



PUBLIC COPY

Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 17 MARCH 2021

*A prosperous and progressive
community we proudly call home*





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10 March 2021

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
17 MARCH 2021
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 at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

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

In order to comply with Government guidelines on social distancing, the meeting will be closed to the public.

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

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

AGENDA

Item 1:	Apologies.....	7
Item 2:	Disclosure of Interest.....	7
Item 3:	Confirmation of Minutes.....	7
	3.1 Minutes of Ordinary Meeting held on 17 February 2021.....	7
	3.2 Minutes of Extraordinary Meeting held on 3 March 2021.....	7
Item 4:	Matters in Progress	8
Item 5:	Mayoral Minute.....	9
	Nil	
Item 6:	Notices of Motion or Rescission.....	10
	6.1 Water Restrictions in Mudgee and Gulgong	10
	6.2 Stop sign or roundabout installation at the intersection of Oporto and Madeira Roads.....	11
	6.3 Unmaintained and Unformed Roads Policy Review	12
	6.4 Upgrade to the Suspension Bridge.....	13
	6.5 Second Doctor for Gulgong.....	14
Item 7:	Office of the General Manager	15
	7.1 MRT Quarterly Report: October - December 2020	15
	7.2 Disaster Recovery Funding Update.....	26
	7.3 Orana Joint Organisation of Councils	30
	7.4 Murray Darling Association Membership.....	33
	7.5 Council Meeting Schedule 2021.....	46
Item 8:	Development	48
	8.1 DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages - 400 - 402 Castlereagh Highway, Menah.....	48
	8.2 Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares	91

8.3	Adverse Event Plan.....	98
8.4	Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy	117
8.5	Monthly Development Applications Processing and Determined	127
Item 9:	Finance	139
9.1	Tender for Supply of Electricity to Contestable Site and Street Lighting	139
9.2	Monthly Statement of Investments as at 28 February 2021	142
9.3	Monthly Budget Review - February 2021	150
9.4	Refinance of Sewer Fund Loan	169
9.5	Naming of a new road in a subdivision off Adams Lead Road Gulgong.....	172
Item 10:	Operations.....	181
10.1	Mudgee Flood Study - Adoption	181
10.2	RFT 2020/99 Goulburn River Bridge	184
Item 11:	Community	188
11.1	Mudgee Regional Art Gallery Logo	188
11.2	Regional Arts Development Organisation Representation.....	197
11.3	Offer of Donation of Art - Gallery Forecourt Sculpture	201
Item 12:	Reports from Committees.....	205
12.1	Cultural Development Committee.....	205
12.2	Gulgong Sports Council Meeting Minutes 8 December 2020	210
12.3	Mudgee Sports Council Meeting Minutes 15 February 2021	214
12.4	Local Traffic Committee Meeting Minutes - February 2021	218
Item 13:	Urgent Business Without Notice	232
Item 14:	Confidential Session.....	234
14.1	Opportunity to Purchase Land.....	238
Item 15:	Urgent Confidential Business Without Notice	245
Item 16:	Open Council.....	245
Item 17:	Closure.....	245

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 17 February 2021

Council Decision:

That the Minutes of the Ordinary Meeting held on 17 February 2021 be taken as read and confirmed.

3.2 Minutes of Extraordinary Meeting held on 3 March 2021

Council Decision:

That the Minutes of the Extraordinary Meeting held on 3 March 2021 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

The Minutes of the Extraordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Establishment of a recycled water facility and management system	Res. 323/19 Ordinary Meeting 16/10/2019	That Council: 2. seek Section 60 approval to use recycled effluent and to formulate a Recycled Water Management System (RWMS) 7. place the draft Recycled Water Management Policy on public exhibition for 28 days to receive any public submissions; 8. adopt the Recycled Water Management Policy if no submissions are received; and 9. place on public exhibition for 28 days, the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the Fees and Charges Schedule: 6.1 Recycled Water Usage Fee - \$1.00/KL	No approval. Recommend for Completion.
Indoor Pool Feasibility Study	Res. 325/19 Ordinary Meeting 16/10/2019	That Council: 4. request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	To be reported to Council at a future meeting
Banner Poles Gulgong	Res. 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	To be reported to Council at a future meeting
Cox Street Rail crossing	Res. 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox St.	To be reported to Council at a future meeting
Investigation of garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Water Restrictions in Mudgee and Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, WAT500044;A0100035; GOV400022

MOTION

That Council lift the water restrictions in Mudgee and Gulgong.

Background

The seasons change and other towns have already lifted their water restrictions.

Officer's comments

Windermere Dam level is currently 28.6% down from 29.2% in October 2020, therefore continuing a trend of only minor recovery or increase in storage levels since the implementation of level 2 water restrictions in November 2019.

As restrictions are based on security of supply and there has been no substantial increase in security of supply in terms of increasing storage level, it is recommended to wait until there is a substantial increase in storage and NSW Water confirm the proposed bulk water transfer has been postponed.

6.2 Stop sign or roundabout installation at the intersection of Oporto and Madeira Roads.

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, TRA300035;A0100035; GOV400022

MOTION

That Council install a stop sign or roundabout at the intersection of Oporto and Madeira Roads.

Background

This area is very dangerous and a number of people have made contact to request that something be done.

Officer's comments

There is no record of an accident at this location since records commenced in 2009. Therefore upgrade of the intersection is not supported.

If upgrading was to be considered further investigation is required to determine whether an alternate treatment is appropriate. Typically traffic counts, accident history and sight lines are required to make a thorough assessment

6.3 Unmaintained and Unformed Roads Policy Review

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, RO7900035;A0100035; GOV400022

MOTION

That Council review the Unmaintained and Unformed Roads Policy.

Background

There are a number of unmaintained roads in the LGA which has a huge amount of traffic but not many houses along the road.

Officer's comments

Council's current Unmaintained and Unformed Roads Policy states that roads which service less than 5 permanent residences will not be considered for addition to the maintained roads list. This policy is easy to administer and is considered satisfactory.

It should be noted that accepting additional roads onto the maintained roads list includes the cost to bring the road up to an acceptable standard as well as ongoing maintenance costs.

6.4 Upgrade to the Suspension Bridge

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0100035;GOV40022;COR400130

MOTION

That Council upgrade the Glen Willow pedestrian suspension bridge.

Background

When Council hold events at Glen Willow, people want to use the bridge.

Officer's comments

A report was considered by Council in June 2019 – tenders were called to strengthen the bridge however no tenders were accepted as the cost was above the estimate and it was resolved to close the bridge during major events which are likely to cause crowd loading on the Glen Willow Footbridge and endorse a load limit on the bridge for a maximum of 10 people at any one time.

