed report

Community Builders

The Community Builders program provides funding for a range of services to strengthen communities and build their capacity. There is a strong focus on disadvantaged groups, including people on low incomes, people who are isolated due to where they live, people who have little or no access to community resources meaning they are not able to participate in community life and activities.

Council's Community Development Officers ('CDOs') currently deliver the Community Builders program through:

1. Community capacity building projects help build community strength by building links between community members with a focus on including disadvantaged groups e.g. by holding social or cultural events or by setting up a community network around a shared issue; and
2. Community sector development projects build the capacity of service providers to work together on issues affecting their communities through the provision of professional learning, mentoring and network development skills.

In addition to services delivered under the Community Builders program, the CDOs deliver activities and events, including, Access Committee support and participation in cultural matters. There has also been a strong focus on events for seniors living within our community, including Seniors Week events and Christmas in July.

Targeted Early Intervention

The overriding objectives of TEI reform are to improve child health and wellbeing, reduce levels of vulnerability, prevent the escalation of risk, reduce the number of children and families at risk of Risk of Significant Harm reports, and prevent entry into out-of-home care.

TEI Framework will measure the impact of the program for the target group, with a focus on three priority groups: Aboriginal children, families and communities; 0-3 year olds and families with at least one parent younger than nineteen.

Out of the five service options available under the program, it would be feasible that Council deliver the following:

1. Development community connections (includes community sector planning, community sector coordination;
2. Provide community centres;
3. Provide community support.

The remaining two-service delivery support are specialised and intensive and it is not considered suitable that Council deliver those interventions.

Current staffing arrangements

Council's current community development staffing arrangements include two staff employed for 49 and 36 hours per fortnight, respectively. The staff (as well as one currently on extended leave without pay due to personal circumstances) have experience coordinating and participating in a range of community events and activities, including:

- Access Committee meetings;
- Child and Family Network meetings;
- Christmas in July events;
- Cultural matters;
- Family fun days;
- Interagency meetings and newsletters;
- Mudgee People Against Violence events;
- NAIDOC and Reconciliation Week events;
- Plastic Free July activities;
- Seniors Week events;

- Promotion of volunteer opportunities; and
- Other events and activities.

Not all of the above activities and events (and their target audiences) naturally fit within the scheme of TEI reform.

Council also employs a full time Youth Services Officer (shortly due to be a job share arrangement), but this role is funded separately and is aimed at facilitating events and activities for older youth (in the 12-25 years bracket).

Going forward

It will be necessary to, with input and advice from Family and Community Services and other (internal and external) Council stakeholders, review the activities Council provides with Family and Community Services funding, particularly with respect to the altered target audience and provide activities and services more appropriate to TEI reform. This may require reassessment of staff skillsets and re-education of the Mid-Western community, who have come to expect certain activities be hosted by Council from year to year.

Community Plan implications

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

Strategic implications

Council Strategies

Council's Community Plan strategies include:

- Maintaining the provision of high quality, accessible community services that meet the needs of our community;
- Supporting networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles;
- Working with key partners and the community to reduce crime, anti-social behaviour and improve community safety;
- Providing infrastructure and services to cater for the current and future needs of our community; and
- Supporting programs which strengthen the relationships between the range of community groups.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

If Council elects to continue to include in its community development programs those activities that do not fit within the scheme of TEI reform, it will need to consider an increased community services budget in order to cater for this.

Associated Risks

There is a possibility of community backlash for an altered program of community development events and activities. It may be possible to mitigate this, however, by a gradual increase in TEI activities and a gradual decrease in other activities and events not considered appropriate for TEI reform. Alternate and external funding may also be sourced wherever possible to continue events, such as the NSW Seniors Week Festival, although this may not be to the extent of previous Council-supported events.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

11 July 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 Post Exhibition Report Keeping of Animals in Urban Areas

REPORT BY THE MANAGER GOVERNANCE
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, A0100021

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Post Exhibition Report Keeping of Animals in Urban Areas; and**
2. **adopt the revised Keeping of Animals in Urban Areas Policy.**

Executive summary

Council received three submissions during exhibition that were favourable for the adoption of the revised policy. The public submissions are provided in a confidential attachment as they contain personal information of residents.

Disclosure of Interest

Nil.

Detailed report

This policy provides guidance to residents of the Mid-Western Region informing the community of the statutory restrictions and acceptable limits which apply to the keeping of animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.

The policy notifies residents of the circumstances that the Council will consider in determining whether to serve an Order under section 124 of the Local Government Act 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.

The submissions received during exhibition make specific claims of non-compliance of the policy and provide evidence to support the claims including personal information. Council's Health & Building and Law Enforcement departments are investigating these alleged breaches.

Community Plan implications

Theme	Good Governance
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993 Section 124 Order 18
Protection of the Environment Operations Act 1997
The Impounding Act 1993
Companion Animals Act 1998

Financial implications

Not Applicable

Associated Risks

The keeping of animals in urban areas can have an adverse impact on both public health and safety. This policy aims to mitigate risks associated with the keeping of animals in urban areas.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

23 July 2019

- Attachments:*
1. Policy - Keeping of Animals in Urban Areas.
 2. Submission to Keeping of Animals in Urban Areas Policy - RG. (Confidential - separately attached)
 3. Submission - Keeping of Animals in Urban Areas policy - TW. (Confidential - separately attached)
 4. Submission - Keeping of Animals in Urban Areas policy. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY KEEPING OF ANIMALS IN URBAN AREAS

*A prosperous
and progressive
community*

ADOPTED	VERSION NO
COUNCIL MEETING MIN NO	REVIEW DATE
DATE:	FILE NUMBER A0100021 / GOV400047

Objective

This policy seeks to inform the Mid-Western community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- Minimise the incidence of nuisance being caused to persons;
- Protect the welfare of farm animals;
- Protect the welfare and habitat of wildlife; and
- Minimise the disturbance of or damage to protected vegetation.
- To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.
- To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
- To establish standards, acceptable to the community, for the keeping of animals.
- To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.
- To identify which animals are prohibited within the Mid-Western Regional local government area and the circumstances in which such animals are prohibited.

This policy applies to animals kept for domestic purposes but excludes companion animals (dogs and cats), control of which is adequately handled under the Companion Animals Act.

Legislative requirements

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124, Order 18, of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

The Council may, in the appropriate circumstances, issue an Order to:

- prohibit the keeping of various kinds of animals;
- restrict the number of various kinds of animals to be kept at a premises;
- require that animals be kept in a specific manner.
- The Council may also issue Orders requiring:
 - demolition of animal shelters built without the prior approval of Council;
 - the occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

POLICY: KEEPING OF ANIMALS IN URBAN AREAS | 19 JUNE 2019

It is advised that Council can exercise further controls over animals under the following Acts:

- Protection of the Environment Operations Act 1997
- The Impounding Act, 1993
- Companion Animals Act 1998

GIVING OF ORDERS BY COUNCIL

Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a notice of intention to serve an Order. Normally a person will be given opportunity to make representation to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

Policy

URBAN LAND

For the purposes of this policy, *urban areas* are defined as residential land located:

- in Mudgee, Rylstone, Kandos and Gulgong towns; and
- zoned: R1, R2, R3, R5, RU5 that are 2 hectares or less in size

Land Zoning for a property can be identified through the NSW Planning Portal (Find a Property) <https://www.planningportal.nsw.gov.au/find-a-property>.

ANIMALS PROHIBITED IN URBAN AREAS

The following animals are not permitted to be kept in urban areas due to the likely impacts on health and amenity;

- Roosters;
- Goats;
- Sheep;
- Cattle; and
- Pigs.

VARIATION TO THIS POLICY

Variations to this policy may be sought, by the occupier of the land that is 1ha or greater, may make a written submission to Mid-Western Regional Council. Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property;
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties;

- The type of animals to be kept;
- The number of animals to be kept;
- Owners consent from the owner of the property;
- The likely impact of the animals on the environment and the amenity of the area;
- Information addressing any matters raised by Council in any correspondence.

Written support from neighbouring properties will be beneficial in supporting your case for a variation.