6.5 Second Doctor for Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0100035; GOV400022; F0610002

MOTION

That Council put things in place to attract a second doctor to Gulgong.

Background

One doctor in Gulgong cannot be on call 7 days per week, 52 weeks a year.

Officer's comments

The recruitment of a second doctor in Gulgong is a matter for NSW Health. Council understands that this position of a second Visiting Medical Officer for Gulgong is already advertised in Health networks.

Item 7: Office of the General Manager

7.1 MRT Quarterly Report: October - December 2020

REPORT BY THE GENERAL MANAGER
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, F0770077

RECOMMENDATION

That Council receive the report by the General Manager on the MRT Quarterly Report October to December 2020.

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 second quarter of the 19/20 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	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

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

3 March 2021

Attachments: 1. MWRC Quarterly Report Q2 2020-21.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



2020-21 Quarterly Report

Q2: Oct to Dec 2020

prepared for

MID-WESTERN REGIONAL COUNCIL

PURPOSE

Mudgee Region Tourism (MRT) tables this report to the Mid-Western Regional Council (MWRC) as a requirement of the contract between MWRC and MRT 2017-22, an agreement subject to the following key performance indicators and as referenced in Appendix 1 of the Contract.

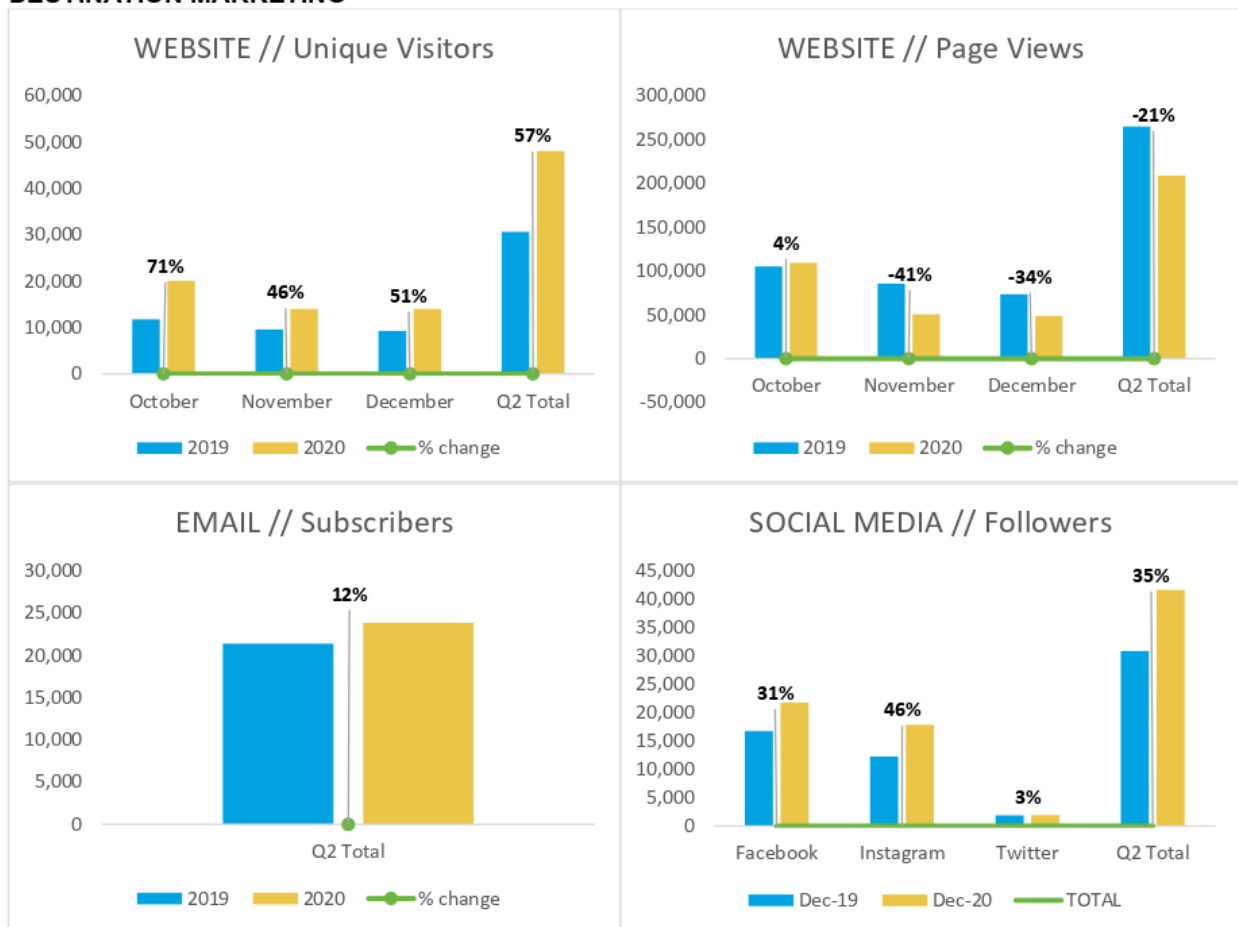
BOARD + EXECUTIVE TEAM

- Prepared MRT 2019-20 Annual Report, distributed to partners and MWRC
- Cancelled 2020 MRT AGM due to COVID19 in accordance with Fair Trading conditional allowance to take 2019-20 financials to 2021 AGM
- Continued work with MWRC to develop retail and back office fit-out plans for new MRT premises at 90 Market Street (anticipated relocation Jul/Aug 2021)
- Finalised Governance Audit quote process, engaged VUCA to conduct Governance Audit early 2021
- MWRC/MRT contract amendments finalised

GRANTS + FUNDING

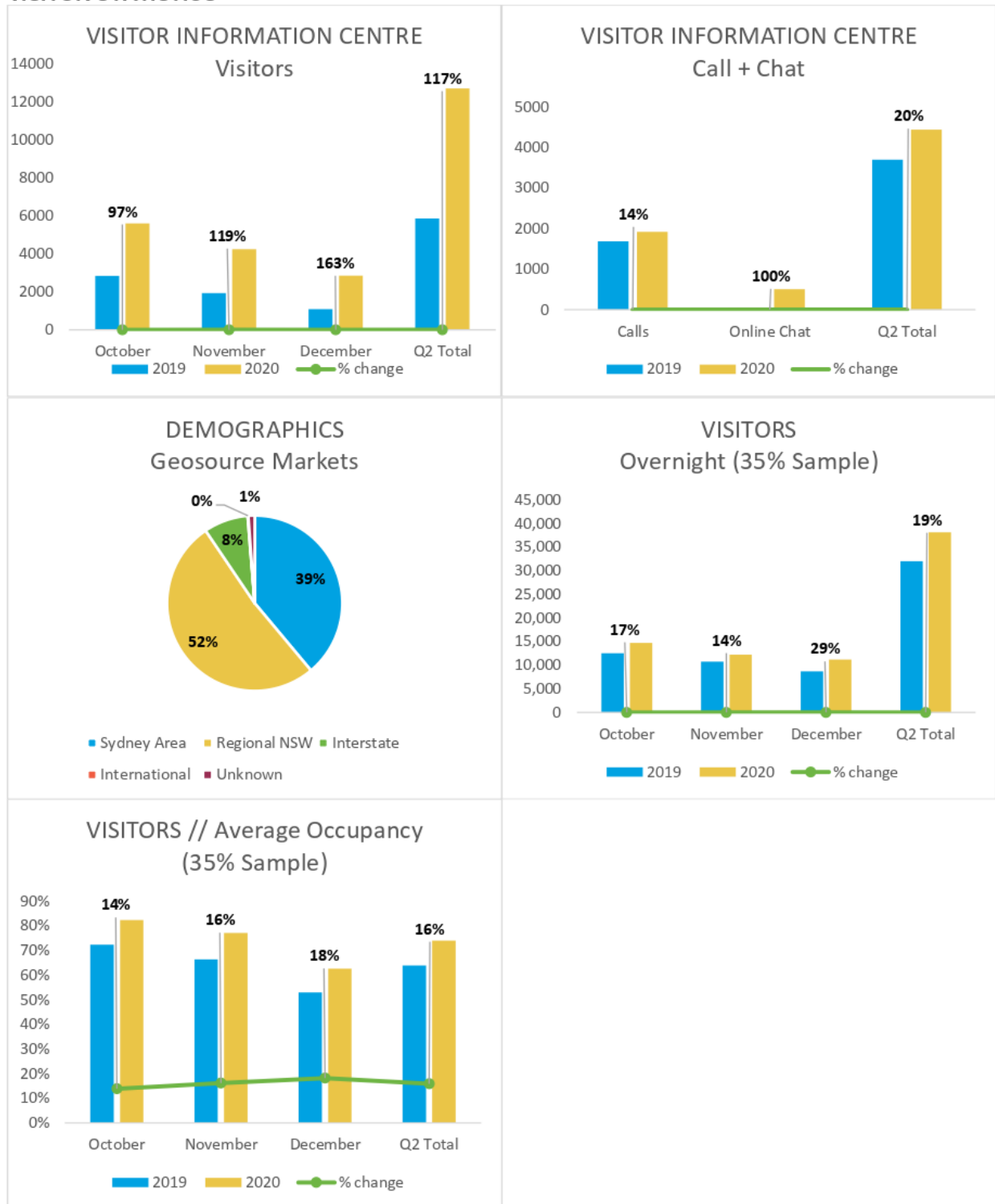
- Destination Network Country + Outback (DNCO) Regional Tourism Bushfire Recovery (RTBR) Grant // successful application for \$20K + GST. Engaged Brightworks to develop vox pop video content to promote series of events/experiences across the region in Gulgong, Rylstone, Kandos and Mudgee.

DESTINATION MARKETING



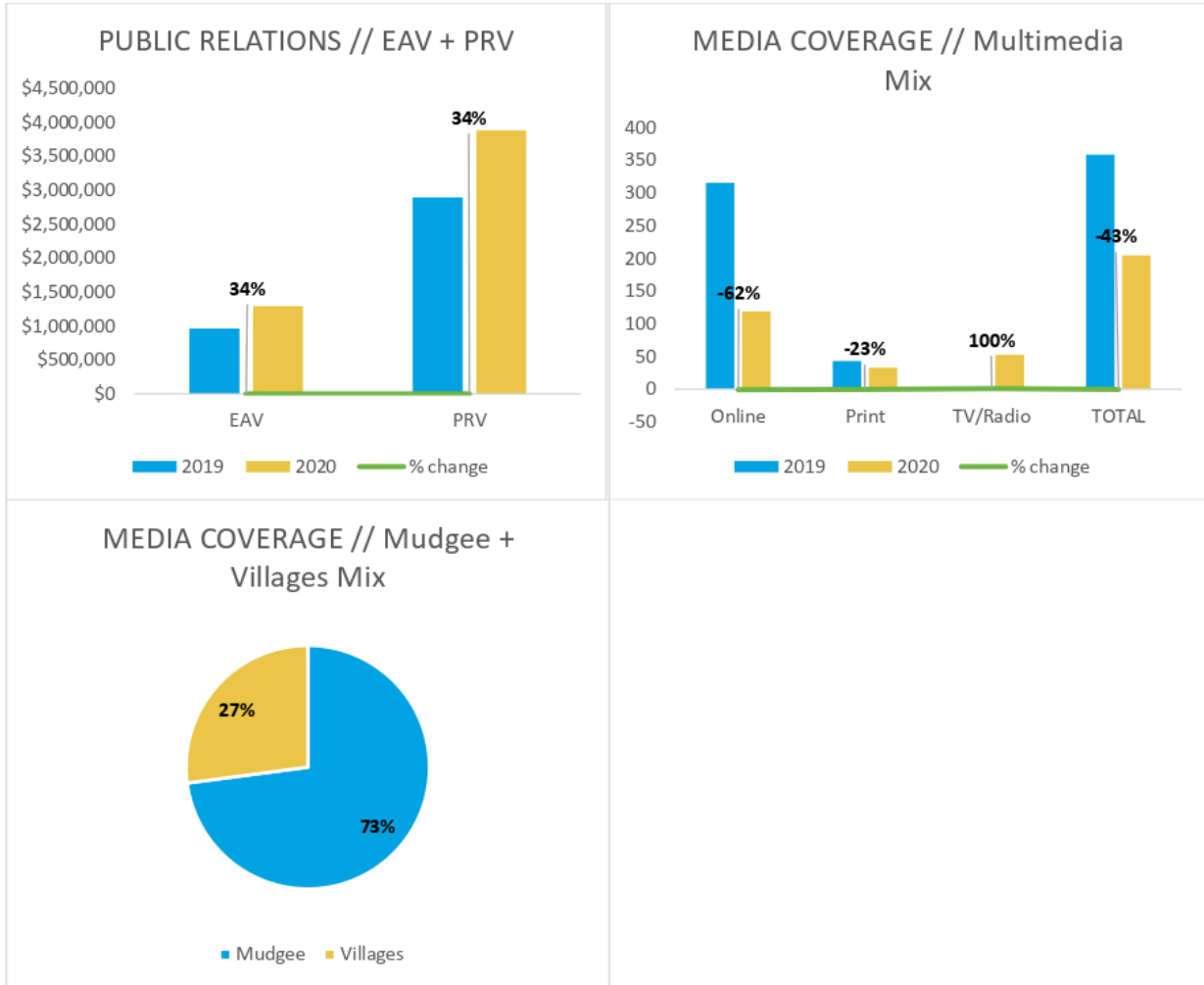
- Launched new destination website October 2020. Unique website visitation up (57%). Page views down (21%) - due to an easier navigation platform on the new site, home page scroll function and streamlined customer usability (reducing time spent searching for information on multiple pages)
- Due to COVID19, MRT did not attend any promotional events or trade shows
- EDM campaign to subscribers monthly, including MWRC Councillors
- 21,845 magazines + 10,840 maps distributed (in and outside of region)
- Feel the Love Campaign on hold due to continued strong demand
- MRT promotional activations via strategic public relations and communications plan, media outreach and hosting, EDM campaign, social media strategy and print collateral distribution