CONSIDERATIONS

In assessing any proposals seeking to vary this policy, as well as the specific provisions in Schedule 2 of the Local Government (General) Regulation 2005, the following matters shall be taken into consideration:

- The kind of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building.
- Animals should be kept in a manner which does not:
 - Create unclean or unhealthy conditions for people or for the animals.
 - Attract or provide a harbourage for vermin.
 - Create offensive noise or odours.
 - Cause a drainage nuisance or dust nuisance.
 - Create waste disposal problems or pollution problems.
 - Create an unreasonable annoyance to neighbouring residents or fear for safety.
 - Cause nuisance due to proliferation of flies, lice, fleas or other insects.
- Animals should not be kept at premises used for the manufacture, preparation, sale or storage of food for human consumption.
- Suitable shelter(s) should be provided for all animals. Certain species of animals are required to be kept in cages to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape.
- Certain animal shelters and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult Council to determine which structures require development approval.

11.3 Community Services Quarterly Update - April to June 2019

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COS300015

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Community Services Quarterly Update - April to June 2019; and**
2. **note the recent services provided and activities coordinated by Council's Community Services Department.**

Executive summary

This report aims to familiarise Council with services and activities provided by its Community Services Department and to inform it of issues and events of note that arose during the period April to June 2019 (inclusive).

Disclosure of Interest

Nil.

Detailed report

Details of Community Services' quarterly activities, events, milestones and points of note are contained in the attachment to this report. Of particular interest:

- Community Development is, upon direction from the NSW Department of Family and Community Services, shifting its focus to Targeted Early Intervention; aiming to prevent escalating numbers of children entering into statutory out of home care and improving outcomes for vulnerable children, young people and families; and
- The need for Family Day Care vacancies is highlighted by almost full educator capacity and a waitlist of 29 families across the region and Wellington.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

13 June 2019

Attachments: 1. Community Services Quarterly Report - April to June 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

COMMUNITY DEVELOPMENT

Mudgee and Gulgong interagency

Meetings attract attendance from Mudgee service providers, as well as outreach agencies. The guest speaker for the June meeting was Josh Morton from Veritas House, who attended interagency meeting to promote the upcoming “Western Homeless Connect” event, which is a free community event connecting homeless individuals or those who are at risk of homelessness, with support services from around the Central West.

Local issues discussed at Interagency meetings and which are affecting the community services sector continuing to be demolition and the re-building of the Mudgee Hospital, changes in the NGO/Government funding focus, homelessness, disability access and advocacy, NDIS as well as opportunities to work together and support mutual client groups.

Rylstone and Kandos Interagency

Services attending these interagency meetings include Council’s Community Development Officers, Council’s Youth Services Officer, Family and Community Services, Rylstone Community Health Service (Health One), Mudgee and Districts Sub-branch of the Vietnam Veterans Peacekeepers and Peacemakers Association of Australia, Rotary Club Rylstone, Community Corrections Bathurst, TAFE Western NSW, Lifeskills Plus, Life Without Barriers, Rylstone and Kandos Police, Social Futures NDIS, Ability Links, Barnardos, Benevolent Society and Hammond Care. Other visiting services attend from time to time to network and provide specific information on local service provision.

Through this Interagency we have had representation from frontline services including domestic violence response services (FaCs) and the Department of Human Services. The officers dealing with domestic violence have stated that they are working to maximum levels with the amount of cases increasing. Homelessness and mental health issues are also continuing to increase.

Mudgee Child and Family Network

The Mudgee Child and Family Network was developed to bring together agencies that are providing services to children 0-8 years throughout the Mudgee region. The network raises awareness of, and advocates for, early childhood issues affecting our communities, providing responses and addressing these issues. The network also identifies emerging issues for future planning and service delivery. The Child and Family Network provided a seminar where Sue Larkey was engaged to present a very informative talk on anxiety, behaviour management, communication, trauma informed practice and self-regulation. This event was attended by 69 participants all providing very good feedback. Attendees were mainly parents, early education providers and early childhood care providers. Organisation is also underway to assist Barnardos with another Jubilee Play in the Park morning. This event was held in October last year providing information on early childhood and family services. It was very successful and this year it is hoped to attract more services to provide information. The meetings for the quarter have been very well attended including representation from Council’s Library and Family Day Care Services, Mudgee Preschool, Mudgee Catholic Home Care, Squeakers, Kandos Preschool, Benevolent Society, Barnardos, Brighter Futures Program, Galloping Gumnuts, Mudgee Community Health, Cudgegong Valley Public School and Kandos and Rylstone Preschool.

Mudgee Child & Family Network meeting

Attending the Mudgee Child and Family Network allows, as a collective, to raise awareness of, and advocate for, early childhood issues affecting our communities. The Network provides responses and addresses identified issues for future planning and service delivery.

Mudgee People Against Violence

The group meets once a month to share information about domestic violence issues, planning events like White Ribbon Day, International Women’s Day, and organising programs like Love Bites in local primary and secondary schools. Currently, the group is working towards the White Ribbon Day 2019 and the Love Bites program at schools within the Mid-Western LGA.

Seniors Week Planning Committee

The Seniors Week Planning Committee meeting for this quarter evaluated/discussed Seniors Week 2019 activities.

Interagency Monthly Newsletters and Weekly Updates

Weekly and monthly E-Newsletters have been continually upgraded with currently over 240 subscribers. Information on Council and regional community services, grants, programs, projects, workshops and training opportunities are provided. The newsletters currently are sent to Interagency members, regional services, schools and other community social service organisations. Mail Chimp provides statistics on readership, such as what were the most popular articles through recording all click data. This helps to develop the newsletter in accordance to specific interests. In summary, arts events and Council’s annual Waste to Art competition, the National Reconciliation Week event and youth programs have been consistently the most accessed areas and the biggest hit from the three months was the event ‘Retrosurbia’ book release and presentation by David Holmgren.

Targeted Early Intervention

Although some of the current meetings and programs include Targeted Early Intervention services and events, work has been undertaken on how to move into this focused area. Areas that the Community Development Officers can focus on have been discussed and considered for future events and activities and will be rolled out to the communities across the region.

Reconciliation Week

Almost 30 people attended a film screening ‘We Don’t Need a Map’ in Mudgee for Reconciliation Week. This screening was in conjunction with a facilitated conversation following the film around breaking down barriers and encouraging a more tolerant and inclusive community, whether it was around acceptance of refugees and migrants and through having a better understanding of cultural differences and acceptances of Aboriginal people living within our local community.

Community Development Officers are continuing to work with community interested organisations to identify community needs and gaps in regional service provision. The work is also focused on being a linking instrument to identify where different groups and services may work together for the advantage of the local community.

COMMUNITY TRANSPORT

Transport statistics

CHSP Trips	1100
CTP Trips	252
NDIS Trips	104
DVA Trips	45
HRT Trips	78
FCR Trips	15
Non Reportable	157
Total	1751

The majority are local trips, then Dubbo and Orange and then Sydney trips. The most common reason for service access is to attend medical appointments.

Unmet requests for transport –CHSP

Five unmet requests for this quarter: 3 local and 2 regional trip requests.

Funding

All Community Transport Service Contract variation forms accepted and signed. Transport funding accepted for 2019-2020 comprises:

CTP	\$51363
CHSP	\$243163
NDIS Residual Subsidy	\$5790
TfNSW Health Grant	\$30444

Vehicles

Two near hit /incident /injury reports reported involving wildlife.

Volunteers

Two volunteer drivers (that worked in together and, therefore, were equivalent to one volunteer) have ceased volunteering due to relocation. Two new volunteers have registered their interest to drive and their applications are currently being assessed.

General

Aged Care Royal Commission has brought about many changes and improvements to how Community Transport is to conduct business. Changes have been applied and will continue to be applied to Mudgee Community Transport operations when advised by governing bodies and industry. Staff are being trained in the new processes.

FAMILY DAY CARE

The Coordination Unit underwent significant staff changes at the back end of the last quarter. Due to these staff changes and a disappointing assessment and rating result, the Coordination unit have increased their monitoring and support visits to all Educators especially in regards to National Quality Standards Quality Area 1 (Educational program and practice).

The Coordination Unit is continuing to receive calls for families requiring care in all towns.

Our Educator numbers have remained stable at nineteen. The breakdown as at 30 June 2019 is:

Gulgong	2
Kandos	1
Mudgee	9
Wellington	7

The number of children currently registered is 253.

As of the 30 June 2019, we have one vacancy across the whole Scheme and this is for an Educator located in Wellington. Mudgee, Kandos and Gulgong have steadily maintained a full capacity for 0-5 years.

We have a waiting list consisting of approximately 29 families who require care now, including 19 families waiting on additional places with their current Educator.

The Coordination Unit received an enquiry from a local family seeking 'in-home care' which we are currently waiting information to confirm their eligibility. The 'In-home care' Educator would receive support visits from the Coordination Unit and will be required to attend any training sessions convened for the entire Educator Team, however, an 'in-home care' educator will not affect the cap on the total number of educators allowable under the Scheme's licence.