VISITOR STATISTICS



- VIC visitors up (117%), call + online chat (with chat introduced mid-2020) up 20%
- Regional NSW strongest geo-source market (52%) followed by Sydney Region (39%)
- Overnight visitors up (19%)
- Average occupancy up (16%), Q2 average occupancy 74%

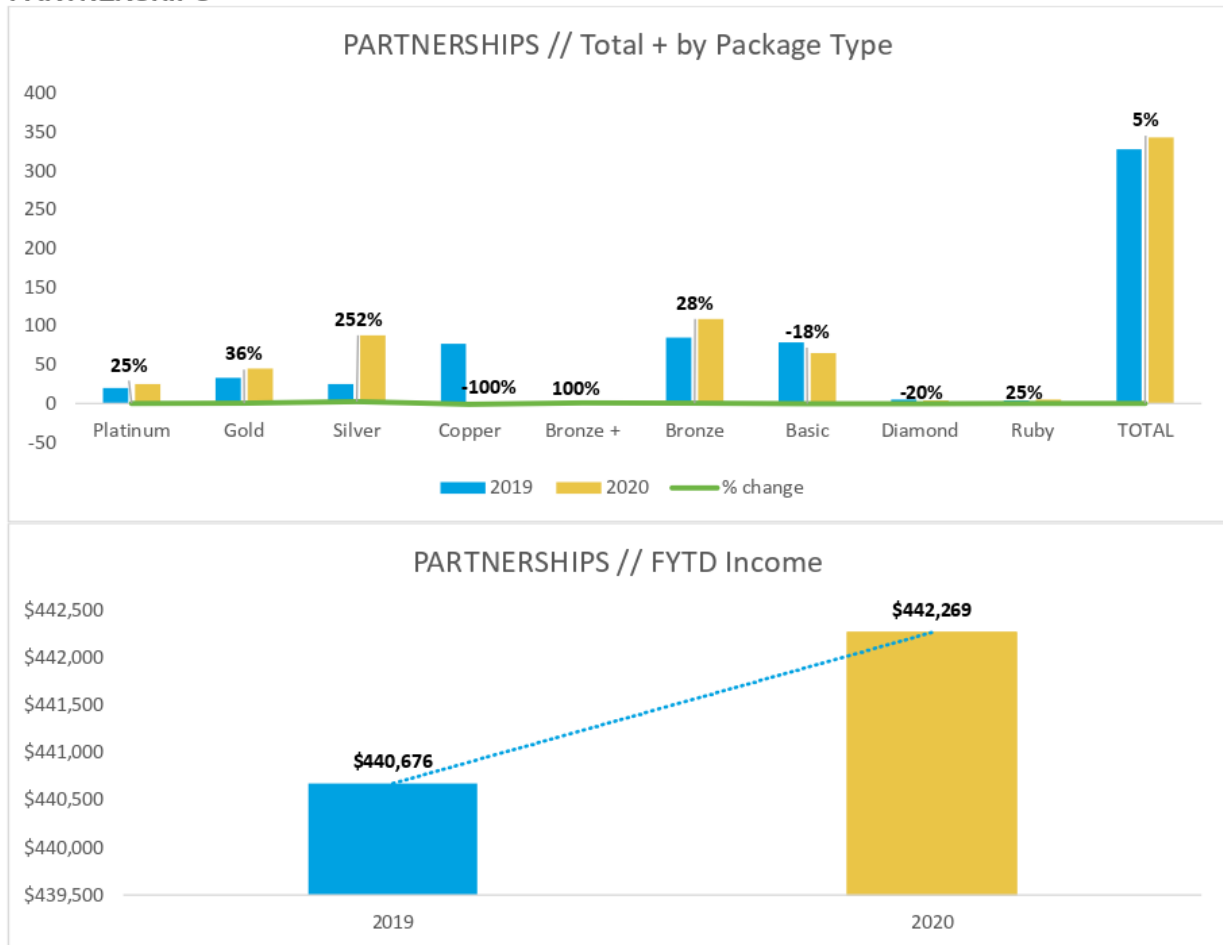
PUBLIC RELATIONS // MEDIA COVERAGE



For access to media coverage/articles, click [here](#) to access our digital press room.

- High value media coverage in Q2 with both Estimated Advertising Value (EAV) and Public Relations Value (PRV) up (34%)
- Total articles down (43%), however stronger engagement noted with EAV and PRV results much higher than same time previous year (note: 2019 results included major investment by Wotif.com for Snag Festival promotion)
- 27% of media coverage included reference to villages outside of Mudjee, exceeding target of 15%

PARTNERSHIPS



- Total partnership packages up (5%)
- Partnership income up slightly (note: FY21 reduced partnership package fees to support the local industry during COVID19 crisis)
- Note: Copper packages were not offered in FY21 and Bronze Plus packages were introduced