MEALS ON WHEELS

Main Meals including hot meals, chilled deserts, sandwiches & soups

January	569
February	622
March	551
Total	1742

Frozen meals including meals, baked meals and breakfast meals

January	76
February	84
March	52
Total	215

Current number of active Meals on Wheels clients

29 Meal deliveries 10 Receiving frozen meals only

Summary

There is again concern around the quality of the meals being provided by Pioneer House with complaints up however feedback is given to the kitchen and meals are rectified or improved shortly thereafter.

My Aged Care referrals are continuing to come through steadily.

Meals on Wheels Volunteers

Volunteer numbers remain steady with 160 individuals coming from 13 different organisations. Five individual volunteers have registered this quarter.

Frozen Meals

New menu has been implemented and clients appear happy with the changes and alternative meal options.

YOUTH SERVICES

Youth event and program support and networking opportunities

Skillset Workforce ran their annual *Try-A-Trade* program at Mudgee High School in May. Council's Youth Services Officer participated in the event. It was an excellent opportunity to interact with youth from across the region, promote Council as a preferred employer and work experience provider, as well as publicising some of the free resources Council provides to assist with job seeking. The event also provided an opportunity to promote events run by Youth Services such as *How to Adult*.

Local Youth Employment Expo

A new employment networking event was launched in May. The program was originally intended to launch in November 2018, but insufficient businesses were able to commit to the event at the time. The program assists young people to obtain either their first job or part-time/casual employment whilst studying. The event was a success with 11 representatives from six different businesses (Artisan on Lewis, Bunnings, Coles, Priceline Pharmacy, Ross Granata Motors, and Woolworths) being in attendance. Bookings prior to the event were strong, and over 50 people attended. Anecdotal evidence post-event indicates at least four young people have since gained obtained employment. It is hoped that the success of the inaugural event will encourage more businesses to be involved should it be run again.

How to Adult

Two topics were run this quarter 'Job interview skills' and 'Centrelink and Medicare'. Attendance at the interview skills sessions was higher than usual, and it is likely this was due to the session dates being close to both the *Local Youth Employment Expo* and *Try-A-Trade* which allowed more focused advertising to interested young people.

Introduction of new monthly partnership activities for youth

After the positive reception of several gaming activities for youth over the past nine months, a free monthly tabletop gaming program, for youth aged 12-25, was launched at the Mudgee Library during Youth Week (April). This program is able to run thanks to the support of volunteer Games Masters (who run the individual games at the program sessions).

The second new program to launch in partnership with Mid-Western Regional Council Library is the *Manga and Anime Squad*. The first session was held in May and, considering the limited advertising options based on screen licensing, attendance has been encouraging with 10-12 young people (aged 12-20) at each session. Attendance at the program appears to be growing organically, and feedback from attendees has been overwhelmingly positive.

11.4 Library Services - Quarterly Report

REPORT BY THE MANAGER LIBRARY SERVICES

TO 21 AUGUST 2019 ORDINARY MEETING

GOV400067, F0620020

RECOMMENDATION

That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.

Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings & Purchased items, Strategic Partnerships, and Sustainable Organisations. This report covers the period April to June 2019.

Disclosure of Interest

Nil

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS

Visits to the Library's branches during the April to June 2019 period were slightly higher than for the corresponding period in 2018.

Quarter	Visits
April-June 2019	26,907
April-June 2018	26,427

Across the Library Service, loans of library items increased slightly when compared to the same period in 2018.

Quarter	Loans
April-June 2019	22,363
April-June 2018	21,569

Loans from the Mobile Library increased when compared to the previous quarter of 2019.

Quarter	Loans
April-June 2019	1,797
Jan-March 2019	1,673

The use of library resources (library subscribed databases) increased slightly when compared with the previous quarter of 2019.

Quarter	Accesses
April-June 2019	647
Jan-March 2019	596

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic formats, and DVDs.

Quarter	Purchases
April-June 2019	1,472

STRATEGIC PARTNERSHIPS

The Library continues to support the Rotary/Council Mudgee Town Hall Cinema partnership on Council's behalf, by providing continuous administrative support, liaising with film distributors and Rotary, and provision of online/over the counter ticket sales. Over the April-June 2019 period this totalled a minimum 90 support hours by Library staff, and included 26 movies screenings, reaching 1,043 customers.

Mudgee Museum continues to be a Library partner, providing an historical display exhibit at Mudgee Library, which is replaced frequently.

Mudgee Readers' Festival continues to be a vital Library partner, co-hosting a continuous program of author talks and literary events throughout the year. During the April-June 2019 period, this partnership featured 5 authors at various literary events, plus the live streaming of the Sydney Writer's Festival into the Mudgee Town Hall Theatre.

SUSTAINABLE ORGANISATION

The Library continues to encourage life-long love of books and reading through its early literacy initiatives. During the April-June 2019 period, Library staff hosted 90 separate early learning sessions, reaching 654 children; also hosting preschool visits, Puppet Shows, National Simultaneous Storytime, and many craft and storytelling workshops during the school holidays.

There were also 23 events for adults held, including Tech Savvy sessions, BookGroups, and 1st Monday History talks – these events were attended by 342 adults.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Strategic implications

Council Strategies

The Library Services – Quarterly Report has been developed in line with the 2017/18 – 2020/21 Delivery Program and the Library's Collection Management Strategy.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

MICHELLE MAUNDER
MANAGER LIBRARY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

29 July 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.5 Problematic Complainants Policy Review

REPORT BY THE MANAGER GOVERNANCE
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Problematic Complainants Policy Review;**
2. **confirm the Unreasonable Complainant Conduct Policy replaces the Problematic Complainants Policy;**
3. **place the Unreasonable Complainant Conduct Policy on public exhibition for 28 days; and**
4. **adopt the policy if no submissions are received after the exhibition period.**

Executive summary

Council's Complaints Policy provides the means for residents to raise concerns with the Council.

There are occasions where complainants cannot be satisfied that their complaints have been addressed appropriately. These complainants will be managed in accordance with the Unreasonable Complainant Conduct Policy that adopts the NSW Ombudsmen's guidelines for the management of complainants.

Disclosure of Interest

Nil.

Detailed report

Council has worked with the Problematic Complainants Policy since December 2015. The term Problematic Complainant has been changed since the NSW Ombudsmen review of their Guideline; the subject is now addressed as being Unreasonable Complainant Conduct or UCC. The procedures for Problematic Complainants are the same for UCC but the outcome of a UCC investigation may result in the complainant being classified as either one or more of the following;

- A: Unreasonable Persistence**
- B: Unreasonable Demands**
- C: Unreasonable Lack of Cooperation**
- D: Unreasonable Arguments**
- E: Unreasonable Behaviour**

If it is established following investigation that a complainant is identified as presenting one or more of the UCC categories the General Manager may place limitations or conditions on the complainants ability to communicate with staff or access certain services.

The UCC Policy sits behind councils Complaints Management Policy requiring the Complaint Manager during the final step of investigating a complaint to determine whether the complainant has conducted himself or herself “Unreasonably”. This will be reported to the General Manager where the UCC classification decision and limitations will be taken.

Community Plan implications

Theme	Good Governance
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council’s roles and responsibilities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Access to Information Policy June 2018
Complaints Management Policy June 2018
Problematic Complainants Policy December 2013
Privacy Management Plan April 2010
Records Management Policy May 2017

Legislation

Ombudsmen Act 1974
Community Services (Complaints, Reviews, Monitoring) Act 1993

Financial implications

Not Applicable

Associated Risks

Not applicable.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

8 August 2019

Attachments: 1. Problematic Complainants Policy.
2. Unreasonable Complainant Conduct Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

	POLICY	ADOPTED C/M 18/12/13 Minute No. 523/13
	PROBLEMATIC COMPLAINANTS	REVIEW: Dec 15 FILE No. A0100021

OBJECTIVE:

1. To provide guidance for staff and councillors in dealing with customer complaints.
2. To ensure that Council resources are used efficiently and effectively when dealing with customers.
3. To ensure that all customers are treated fairly and reasonably.

POLICY:

Service Commitment

1. Council staff and councillors shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. Staff and councillors shall:
 - a) treat all customers with respect and courtesy;
 - b) listen to what customers have to say;
 - c) respond to customer enquiries promptly and efficiently;
 - d) act with integrity and honesty when liaising with customers; and
 - e) consult customers about service needs.

Standards of Service

1. Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days unless there is a valid reason not to do so.
2. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response including advice as to why the delays are to occur.
3. Telephone calls to Council's switchboard shall be answered quickly and efficiently.
4. Council staff shall answer incoming calls by clearly stating their name and position or section. Unanswered calls will divert to another member of staff.
5. Staff making outgoing calls shall identify themselves by name and council/section and shall clearly outline the purpose of the call.
6. Customer service staff shall greet customers as quickly as possible in a courteous and friendly manner.

7. Staff required to visit a customer shall endeavour to contact the customer first and make an appointment. At the beginning of the visit, staff shall clearly identify both themselves and the purpose of the visit.

Customers Who Cannot Be Satisfied

8. Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or a greater level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.
9. If in the opinion of the General Manager a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council the following actions may be taken:
 - a) the General Manager will write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer.
 - ii) not grant any further interviews.
 - iii) require all further communication to be put in writing.
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - the customer provides significant new information relating to their complaint or concern; or
 - the customer raises new issues which in the General Manager's opinion, warrant fresh action.
 - b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a).
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
 - d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points i) to iv) above will now apply.

Customers Who Make Unreasonable Demands

10. Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
11. If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the following actions may be taken:

- a) the General Manager will write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation, Council may:
 - i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period.
- b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 4(a).
- c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
- d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) and ii) above will now apply.

Customers Who Constantly Raise The Same Issue With Different Staff

- 12. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff the following actions may be taken:
 - a) the General Manager may notify the customer that:
 - i) only a nominated staff member will deal with them in future;
 - ii) they must make an appointment with that person if they wish to discuss their matter; or
 - iii) all future contact with Council must be in writing.
 - b) the General Manager shall advise councillors of any notification issued in accordance with clause 5(a).
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.

Customers Who Are Rude, Abusive or Aggressive

- 13. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
- 14. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
 - a) warn the caller that if the behaviour continues the conversation or interview will be terminated.
 - b) terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.

15. Where a conversation or interview is terminated in accordance with clause 14, the staff member must notify the relevant Manager of the details as soon as possible and place a record of interview on the Council's records management system on the day the event occurred.
16. If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

General

17. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
18. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Division of Local Government of the Premiers Department and the NSW Ombudsman for information.



POLICY UNREASONABLE COMPLAINANT CONDUCT

*A prosperous
and progressive
community*

ADOPTED	VERSION NO	V1
COUNCIL MEETING MIN NO	REVIEW DATE	
DATE: 21 AUGUST 2019	FILE NUMBER	GOV400047

Statement of Support

Mid-Western Regional Council is committed to being accessible and responsive to all complainants who approach our office for assistance and/or with a complaint. At the same time the success of our business depends on:

- Our ability to do complete tasks and preform our functions in the most effective and efficient ways possible.
- The health, safety and security of our staff.
- Our ability to allocate our resources fairly and equitably across the complaints we receive.

Objective

The policy and the supporting procedures have been developed to assist Council to better manage unreasonable complainant conduct (UCC) in conjunction with Council's current Complaints Management policy.

The aim of the UCC Policy is to ensure that staff managing complaints:

- Feel confident and supported in taking action to manage a potential UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be implemented.
- Understand the different circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - The strategies provided in the *Managing Unreasonable Complainant Conduct Practice Manual (2nd edition)* ('practice manual') including the strategies to change or restrict a complainant's access to our services.
 - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
 - Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

POLICY: UNREASONABLE COMPLAINANT CONDUCT | V1, 21 AUGUST 2019

Legislative requirements

The development of this policy has been informed by the following legislation:

- Ombudsmen Act 1974
- Community Services (Complaints, Reviews, Monitoring) Act 1993
- Public Interest Disclosures Act 1994

Related policies, plans guidelines etc.

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017
- Mid-Western Regional Council Public Interest Disclosure Internal Reporting Policy November 2015
- Mid-Western Regional Council Access to Information Policy June 2018
- Mid-Western Regional Council Complaints Management Policy June 2018
- Mid-Western Regional Council Problematic Complainants Policy December 2013
- Mid-Western Regional Council Privacy Management Plan April 2010
- Mid-Western Regional Council Records Management Policy May 2017

1.0 Defining Unreasonable Complainant Conduct

1.1 Definition

Most complainants who contact our Council act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger regarding their complaint. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – Despite our best efforts to assist them.

In these cases complainants act in an aggressive and verbally abusive manner toward our staff and in rare cases threaten bodily harm, violence and/or make excessive and unnecessary phone calls and emails to our offices putting inappropriate demands on our time and resources.

When complainants behave in the manner described we consider their conduct 'unreasonable'.

Unreasonable Complainant Conduct (UCC) is any behaviour by a current or former complainant which, due to the nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff or other service users and complainants.

1.2 Categories of Unreasonable Complainant Conduct

- A. **Unreasonable Persistence** Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.
- B. **Unreasonable Demands** Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.
- C. **Unreasonable Lack of Cooperation** Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff or complaints system and processes, which results in a disproportionate and unreasonable use of our services, time and/or resources.
- D. **Unreasonable Arguments** Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time and/or resources.
- E. **Unreasonable Behaviour** Unreasonable behaviour is conduct that is unreasonable in all circumstances. Regardless of how stressed, angry or frustrated that complainant is because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves.

Mid-Western Regional Council has a zero tolerance policy towards any harm, abuse or threats (verbal or physical) directed towards our staff. Any conduct of this manner will be dealt with under this policy and in accordance with our duty of care and workplace health and safety responsibilities.

1.3 General Managers Reporting Obligation

The General Manager must report to Council all persons who have access restrictions imposed on them. The report will describe the unreasonable conduct, what restrictions have been imposed, the review dates and keep Council informed of review outcomes.

1.4 Statement of Individual Rights and Mutual Responsibilities of Parties to a Complaint

In order for Mid-Western Regional Council to ensure that all complaints are dealt with fairly, efficiently, effectively and with consideration of Council's workplace health and safety/duty of care obligations, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

POLICY: UNREASONABLE COMPLAINANT CONDUCT | V1, 21 AUGUST 2019

INDIVIDUAL RIGHTS

Complainants have the right:

- To make a complaint to express their opinion in ways that are reasonable, lawful and appropriate.
- To a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply.
- To a fair and impartial assessment and where appropriate, investigation of their complaint based on the merits of the case.
- To a fair hearing.
- To a timely response.
- To be informed in at least general terms about actions taken and the outcome of their complaint.
- To be given reasons that explain a decision affecting them.
- To at least one right of review of the decision on the complaint.
- To be treated with courtesy and respect.
- To communicate valid concerns and views without fear of reprisal or other unreasonable responses.

Staff have the right:

- To determine whether, and if so, how a complaint will be dealt with.
- To finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.
- To expect honesty, cooperation and reasonable assistance from complainants.
- To expect honesty, cooperation and reasonable assistance from the organisation and people within jurisdiction who are the subject of a complaint.
- To be treated with courtesy and respect.
- To a safe and healthy work environment.
- To modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the right:

- To a fair and impartial assessment, and where appropriate, investigation of the allegations made against them.
- To be treated with courtesy and respect by staff of Mid-Western Regional Council.
- To be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated.
- To be informed about the substance of any proposed adverse comment or decision.

- To be given a reasonable opportunity to rebut the allegations during the course of any investigation and before any final decision is made.
- To be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.
- To be protected from harassment by disgruntled complainants acting unreasonably.

MUTUAL RESPONSIBILITIES

Complainants are responsible for:

- Treating staff of the Mid-Western Regional Council with courtesy and respect.
- Clearly identifying to the best of their ability the issues of complaint, or asking for help from our staff to assist them in doing so.
- Providing to the best of their ability all the relevant information available to them at the time of making the complaint.
- Being honest in all communications.
- Informing the Council of any other action they have taken in relation to their complaint.
- Cooperating with staff assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Mid-Western Regional Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Mid-Western Regional Council has a zero tolerance policy towards any harm, abuse or threats (verbal or physical) directed towards our staff.

Any conduct of a criminal nature will be reported to the police and in certain cases legal action may be considered if necessary.

Staff are responsible for:

- Providing reasonable assistance to complainants who need help to make a complaint and where appropriate, during the complaint process.
- Dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially.
- Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and conduct of the complainant.
- Giving people or organisation the subject of complaint reasonable opportunity to rebut the allegations during the course of any investigation and before any final decision is made.