2020-25 DESTINATION MANAGEMENT PLAN GOALS + ACTIVITY

Goal	Measurable Objectives (over the period 2020 to 2025)	Progress or action taken to date
A. Leverage existing visitor markets to encourage increased length of stay and yield	Increase the visitor economy spend by 20% or 200,000 visitor nights	19% increase in overnight visitation to date
B. Encourage greater regional disbursement to share the benefits of tourism across the entire Mudgee Region	Increase in participation in events and tickets sales at museums and attractions by 10% in centres such as Gulgong, Kandos and Rylstone	Due to COVID19, event and attraction ticket sales were down in 2020 (93%). With restrictions easing (and bushfires not impacting visitation in 2020 compared to 2019), Dec 2020 ticket sales were up (727%) - primarily due to increased promotion and interest in a Gulgong NYE event and Kayaking Tours in Rylstone/Ganguddy
C. Strengthen the appeal of the region year-round to contribute to the viability of local businesses and to support vibrant communities	<p>Increase in positive sentiment achieved as measured by an analysis of social media and online media sentiment</p> <p>Increase in digital content delivered for multichannel distribution relating to low and shoulder seasons</p>	<p>Due to COVID19, a sentiment report was not completed in 2020. A sentiment report is planned for 2021. Aiming to increase positive sentiment from 2019 baseline NPS (Net Promoter Score) of 50. Note: Mudgee Region's NPS rating in 2019 was already significantly higher than competitors (Orange Region = 40, Margaret River = 38, Hunter Valley = 29, Shoalhaven = 25, Southern Highlands = 23).</p> <p>8 new event vox pop videos created by MRT, funded by successful grant application (DNCO RTBR) promoting Cementa in Kandos, Southern Cross Kayaking in Rylstone/Ganguddy, Mudgee Farmers Markets in Mudgee, MudgeeQue in Mudgee, Prince of Wales Opera House in Gulgong, Food & Drink Trail in Mudgee, Henry Lawson Festival in Gulgong and Rylstone StreetFeast in Rylstone</p>
D. Focus on higher-yield markets by enriching the experience offer	Increase in the number of higher-yield products, tours and experiences listed on the Australian Tourism Data Warehouse (ATDW) and on online booking platforms	MRT launched a new destination website in Oct 2020. The new platform requires Bronze members and above to be listed on ATDW so content can be managed by the business owner and pulled through automatically to visitmudgeeregion.com.au. This project increased ATDW listings significantly (180% from a base of 80). 224 local businesses are now listed on ATDW. MRT will continue to work with local industry to increase our region's digital presence
E. Enhance collaboration and partnerships to support the visitor economy	Increase partnership engagement and resulting financial contribution to MRT by 10%	5% increase in partnerships FYTD

FINANCIAL PERFORMANCE

1. Nature of Report

- a. This is the financial report for the second quarter of the MRTI 2020–21 financial year, given to Mid-Western Regional Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
- b. The report demonstrates the preliminary trading result for the financial quarter ended December 31st, 2020. Note: mid-year budget revisions took effect December 2020.

2. Accounting Conventions

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

Overall Result

- a. Operating Profit/Net Income \$568K, \$20K ahead of budget.

3. Trading Income

Retail trading income at end Q2 \$129K, \$11K ahead of budget.

4. Total Income

Overall revenue \$13K ahead of budget.

Gross Profit \$13K ahead of budget.

5. Total Expenses

Total expenses under budget \$7K.

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

6. Cash Funds

At the end of Q2 of the 2020–21 Financial Year, Cash on Hand is the primary current asset \$520K (primarily due to MWRC contract payment upfront to support deferred payment plan option for partners due to COVID-19).

7. Balance Sheet

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

Consolidated - December YTD vs Budget YTD

PROFIT & LOSS	2020/2021 (YTD)	Budget	Budget Variance (\$)	Budget Variance (%)
Revenue				
Retail Sales	\$129,453	\$118,513	\$10,940	9.23%
Ticket and Booking Income	\$1,036	\$757	\$279	36.86%
Partnership Income	\$442,269	\$440,501	\$1,768	0.40%
Mid Western Regional Council	\$632,763	\$632,763	\$0	0.00%
Grants & Other Income	\$141,500	\$141,500	\$0	0.00%
Total Revenue	\$1,347,020	\$1,334,034	\$12,986	0.97%
Cost of Sales				
COGS Mudgee	\$87,183	\$87,368	-\$185	-0.21%
COGS Partnership	\$2,629	\$2,058	\$571	27.73%
COGS Ticketing	\$275	\$300	-\$25	-8.19%
Total Cost of Sales	\$90,087	\$89,726	\$361	0.40%
Gross Profit	\$1,256,933	\$1,244,308	\$12,625	1.01%
Expenses				
Bank and Professional / Consultant Fe...	\$15,677	\$15,557	\$120	0.77%
Computer & IT Expenses	\$7,732	\$10,137	-\$2,405	-23.72%
Depreciation	\$8,025	\$8,231	-\$206	-2.51%
Partner Costs	\$20,111	\$17,725	\$2,386	13.46%
Operating Costs	\$25,451	\$25,446	\$5	0.02%
Regional Marketing	\$110,438	\$110,986	-\$548	-0.49%
Staff & Board Costs (not Salaries & W...	\$9,858	\$10,362	-\$504	-4.86%
Staff Wages & Salaries	\$332,041	\$343,239	-\$11,198	-3.26%
Magazine and Map	\$159,216	\$153,895	\$5,321	3.46%
Total Expenses	\$688,549	\$695,578	-\$7,029	-1.01%
Operating Profit	\$568,384	\$548,730	\$19,654	3.58%
Net Income	\$568,384	\$548,730	\$19,654	3.58%

BALANCE SHEET		Dec 2020
ASSETS		
Cash & Equivalents		
Visa Debit Cards		\$1,102
NAB 14-080-1731		\$518,751
NAB Savings Acc		\$540
Visa Debit Cards [11306]		\$0
Total Cash & Equivalents		\$520,393
Accounts Receivable		
Trade Debtors		\$2,390
Trade Debtors Original		-\$2,195
Total Accounts Receivable		\$196
Inventory		
Stock On Hand Mudgee		\$18,059
Other Current Assets		
Electronic Payment Clearing		\$0
ING Management Account		\$7
Float		\$200
Undeposited Funds		-\$592
Retail POS System Clearing Account		\$1,994
Membership Fees Clearing Account		\$123,761
Prepayments [13505]		\$2,928
123Tix Ticket Sales		\$701
Total Other Current Assets		\$128,999
Total Current Assets		\$667,647
Fixed Assets		
Accum Depn M V		-\$22,212
Plant & Equipment		\$34,641
Accum Dep - P&E		-\$15,922
Accum Dep - Intangible Assets		-\$43,641
Total Fixed Assets		-\$47,134
Investments or Other NCAs		
Motor Vehicle		\$53,227
Web update		\$91,836
Total Investments or Other NCAs		\$145,063
Total Non-Current Assets		\$97,929
Total Assets		\$765,576
LIABILITIES		
Accounts Payable		
Trade Creditors		\$22,883
Tax Liability		
PAYG Withholding Tax		\$10,022
Other Current Liabilities		
GST		\$8,898
Superannuation Payable		\$4,812
Total Other Current Liabilities		\$13,710
Total Current Liabilities		\$46,615
Other Non-Current Liabilities		
Accruals		\$11,668
Chattel Mtg Liability(current)		\$25,202
UnExp Int-Chattel Mtg Current		-\$1,533
Rounding Adj Account		\$4
Provision for Holiday Pay [25600]		\$34,462
Provision for LSL [25602]		\$19,613
2020/2021 CC Surcharge		\$5
Seat Advisor EFT		-\$240
Countrylink Tickets		\$397
Total Other Non-Current Liabilities		\$89,579
Total Non-Current Liabilities		\$89,579
Total Liabilities		\$136,194
EQUITY		
Retained Earnings		
Retained Earnings		\$60,998
Current Earnings		
Current Year Earnings		\$568,384
Total Equity		\$629,382
Total Liabilities & Equity		\$765,576