POLICY: UNREASONABLE COMPLAINANT CONDUCT | V1, 21 AUGUST 2019

- Informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to address.
- Keeping complainants informed of the actions taken and the outcome of their complaints,
- Giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decision that affects them.
- Treating complainants and any people the subject of a complaint with courtesy and respect at all times and in all circumstances.
- Taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint.
- Giving adequate warning of the consequences of unacceptable behaviour.

If the Mid-Western Regional Council or its staff fail to comply with these responsibilities, complainants may complain to the Mayor, a Councillor, the General Manager or the Public Officer.

External appeals/complaints can be lodged with the NSW Ombudsmen.

Subjects of a complaint are responsible for:

- Cooperating with the staff of Mid-Western Regional Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within the applicable jurisdiction.
- Providing all relevant information in their possession to the Mid-Western Regional Council or its authorised staff when required to do so by a properly authorised direction or notice.
- Being honest in all communication with Mid-Western Regional Council and its staff.
- Treating the staff of Mid-Western Regional Council with courtesy and respect at all times and in all circumstances.
- Refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

Mid-Western Regional Council is responsible for:

- Having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints.
- Decisions about how all complaints will be dealt with.
- Ensuring that all complaints are dealt with professionally, fairly and impartially.
- Ensuring that staff treat all parties to a complaint with courtesy and respect.
- Ensuring that the assessment and any enquiry into the investigation of a complaint is based on sound reasoning, logically probative information and evidence.

- Finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances.
- Implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints.
- Giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If the Mid-Western Regional Council fails to comply with these responsibilities, complainants may further pursue their complaint with the Office of the NSW Ombudsman.

REVIEW

Item 12: Reports from Committees

12.1 Heritage Committee Meeting Minutes 23 July 2019

REPORT BY THE
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400066, DEV700020

RECOMMENDATION

That Council:

1. receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes 23 July 2019; and
 2. note the minutes of the 23 July 2019 Heritage Committee Meeting.
-

Executive summary

The purpose of this report is to advise Council of the considerations of the Heritage Committee meeting held on 23 July 2019.

Disclosure of Interest

Nil.

Detailed report

A copy of the minutes from the July 2019 meeting are attached to this report.

There were no recommendations from the Heritage Committee Meeting held on the 23 July 2019.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

Strategic implications

Council Strategies

Conducting Heritage Committee Meetings is consistent with Council's Heritage Strategy.

Council Policies

Not applicable.

Legislation

The Heritage Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

Financial implications

Not applicable.

Associated Risks

Not applicable.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

6 August 2019

Attachments: 1. July Minutes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

HERITAGE COMMITTEE MEETING AGENDA

MUDGEES – FOYER MEETING ROOM

TUESDAY 23 JULY 2019 – 3PM

1. WELCOME and PRESENT, Virginia Hollister, Barbara Hickson, John Bentley, Peter Monaghan, Staff: Sarah Armstrong. Guest: Garry Hemsworth.
2. APOLOGIES – Chris Pearson and David Warner.
3. CONFIRMATION OF PREVIOUS MINUTES – 30 April 2019.
Amendment: Barbara Hickson was in attendance.
Confirmation: Virginia Hollister. Second: Peter Monaghan.
4. MATTERS IN PROGRESS

Matter	Responsible	Progress / Action
Local Heritage Grants.	Development Directorate Committee consideration	Council successfully received grant funding for the Local Heritage Grants program of \$11,000.00.
Heritage Conservation Fact Sheet (commenced September 2016).	Development Directorate	Community Plan Proposal withdrawn by the Committee. First distribution will be to landowners of heritage items, a cover letter will accompany the fact sheet. Not considered the best means of targeting audience.
Heritage Advisor.	Development Directorate	Council successfully received grant funding for the Heritage Advisor program of \$12,000.00.
Review of the Rylstone Main Street Study (commenced September 2016).	Committee Members	OE&H grant, with matching funding provided by Council.

Matter	Responsible	Progress / Action
DCP Review – inclusion of Heritage Conservation provisions.	Development Directorate Committee Members	OE&H Grant and Council Community Plan Proposal unsuccessful. Heritage Conservation Area Statements of Significance prepared. Council staff have engaged the Heritage Advisor to prepare a draft of heritage conservation provisions for the DCP, draft to be provided to Council end June 2018. DP&E have provided Council with draft DCP structure. Structure to be placed on public exhibition, timing? Council will amend DCP inline with structure and include heritage provisions. Ask Director if provisions can be viewed by the Committee.
Proposed Heritage Conservation Area for Kandos (commenced June 2017).	Sub committee	Project paused.
Heritage Near Me funding application 'Snapshot of our Heritage' (commenced May 2018).	Development Directorate	Project completion date now October 2019.
Gulgong block signage audit (commenced July 2018).	Chris Pearson, David Warner, Barbara Hickson.	The matter will be considered by Council's Traffic Committee on 16 th August 2019.

5. BUSINESS ARISING FROM THE PREVIOUS MEETING

5.1 Nil.

6. GENERAL BUSINESS

6.1 Process undertaken by Operations Directorate for works within Heritage Conservation Areas

Garry Hemsworth joined the meeting at 3.12pm and outlined the process of undertaking works within the Heritage Conservation Area.

It was outlined that there are various teams within the Operations Directorate and that there is respect for heritage conservation at all levels within the Directorate and Garry is open to communication directly from the Heritage Committee to him through his Administration staff.

John Bentley outlined the Committee would like a mechanism to ensure the best approach is taken.

John Bentley outlined the Committee would like a mechanism to ensure the best approach is taken.

Barbara Hickson suggested introducing a higher alert area. This could assist new staff gaining the understanding. Sarah Armstrong will work with the Committee in preparing these maps.

Peter Monaghan spoke about having a contact in each of the Council Depots. Garry suggested the Works Officers would be the best contact.

Peter Monaghan raised the bins in Rylstone and installation of railing outside newsagent.

7. CORRESPONDENCE

Nil.

Meeting closed 4.20pm.

Date of next meeting Tuesday 20 August 2019.

Schedule of meetings 2019 –

Tuesday 22 October

Tuesday 17 December

12.2 Local Traffic Committee- July Meeting 2019

REPORT BY THE EA TO DIRECTOR, OPERATIONS
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, A0100009

RECOMMENDATION

That Council:

1. receive the report by the EA to Director, Operations on the Local Traffic Committee- July Meeting 2019;
 2. Approve the event – ‘Mudgee High School Rainbow Day’ Tuesday 24 September 2019 – and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:
 - a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
 - b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - i. Maintain a four-metre wide emergency vehicle lane;
 - j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
 - l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the RMS are indemnified against any possible action as the result of the event;
-

m. The event is to be undertaken in accordance with the traffic control contingency plan, to ensure additional authorised traffic controllers are not required at short notice;

n. All people interacting with vehicles are to wear reflective high visibility vests.

o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review

p. The organiser is to receive Roads and Maritime consent for use of Market Street and Ulan Road

q. Organiser to provide risk assessment document prior to event commencement

3. Approve the event – *Flavours of Mudgee Street Festival, 28 September 2019* – and classify as a Class 2 Event under the *Guide to Traffic and Transport Management for Special Events Version 3.5* with the following conditions:

a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.5* and submitted to and approved by Council prior to the event.

b. A Traffic Control Plan/s (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;

c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;

d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;

e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million;

f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;

g. Reimbursing Council for the cost of damage repairs;

h. Complying with any of Council's Law Enforcement Officers' directives;

i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;

j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;

k. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;

l. Maintain a four-metre wide emergency vehicle lane;

m. Notify NSW ambulance and NSW Fire Brigade of the event

n. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual

4. Note the general business comments and correspondence; and

5. Note the outstanding action item list.

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil.

Detailed report

The Local Traffic Committee meeting was held 19 July 2019

Two upcoming events were considered:

- Mudgee High School Rainbow Day
- Mudgee Flavours Festival

General business items included:

- Speeding in Kandos – NSW Police taking action
- Speeding on Henry Bayly Drive
- Mudgee Medical Centre – Pedestrian Refuge request
- Speed assessment for Putta Bucca
- Pedestrian Crossing Safety in CBD

Full discussion notes are included in the attachment to this report.

Community Plan implications

Theme	Connecting Our Region
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Goal	High quality road network that is safe and efficient
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Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion
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GEMMA WILKINS
EA TO DIRECTOR, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

22 July 2019

Attachments: 1. Traffic Committee Minutes - July 2019 .

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 19 July 2019

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Rd, Mudgee
on 19 July 2019.

Present	David Webster (MWRC), Phil Blackman, Garry McGovern (NSW Police), Deanne Freeman (RMS), Mark Fehon (NSW Police)
Apologies	Alex Karavas (MWRC) Garry Hemsworth (MWRC)
Secretary	Gemma Wilkins (MWRC),

The LTC meeting commenced at 9:35AM

MINUTES OF PREVIOUS MEETING

MOTION: RMS Deanne Freeman / Inspector Mark Fehon

That the Minutes of the previous Local Traffic Committee held on 17 May 2019 be taken as read and confirmed.

- **No meeting held in 21 June**
- **Minutes for May Circulated by email**

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 19 JULY 2019

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Final report received, no crossings are 100% compliant. Until works are completed NSW Police recommend we monitor incidents and may need to consider additional lighting during event periods. RFQ for design being prepared by Council.
Disabled parking Kandos IGA	28 April 2017	Roads and Maritime Services and Council to meet onsite and discuss viable options. Provide report to June meeting.	Council to investigate upgrade of current location. On site meeting with Road Engineer on Monday 22 July.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Extra line markings. Observation was undertaken. Formal counts will be coordinated for further information. Spoke with Prue in June – Council to prepare map of what they propose for consideration.
Events Night with the Roads and Maritime Services	August 2018		Pending amendment of events process between planning department and operations department to make sure clear message provided by Council.
Request for 'No Parking' sign	August 2018	Request for a 'No stopping' sign to be placed at the northern end of Ten Dollar hotel.	Investigation and consultation in progress.
Request to review traffic flow of Gulgong CBD	November 2018 February 2019	Request a review of the traffic management and parking within the Gulgong CBD Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong	
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	Council forwarded request to Roads and Maritime Services Feb 2019. Advised assessment likely to be in 19/20 financial year. Council to send through a plan proposing where they want the 40 km/h (where high pedestrian activity is)
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	Spoke with Prue Britt in June. Her recommendation was to approach school about parent education to reiterate current arrangements.

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Saleyards Lane Traffic Calming	February 2019	Roads and Maritime Services to investigate speed zone	Inspection clarified it is a 50km zone by Roads and Maritime Services. An assessment not recommended for this particular area. Gemma phoned and spoke to complainant 10/5/19. Traffic counters will be placed. Roads and Maritime Services checked signage and have forwarded the details to council for quotation. Council to provide price. RMS still waiting.
Oporto Road Speed Humps	February 2019	Council to provide traffic count data to NSW Police to aid increased presence.	

PAST EVENT DEBRIEF

EVENT	
Mudgee Night Glow – 25 May	Event unlikely to occur again at this venue. Debrief undertaken by events team.
Henry Lawson Festival – 8 June	
Henry Lawson Heritage Drive	
Small Field Day Event	Police feedback – User pay officer wasn't provided for Friday due to an oversight. Henry Lawson entry was much better. Amending the entry gates worked well and seemed to flow a lot better this year.

CALENDAR OF EVENTS

AUGUST	Date	Comments
Mudgee Running Festival Kandos Street Machine	10 August	Recommended
SEPTEMBER	Date	Comments
Flavours of Mudgee Rainbow Day Cudgegong Jump Club		In this Agenda In this Agenda
OCTOBER	DATE	Comments
Ride Against Cancer Mudgee Lions Club Mudgee Triathlon Season		
NOVEMBER	DATE	Comments
Rylstone Street Feast		
DECEMBER	DATE	Comments

Red = Unapproved
 Green = Approved

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 19 JULY 2019

19/016 MUDGEES HIGH SCHOOL RAINBOW DAY- 24 SEPTEMBER 2019

RECOMMENDATION THAT COUNCIL

Approve the event – ‘Mudgee High School Rainbow Day’ Tuesday 24 September 2019 – and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:

- a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
- b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
- c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- i. Maintain a four-metre wide emergency vehicle lane;
- j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
- l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the RMS are indemnified against any possible action as the result of the event;
- m. The event is to be undertaken in accordance with the traffic control contingency plan, to ensure additional authorised traffic controllers are not required at short notice;
- n. All people interacting with vehicles are to wear reflective high visibility vests.
- o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review
- p. The organiser is to receive Roads and Maritime consent for use of Market Street and Ulan Road
- q. Organiser to provide risk assessment document prior to event commencement

MOTION: NSW Police Mark Fehon / Deanne Freeman

That the above recommendation be accepted and approved.

- Risk assesment condition added
- TCP's will be circulated via email to members once completed.

19/017 FLAVOURS OF MUDGEES STREET FESTIVAL - 28 SEPTEMBER 2019

RECOMMENDATION

Approve the event – *Flavours of Mudgee Street Festival, 28 September 2019* – and classify as a Class 2 Event under the *Guide to Traffic and Transport Management for Special Events Version 3.5* with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.5* and submitted to and approved by Council prior to the event.
- b. A Traffic Control Plan/s (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
- c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
- d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million;
- f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- g. Reimbursing Council for the cost of damage repairs;
- h. Complying with any of Council's Law Enforcement Officers' directives;
- i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
- k. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- l. Maintain a four-metre wide emergency vehicle lane;
- m. Notify NSW ambulance and NSW Fire Brigade of the event
- n. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual

MOTION: NSW Police Mark Fehon / Phillip Blackman

That the above recommendation be accepted and approved.

19/018 GENERAL BUSINESS

SPEEDING IN KANDOS

Correspondence from the Office of Andrew Gee was received by Council in April. Concerns have been raised about police enforcement in the area and speeding traffic.

- Police spoke to resident who wrote the letter, enforcement has been ongoing and will continue.
- General acknowledgement to be prepared and sent to resident advising of discussion at this meeting.

6

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 19 JULY 2019

PUTTA BUCCA SPEED LIMIT

Concerns raised by a resident for the speed limit on Putta Bucca between Henry Lawson drive and Tinja lane.

- Council will place some traffic counts and review development to get an accurate indication of current traffic numbers.
- Assessment will then determine if request will be forwarded to RMS for limit review.
- Committee in agreement that the comments do hold merit.

RACING ALONG HENRY BAYLY DRIVE

Resident concerns over the speed of traffic on this street.

- Referred to police for further presence.
- Traffic counts would be ideal for this street to – pass details onto Police with results.

MUDGEES MEDICAL CENTRE PEDESTRIAN REFUGE

Committee member Phil raised this to be included on the agenda. Request relates to a pedestrian crossing or refuge at the Mudgee Medical centre.

- Phil hearing complaints of being able to cross from Medical Centre to other services on the opposite side.
- If Council was to place a round about at Meares & Church Street then refuge can be factored into that. Council to investigate implementation of a refuge.
- Interim measure for signage to be put in – mother and child yellow sign.

19/019 CORRESPONDENCE

ZIG ZAG LINEMARKING AT PEDESTRIAN CROSSINGS

Request received for Council to linemark CBD crossing approaches with zigzag. Works request raised as part of this request and response provided to resident accordingly.

- Deanne thinks that this isnt necessarily applicable to these crossings as the sight distance is pretty good.
- There should be a double barrier line on approach we have many deficiencies with linemarking at our crossings.
- Budget initiative may be required for pedestrian crossing safety in general.
- Planter boxes and trees are visual obstructions.

MOTION: Mr Phillip Blackman / NSW Police Representative

CLOSURE

There being no further business the meeting concluded at 11:00am

12.3 Mid-Western Regional Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COS300797

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Access Committee; and**
2. **note the minutes of the Mid-Western Regional Council Access Committee meeting held on 2 July 2019.**

Executive summary

Council's Access Committee meets monthly to discuss and provide advice to Council on operational and strategic issues affecting physical access and inclusion for all residents and visitors to the region.

Disclosure of Interest

Nil.

Detailed report

At its July 2019 meeting, the Access Committee reviewed development applications for projects at Mount Frome and in Mudgee. The Committee also lent it support to additional ramp and access points along Louee Street at Rylstone.

Further detail of discussions by the Committee are contained within the Minutes attached to this report.

The next meeting of the Mid-Western Regional Access Committee is to be convened on 6 August 2019.

Community Plan implications

Theme	Looking After Our Community
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Goal	Meet the diverse needs of the community and create a sense of belonging
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Strategy	Provide equitable access to a range of places and spaces for all in the community
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Strategic implications

Council Strategies

Council's Disability Inclusion Action Plan supports collaboration between Council and its Access Committee, to provide advice on operational and strategic issues affecting access for all residents of and visitors to the region.

Council Policies

Not Applicable.