7.2 Disaster Recovery Funding Update

REPORT BY THE BUSHFIRE LIAISON OFFICER

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, A0060009, GRA600016

RECOMMENDATION

That Council receive the report by the Bushfire Liaison Officer on the Disaster Recovery Funding Update.

Executive summary

In January 2020 the Federal Government announced Disaster Recovery Funding (DRF) of \$1.275 million for Mid-Western Regional Council as one of the 42 most severely impacted Local Government Areas (LGAs) following the 2019/20 Black Summer Bushfires. Funding needs to be fully spent by 30 June 2022.

This report provides an update on the DRF funding.

Disclosure of Interest

Nil.

Detailed report

The \$1.275 million DRF received from the Federal Government was allocated to a number of programs to support bushfire recovery and resilience by Council in March 2020. Funding needs to be fully spent by 30 June 2022.

Office of Local Government – 12 month Progress Report

A progress report was submitted to the Office of Local Government in February 2021 and is included as an attachment to this report.

Large Water Tanks Project

Council is nearing completion of the Large Water Tanks project. All 12 tanks have been installed, including completion of all plumbing and ballast at the base of the tanks. Only minor works are outstanding which include filling tanks to 50% capacity (as per the agreement), securing the inlet and outlet standpipes and minor remediation works. Access works are also still required at the Grattai and Birriwa sites. It is expected that these works will be completed in the coming months.

A full list of sites where a tank has been installed is included in the attachments.

Rate Relief for directly impacted residents

In March 2020, Council allocated \$90,000 to provide six months rate relief to all residents directly impacted by the 2019/20 bushfires. In June 2020 an additional \$15,000 was allocated to provide a total of \$105,000 in rate relief to 117 properties across the impacted area.

An additional 26 properties have been identified as being eligible for this rate relief program, totalling \$18,482.23. This additional rate relief is to be funded from the Bushfire Liaison Officer budget with the role currently vacant (since January 2021).

This will bring Council's rate relief support to over \$120,000 to directly support residents with their individual recovery priorities.

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan.

Council Policies

Not applicable.

Legislation

Local Government Act 1993.

Financial implications

Any revenue that has been recognised has had a contra expenditure therefore, the net impact is neutral.

No budget variation is required as both the bushfire liaison officer and the rates relief are in the same budget allocation.

Associated Risks

Not applicable.

ALAYNA GLEESON
BUSHFIRE LIAISON OFFICER

23 February 2021

Attachments: 1. Disaster Recovery Funding OLG Progress Report February 2021.
2. Disaster Recovery Funding Large Water Tank Locations.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Projects / Activities

Please answer questions for each individual project/activity on a new row.

Note that elements of the reporting in this tab will inform briefings to Commonwealth Ministers and Officials at both an aggregated and disaggregated basis.

Some details below may also be shared publicly. Refer to reporting instructions and FAQs in the separate PDF provided for more information.