Legislation

Mid-Western Regional Council is committed to an inclusive and accessible region and seeks to meet its obligations under the *Disability Discrimination Act 1992* and the NSW *Disability Inclusion Act 2014* through its Disability Inclusion Action Plan.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

22 July 2019

Attachments: 1. Minutes - Access Committee - July 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE

MINUTES – 11AM, TUESDAY 2 JULY 2019

AT ADMIN FOYER MEETING ROOM, MUDGEES

1. **Welcome:**
2. **Present:** Victoria Barrett, Les Leighton, Stephen Waller, Pamela Morris, Rodger Barnes
Council Staff: Fiona Turner
3. **Receive apologies:** Marie Hensley
4. **Confirm Minutes of 4 June 2019 meeting of the MWRC Access Committee**
Moved: R Barnes **Seconded:** P Morris
5. **Matters arising from Previous Minutes:**
Nil.
6. **Correspondence:**
 - 6.1 DA0240_2019 S68.0261_2019 - Storage shed Cellar Door - M Roth - 100 Westcourt Lane Eurunderee – Submission 4 June 2019.
 - 6.2 DA0257_2019 S68.0278_2019 - Dwelling + Tourist accommodation - M & R White Family Holdings Pty Ltd - 1257 Windeyer Rd Windeyer – Submission 4 June 2019.
 - 6.3 Email from People with Disability Australia dated 24 June 2019 – Enable In project (brochures distributed - attached).
7. **Development Applications:**
 - 7.1 DA0146/2018 - Proposed Function Centre and 6 Serviced Apartments – Rocky Waterhole Road

Councillors Paine and Karavas arrived.

Accessible cottage needs to comply with standards, including suitable carparking, carpark ground surfaces, accessible bathroom and kitchen spaces, appropriate door openings and lever handles.

Hard compact ground surface with low vision indicators for ease of access between the accessible cottage and the Lodge.

Lodge area – counter levels at accessible heights, accessible bathroom and parking (including ground surfaces and pathway to interior of lodge space). What is intended



for the mezzanine level? How is it intended that people with disability access this level?

Be mindful that entrances to the Lodge and accessible cottage have no 'lips'/trip hazards.

Move: L Leighton Seconded: S Waller **Carried.**

7.2 DA0296/2019 - Lot 123 DP 830463 - The Bridge Complex 160 Church Street

Front entrance door should be low pressure opening (ie, lighter).

Move: L Leighton Seconded: V Barrett **Carried.**

8. General Business:

8.1 Additional ramp and access points along Louee Street, Rylstone. (F Turner)

A community member recently hurt herself stepping off the nature strip in Rylstone onto Louee Street as plane tree leave in the gutter caused her to misjudge the depth required for her step. The Committee is supportive of additional access points along this roadway.

Move: P Morris Seconded: V Barrett **Carried.**

9. Matters pending:

9.1 Consultant audit and advice for tactile placements in Mudgee CBD.

Community Plan Proposal lodged December 2018.

This initiative has been included in the Township Masterplans for the 19/20 budget.

9.2 Public seating in Mudgee and Gulgong.

Community Plan Proposal lodged December 2018.

This initiative has been included in a proposed budget of \$25K in the 19/20 budget for master plan of seating and lighting in CBD areas.

9.3 Parking at Mudgee Showgrounds (Douro Street)

Traffic Committee have passed on this request to the Mudgee Show Society.

Next meeting date – 6 August 2019 – Admin Foyer Meeting Room.

Meeting finished: 11:30am

Councillor Karavas will be an apology for August 2019 meeting.

12.4 Mudgee Sports Council Meeting Minutes 25 June 2019

REPORT BY THE DIRECTOR COMMUNITY
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, A0360013

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Mudgee Sports Council Meeting Minutes 25 June 2019; and
2. note the minutes for the Mudgee Sports Council Meeting held on 25 June 2019

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 25 June 2019.

Disclosure of Interest

Nil

Detailed report

The Mudgee Sports Council receives an updated Works Request and Matter in Progress report together with updated financial details each month prior to their meetings.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

The Mudgee Sports Council is operating under section 355 of the Local Government Act (1993), Which allows it to exercise a function of Council.

Financial implications

Nil

Associated Risks

Nil

SIMON JONES
DIRECTOR COMMUNITY

16 July 2019

Attachments: 1. Mudgee Sports Council Meeting Minutes 25 June 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council meeting

Mudgee Netball clubhouse

25-06-2019 1825.

Present: G. Robinson, P. Mitchell (Soccer), K. Bennetts (Little A's), N. Richards (Hockey), K. Marshall (Netball), A. Whale (Jnr Cricket), & J. Johnson. Guests- Aliesha Bennetts Little Athletics and Jarrod Emeny Mudgee Basketball.

Apologies: L. Humphries (Rugby), M. Brydon (Jnr League), R. Smith (Rugby), K. Lang (Touch), E. Flack (Snr League), J. O'Neill MWRC Councillor, T. Kane (MWRC Staff) Moved K. Marshall, seconded K. Bennetts.

Minutes read as true and correct. Moved G. Robinson seconded J. Johnson.

Business arising from previous meeting:

1. Nil.

Treasurers Report:

1. As per council report \$\$80260.47.
2. Has Senior Cricket paid their fees?
3. All Winter sports are due.

Treasurers report moved J. Robinson, seconded K. Marshall.

Secretary Report:

1. Email from Council re gas, and installation of new score board.
2. Letter for funding for Justin Goassage.

Move that all applicants be granted sports assistance grants on providing banking details, Moved G. Robinson, seconded K. Bennetts carried.

Works Request Updates:

1. Concreting still to be completed amenities Mudgee Touch/ Soccer clubhouse.
2. Meeting to be held next week re serving area at Touch/Soccer clubhouse.

Works Requests:

1. Window broken meeting room Netball.
2. Shutters not closing properly at Netball canteen area, not latching, club having to tie off, before leaving.
3. Fire extinguishers need checking at Netball, and perhaps all venues.
4. The email re gas bottles at Glen willow does that also apply to Netball, and other venue users.
5. Victoria Park, fence panel missing near sight board.

6. Button to spark BBQ not working Touch/Soccer amenities.
7. Light covers off in canteen area, and 1 light not working Soccer canteen

General Business:

1. Is lady Rugby League part of Mudgee Dragons, trials in July, comp in October.
2. New score board- to be installed Northern end of Glen Willow, towards soccer driveway, another to be installed in Kandos.
3. No gas at Glen willow.
4. Netball now has a defibulator installed in canteen.
5. Is it possible for Mudgee Hockey to have signage installed at Victoria Park, to say Home of Mudgee Hockey?
6. Guest speakers Aliesha Bennetts, and Jarrod Emeny spoke about how their grants were used and what a learning curve the events were that they attended, Aliesha obtained a gold medal in the 400m at National titles, and Jarrod was part of the NSW wheelchair Basketball team that achieved a bronze medal, he found the experience valuable, as travelling alone and dealing with issues that arose, like not being able to access his room easily.

Meeting closed

18:46

Next Meeting

23-07- 2019 .6PM. Mudgee Netball clubhouse

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12.5 Mid-Western Regional Youth Council

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 21 AUGUST 2019 ORDINARY MEETING
GOV400067, COS3000610

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council; and**
2. **note the minutes of the Mid-Western Regional Youth Council meeting convened on 30 July 2019.**

Executive summary

This report seeks to inform Council of Youth Council discussions and activities.

Disclosure of Interest

Nil.

Detailed report

The Mid-Western Regional Youth Council had its monthly meeting on 30 July 2019.

The Youth Councillors reviewed recent school holiday activities sponsored by the Youth Council, including excursion to Bathurst to participate in ice-skating and to the Mudgee Observatory. Both excursions proved popular. Other popular activities included an externally facilitated 3D printing workshop and a Better than TED workshop at the Mudgee Town Hall Theatre.

Plans for the upcoming October school holidays were also discussed and will include two more externally facilitated workshops, arts activities and participation in the Rylstone Family Fun Day.

The Youth Councillors spent a fair portion of the meeting discussing the budget and the Stronger Country Communities Fund. The Youth Council was supportive of an idea to purchase a learner-driving simulator and further discussions will be had as to how this can work operationally. The Youth Council also indicated that it was supportive of the Youth Services Officer role continuing and there may be an opportunity to apply for funding to do so if current funding arrangements ceased.

The Youth Council discussed the purchase of more electronic equipment for use by local youth, such as updated laptops, 3D printers and maker space equipment. Again, details such as where these will be stored, how they will be maintained and lent out, and so forth, needs to be determined if such purchases are to go ahead.