* Project name	* Project description	* Recovery domain	* Activity category	* Recovery timeline	Community Consultation	* Project location	* Intended benefits and impacts	Have the intended benefits of this project been achieved and how?	* Project status	* Project start date	* Project completion date	* Total grant funding allocated to this project	* Actual expenditure (as at 31 January 2021)	* In the absence of this grant funding, would this project have gone ahead?	
1	Bushfire Liaison Officer	Social Environment	Coordination of recovery	Immediate relief	No specific consultation	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	- Provide dedicated resource at Council as first point of contact and to provide direct support for bushfire impacted residents - Provide advocacy on behalf of residents to relevant agencies. - Coordinate recovery activities and initiatives	Yes	Position vacant as at January 2021.	100% - Completed	20/01/2020	30/12/2020	\$ 60,000	\$ 39,818	No, this project was created as a direct result of the funding received
2	Large Water Tanks	Built Environment	Infrastructure (other)	Future resilience/preparedness	No specific consultation	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	Provide water source at strategic locations across LGA to secure supply in the event of future emergencies, including bushfire and drought.	Somewhat	As this is a future resilience/preparedness project, the benefits will be seen in the future	75%	1/02/2020	30/06/2021	\$ 250,000	\$ 155,905	No, this project required this grant funding to progress
3	Donations to volunteer groups	Social Environment	Other	Immediate relief	Partial	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	- Fire volunteer groups: \$10,000 donation to which benefited included: - 200Bales - \$12,600 donation to provide feed for stock which were impacted by bushfires - Winesaver Prizes and Farmers Day - donation towards the fundraising events to support local fires and farmers in the region - WA volunteer fencing group - donation towards covering accommodation costs for a group of farmers from WA who came to the region to assist local property owners with repairs to bushfire damaged infrastructure	Yes	Donations to these cause provided direct support to bushfire impacted residents, including RFS members	100% - Completed	20/12/2019	30/03/2020	\$ 47,600	\$ 47,600	Unsure
4	Private Property Tree/make safe program	Built Environment	Clean up/ hazard reduction	Short/medium term recovery	Partial	Running Stream, Olinda, Coss Creek, Brogo Creek	- Support resident recovery and wellbeing through the removal of dangerous trees	Somewhat	Programs is ongoing and being rolled out through a staged approach to ensure highest priorities are met. Positive feedback has been received from residents.	25%	1/06/2020	30/06/2021	\$ 370,000	\$ 88,498	No, this project was created as a direct result of the funding received
5	Rate Relief	Economic Environment	Economic (other)	Immediate relief	Partial	Running stream, Olinda, Coss Creek, Brogo Creek	- Provide rate relief to residents to support individual recovery activities. This program was designed with the acknowledgement that all residents had different recovery priorities and through waiving rates, this provided funds to focus on key recovery priorities	Yes	The program has given residents control over and funding towards their individual recovery priorities and activities.	100% - Completed	1/03/2020	31/12/2020	\$ 90,000	\$ 93,800	No, this project was created as a direct result of the funding received
6	Economic stimulus	Economic Environment	Economic (other)	Short/medium term recovery	Partial	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	Stimulate the local economy Support businesses directly and indirectly impacted by bushfire in the LGA	Yes	A marketing campaign has been developed to promote the region for investment.	75%	1/03/2020	30/06/2021	\$ 90,000	\$ 62,253	No, this project was created as a direct result of the funding received
7	Local hall upgrades	Social Environment	Infrastructure (general upgrades/rebuilding)	Future resilience/preparedness	Full	Olinda Hall, Colcalwin St Running Stream Hall, Mount Vincent Rd Iford Hall, Iford Hall Rd	improvements to facilities which provide social connection and are important meeting places in the community to support health and wellbeing	Yes	Once complete, the halls will provide facilities to support local communities	25%	1/03/2020	31/12/2021	\$ 277,400	\$ 58,685	No, this project was created as a direct result of the funding received
8	Community Welfare Initiatives	Social Environment	Community events	Short/medium term recovery	Partial	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	Identify recovery issues and support community health, wellbeing, connectedness and resilience	Somewhat	Programs ongoing where the main body of work to date being community forums to provide directly impacted residents with the opportunity to provide feedback to address current recovery issues and support future recovery activities. This program has been heavily impacted by COVID.	25%	1/03/2020	31/12/2021	\$ 30,000	\$ 1,917	No, this project was created as a direct result of the funding received
9	Waiver of development fees and charges	Built Environment	Other	Short/medium term recovery	No specific consultation	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	Support residents with rebuild costs to waives Council associated fees	Somewhat	Provide financial relief to impacted residents	0% - Not started	1/03/2020	30/06/2022	\$ 50,000	\$ 2,936	No, this project required this grant funding to progress
10	General Recovery Costs	Social Environment	Contingency	Short/medium term recovery	No specific consultation	Mid-Western Regional Council, 88 Market St Mudgee NSW 2850	Support other recovery activities including initiatives such as a tree giveaway program for directly impacted residents	Somewhat	Benefits are yet to be seen	50%	1/08/2020	30/06/2022	\$ 10,000	\$ 587	No, this project required this grant funding to progress
												\$ 1,275,000	\$ 549,979		

Mid-Western Regional Council
 Large Water Tanks Locations - February 2021

Site number	Name	Property Address	Lot	Section	DP	Coordinates	Land Manager	Notes	Tank Installed
1	Birriwa RFS Shed Birriwa Recreation Ground	3106 Castlereagh Highway BIRRIWA NSW 2844	7001		93500	-32.123628882946576, 149.46492629479036	Birriwa Progress Association	Water tank is located on Birriwa Recreation Reserve ground, adjacent to Birriwa RFS shed. Consent was received from Birriwa Progress Association as Land Manager of the Reserve grounds	1/09/2020
2	Bungaba Community Hall	1637 Blue Springs Road BUNGABA NSW 2852	100		1092931	-32.16727097969478, 149.63233130022516	Council CLM: Mid-Western Regional Council	Water tank located on Bungaba Community Hall site. Land owned/managed by MWRC however consent also received from Bungaba Progress Association to locate tank on site	20/08/2020
3	Ulan RFS Shed	15 Spring Street ULAN NSW 2850	7	1	759017	-32.28016218173857, 149.74432732346153	Council CLM: Mid-Western Regional Council		4/06/2020
4	Cooyal RFS No 1 Shed	1357 Wollar Road COOYAL NSW 2850	415		755414	-32.45248590386878, 149.75368896989704	Cooyal Park Reserve	Water tank is located on Cooyal Park Reserve land, adjacent to Cooyal RFS shed site. Consent was received from Cooyal Park Reserve as Land Manager of the Reserve ground. Appointment of MWRC as land manager of Part Reserve for purposes of installing tank received from Crown Lands Office	20/01/2021
5	Lue Havilah RFS Shed	3 Garner Street LUE NSW 2850	25		1140863	-32.65247514663774, 149.8432077727993	Council CLM: Mid-Western Regional Council		3/06/2020
6	Clandulla RFS Shed	18 Ferris Street CLANDULLA NSW 2848	4	19	758249	-32.90545519499159, 149.95020430525236	Council CLM: Mid-Western Regional Council		8/07/2020
7	Olinda Recreation Reserve	17 Nullo Mountain Road OLINDA NSW 2849	8/9 7011	2	758812 1051738	-32.83717094130305, 150.14562336992321	Olinda Community Association Inc.	Water tank is located on Olinda Recreation Reserve ground adjacent to Nullo Mountain Road. Consent was received from Olinda Community Association (Land Manager for Olinda Public Hall and Recreation Reserve)	10/12/2020
8	Iford RFS Shed Iford Recreation Reserve	RFS Shed 35 Iford Hall Road ILFORD NSW 2850 Recreation Reserve Ground 41 Iford Hall Road ILFORD NSW 2850	307/308		722283	-32.963118918760784, 149.86164043771387	Council CLM: Mid-Western Regional Council	Water tank is located on Recreation Reserve Ground Lot 308 DP 722283, adjoining Lot 307 DP 722283 (RFS shed). Consent received from Iford Recreation Reserve Trust as Land Manager of reserve ground	02/12/2020
9	Running Stream RFS Shed	23 Mt Vincent Road RUNNING STREAM NSW 2850	176		755778	-33.02934058644303, 149.90078993633685	Council CLM: Mid-Western Regional Council		3/12/2020
10	Pyramul Recreation Grounds	1361 Pyramul Road PYRAMUL NSW 2850	34		756909	-32.8881688231563, 149.61927274147234	Pyramul Recreation Reserve Trust Inc.	No room at RFS shed site so alternate site at Recreation Grounds after consultation and sign-off received through Pyramul Recreation Reserve Trust as Land Manager of the Recreation ground	8/10/2020
11	Windeyer RFS Shed Long Creek Reserve	1896 Windeyer Road WINDEYER NSW 2850	29		756923	-32.79628480044782, 149.5569226003124	Windeyer Recreation Reserve Trust	Water tank located on Long Creek Reserve (at back of RFS shed). Consent was received from Windeyer Recreation Reserve Trust as Land Manager of the Reserve	9/10/2020
12	Erudgere Grattai RFS Shed	1494 Hill End Road GRATTAI NSW 2850	1402		1153716	-32.6393834154893, 149.48792361091444	Road Reserve Mid-Western Regional Council	Water tank is located on Road Reserve at the RFS shed site adjoining Lot 1402 DP 1153716	29/05/2020