Further detail of discussion amongst the Youth Councillors is contained in the minutes attached to this report.

Community Plan implications

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

Strategic implications

Council Strategies

Council's Youth Strategy provides direction and recommendations for Council and the community to benefit local youth. The Mid-Western Regional Youth Council also takes direction from this document when considering future planning.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

5 August 2019

Attachments: 1. Minutes - Youth Council - 30 July 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

The group enjoyed the activity and it was felt it tied in nicely with Plastic Free July, many said thank you for running the event in Rylstone.

- Pop art tote bags (Gulgong) – 12 places available, 8 bookings, 10 attendees. Good feedback from participants, and excellent engagement. Lot of fun, it was commented by Youth Councillors that art and craft activities in general are always a good idea.
- Mudgee Observatory – 10 spaces available, 14 bookings, 10 attendees. Thank you to Council's Waste Services for allowing Youth Council to use their mini bus to transport attendees to and from the venue. Youth Councillors who attended the event felt that the idea was a wonderful one, that the venue and John Vetter (the facilitator) are excellent, however unfortunately due to some personality conflicts with some of the attendees, the event ended up being a tad chaotic at times. It was also noted that due to the timing of the event falling after dark, supervising the group was difficult at times. Running this activity again is not supported. However those who did attend want to encourage anyone who hasn't visited the Observatory to do so, as it is an amazing venue.
- Level Up; extended school holiday edition – 20 places available, 21 bookings, 19 attendees. The extra time (as opposed to the monthly sessions of two hours) was appreciated by all. It was commented that starting earlier and finishing earlier during holiday periods might be something to consider for any future extended events. It is suggested that more long gaming sessions should be held, even when Level Up doesn't fall within school holidays.
- Manga And Anime Squad – 25 places available, 17 bookings, 15 attendees. This is the largest number of attendees for the programme so far. Some people attended in Cosplay and stated that they would like to attend the monthly session, but live too far away to make the start time. It was also commented that the new cushions are very comfy. In future school holiday sessions should be extended by 30-60 minutes.

4.1.2. October school holiday events

All venues have been booked and risk assessments drafted. Due to changing staffing in Youth Services (see point 5.2) the program for October has had to be amended e.g. Escape Room was originally intended to run over two days. Details are now likely to be as indicated below, and will be confirmed shortly. Youth Councillors were asked to assist with a play test of the Escape Room in the coming weeks to finalise that event before advertising copy can be sent out.

- Mon 30 Sep – Phone Photography and Collage session at Gulgong (Library)
- Tue 1 Oct – Tie Dye at Gulgong (Memorial Hall)
- Wed 2 Oct – Zombie Special Effects Makeup Workshop at Mudgee (Town Hall Theatre)
- Thur 3 Oct – Haunted House Escape Room at Mudgee (Stables); at least three sessions
- Wed 9 Oct – Rylstone Family Fun Day / Dodgeball (Rylstone Showground area); three sessions
- Thur 10 Oct – Stage Fighting and Stunt Workshop at Mudgee (Stables); two sessions

Action: Youth Councillors to notify S. Sbisa which events they will be available to assist with.

4.1.3. Mudgee Readers' Festival partnership events

Youth Councillors were reminded that the Page to Screen Trivia would be held the following week (9 August) to enable Youth Councillors to participate in the event, S Sbisa and Library staff will write the questions for the rounds. Youth Councillors have been asked to assist with venue set-up and pack-down, plus door ushering (handing out luck door tickets, accepting entry donations etc). A Danson has agreed to operate the sound equipment on the night.

It was also mentioned that the Australian Poetry Slam heat event happening during the festival on 17 August, is a Youth Council sponsored event. S Sbisa will be working this event, but would appreciate assistance from any Youth Councillors available and not attending any other MRF events at that time.

Youth Councillors were asked to assist with promoting these events; even commenting on the social media posts would assist.

Action: Youth Councillors to notify S. Sbisa as top availability to assist with the Page to Screen Trivia event.

4.1.2. Inspirational Speaker

S Sbisa emailed the Kandos and Rylstone area Youth Councillors as to their thoughts on the potential speaker, Kiara Harris. Z Roberts was supportive of the proposal. Ms Harris has been emailed regarding her availability. A reply has been received from Ms Harris' mother, and in theory they are open to her speaking pending final details. S Sbisa will continue to liaise re this project. Originally it was hoped to host the talk/s in late September, but due to the timeframe this will now likely have to be pushed back until mid-November after HSC exams finish (12 November) due to expected school venue availability.

Action: S. Sbisa to liaise with Ms Harris regarding possible speaking dates etc.

4.2. Youth Council Budget

4.2.1. Budget update

F Turner advised there was a large amount of unspent funds from last financial year. A proposal has been put to Council for the remaining funds to be rolled over into the 2019/2020 budget. This will be voted upon at the August Council meeting. A general update as to the budget and tracking spending for this financial year was provided. Contractor spending is on course for July 2019. Materials and consumables budget is yet to be accessed, but generally gets heavily utilised during school holidays and Youth Week. Budget updates will be added as a regular agenda item from now on.

5. BUSINESS ARISING

5.1. Flying Minute: Youth Council nomination received – Zowee Roberts

5.1.1. Response to the Flying Minute sent out 11 June 2019 was positive. Welcome to Zowee Roberts.

5.2. Youth Services Officer role

5.2.1. S Sbisa has recently accepted a new part-time position with Mid-Western Regional Council Library, working Thursdays and Fridays, and commences on 1 August. The opportunity to continue in the Youth Services Officer [YSO] role on a part-time was offered, and accepted. Advertising for a job share situation has been completed, and the successful applicant has been sent a letter of offer. It is anticipated the new YSO will commence 14 August working Wednesdays and Thursdays. While this means there will not generally be a YSO available on Fridays, it is expected the new arrangement will be of benefit to Youth Services in general, as for example it will be rare for both YSOs to be on leave at the same time, meaning work will continue to be done week-to-week.

5.3. Stronger Country Communities Fund

5.3.1. S Paine and F Turner presented details about the *Stronger Country Communities Fund* grant scheme. This is a grant scheme that any eligible community group or council can apply for, with the intent funds can be used for projects including: infrastructure, delivery of programs, capital works for public places etc. At least half of the funding is specifically set aside for youth projects. Youth Councillors were asked for their ideas. The Mid-Western Regional Council area is eligible for funds up to \$865K, with at least half needing to be allocated to youth projects. F Turner, S Sbisa and Council's Economic Development Officer met recently and proposed some ideas; Youth Service delivery program (if necessary) and a learner driving simulator (this was enthusiastically received by the Youth Councillors). Other ideas were discussed by the attendees with all agreeing that with the recent success of the 3D printing workshop and interest in these type of technologies that an application that would support the purchase of a variety of equipment (such as: 3D printers / scanners and maker space equipment, plus training for users and staff; SLR cameras and film cameras; film equipment including light, sound and editing equipment; Virtual Reality [VR] or Augmented Reality [AR]; computers/laptops with good software for creative applications) would be well received by the youth of the area. These are good ideas for spending the Youth budget, but operational requirements of any new equipment needs to be considered as well (e.g. storage, maintenance, training for appropriate use, staff supervision etc.) In addition to the equipment it was felt that more school holiday and term time activities and workshops could be run to tie into the theme.

6. GENERAL BUSINESS

6.1. None.

7. DETAILS OF NEXT MEETING

7.1.1. Tuesday 13 August 2019, Mudgee Council Chambers, Market Street, Mudgee.

5:21PM Meeting closed.

SUMMARY OF ACTION ITEMS

TASK / ACTION	RESPONSIBILITY	COMPLETION
Complete Talent Release Form and return to S Sbisa.	All Youth Councillors (except C. Barry, C. Boxsell, A. Danson, N Hayes, L. Hill, R McPherson, and Z Roberts)	12.04.2019
Email S. Sbisa availability to assist with Page To Screen Trivia on Fri 9 August.	All Youth Councillors	07.08.2019
Email S. Sbisa availability to assist with October holiday events	All Youth Councillors	10.09.2019
Liase with Kiara Harris re Inspirational Speaker talk/s	S Sbisa	10.09.2019

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Health Precinct Masterplan

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial opportunity in initial stages of investigation.

14.2 Commercial Lease Proposal

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(i) and (d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of confidential commercial arrangements.

14.3 Commercial Property Purchase Update

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(i) and (d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity being considered by Council.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.