7.3 Orana Joint Organisation of Councils

REPORT BY THE DIRECTOR COMMUNITY
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, GOR500034

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Orana Joint Organisation of Councils;**
2. **note the or going concerns about the financial sustainability of the Orana Joint Organisation;**
3. **resolve to resign its membership of the Orana Joint Organisation;**
4. **make the relevant representations to the Orana Joint Organisation seeking agreement from all members Councils on this issue; and**
5. **work with the Orana Joint Organisation to write to the Minister for Local Government seeking the relevant legislation be enacted to dissolve the Orana Joint Organisation.**

Executive summary

This report seeks Council's support to resign its membership of the Orana Joint Organisation of Councils. In order to meet the requirements of the Local Government Act, significant financial resources would need to be allocated by all member Councils. While there has always been a good working relationship between member Councils, the lack of financial support from the State Government for the running of the organisation makes it difficult to sustain.

Disclosure of Interest

Nil

Detailed report

Joint Organisations of Councils were formally instituted through changes to the Local Government Act in 2017 – the *Local Government Amendment (Regional Joint Organisations) Act 2017 No 65*. Council had previously been involved in the more relaxed Orana Region of Councils (OROC) and had enjoyed a good working relationship with these Councils without excessive membership fees or regulatory burdens.

The decision by Dubbo Regional Council to not join the Orana Joint Organisation meant that any financial burden fell to the other Councils. As time progressed it became clear that the requirements of the Local Government Act would be similar for JOs as for Councils. This is in relation to financial management and auditing as well as newer aspects of legislation such as the formation of Internal Audit, Risk and Improvement Committees. All of these regulatory aspects require significant financial expenditure.

Despite ongoing representation to the State Government, no appropriate funding model has been presented that is workable for the Council members of the Orana JO. In the absence of funding, and not wanted to burden each Council's ratepayer base with significant fee increases, the JO has been operating with the General Manager of Mid-Western Regional Council acting as the Executive Officer (in a voluntary capacity).

The decision has been reached by the Orana JO that it is now time for each Council to consider its position in the JO. This reports seeks to move forward with the process of formally disbanding the Orana JO.

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

Local Government Act

Financial implications

To correctly manage the Joint Organisation in line with the legislation, significant membership fee increases would be required. This is not supported. Membership of the Orana JO currently costs around \$30,000 per annum.

Associated Risks

There is a risk that withdrawing from the Joint Organisation will be viewed negatively by the State Government and could impact current and future funding agreements.

SIMON JONES
DIRECTOR COMMUNITY

1 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.4 Murray Darling Association Membership

REPORT BY THE DIRECTOR COMMUNITY

TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, F0710037

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Murray Darling Association Membership ;**
2. **authorise the Mayor and General Manager to join the Murray Darling Association for 2020/21 and 2021/22;**
3. **amend the 2020/21 budget and 2021/22 budget allocating \$7,000 (ex GST) each year from unrestricted cash for membership fees for the Murray Darling Association; and**
4. **nominate Councillors _____ and _____ as delegates to the Murray Darling Association.**

Executive summary

Murray Darling Association Inc. (MDA) has forwarded their quote for membership for the 2020/21 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 its 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. Membership with the MDA will provide a benefit to the Mid-Western community at large.

Two Councillors can be nominated as MWRC representatives.

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

Membership of Murray Darling Association for 2020/2021 is \$6,681.64 (ex GST)

The attendance by Councillors 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.

SIMON JONES

DIRECTOR COMMUNITY

4 March 2021

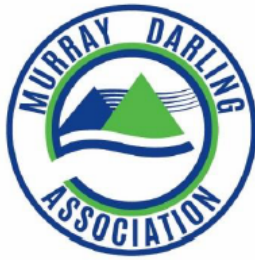
Attachments:

1. Invitation to renew membership - Murray Darling Association.
2. Quote - Murray Darling Association Membership.
3. Fact Sheet - Murray Darling Association.
4. MDA Membership Policy.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



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T (03) 5480 3805
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1/250 Anstruther Street
P.O. Box 1268
Echuca, Vic 3564

February 2021

Mayor Des Kennedy and Council
General Manager Brad Cam
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Dear Mayor Kennedy and Brad

Thank you for allowing time for Mayor Davies and myself to present to your council last week.

Further to that presentation I would like to invite your council to renew your membership with the MDA, and to add your contribution to the issues of water security for councils and communities across your region.

The following detailed information about the benefit to member councils and their communities of membership to the association may assist. This information may be particularly useful as your council prepares its annual budget.

As you are aware, the MDA is the peak body representing councils across the Murray-Darling Basin.

With over 167 councils in the MDB, the ongoing partnership between your Council and the Murray Darling Association elevates local and regional issues and priorities to the state and federal level providing national recognition of local priorities.

Your membership to the MDA delivers social, economic, and environmental benefits to your community by creating partnerships, participating in events, and accessing networks and services that align with and support your Communities plan, in the areas of Community, Environment, Economy and Council.

We know that councils and the local government sector are increasingly resource challenged and are looking for services, relationships and partnerships that assist in achieving your council's and your region's strategic priorities.

Water, land management, energy and community wellbeing are front and centre of almost every council's priorities. A strong relationship between council and the MDA provides opportunities to

- partner with councils and regional groups in providing local case studies and experience to support regional and national positions and advocacy strategies.

- raise the profile of your council and the local government sector through MDA's partnerships with the Commonwealth.
- present strategically aligned priorities, objectives, and advocacy to state and federal governments.
- leverage regional efficiencies and Basin-scale capability and positions.

Benefits to your community

The MDA fosters a culture of community collaboration and leadership development to improve social, cultural, environmental, and economic well-being across the Murray-Darling Basin.

Working together with member councils and our regions, we achieve policy change and ensure local knowledge informs the national dialogue on water reform, land management, environmental sustainability, leadership development and education, and regional economic diversification.

Your council's participation at MDA region and national meetings builds your council's regional relationships and elevates your community's priorities to the state and federal level, informing decisions and outcomes that impact your local area.

Benefits to your environment.

There is no future on a dry riverbed. At the core of our vision is a strong emphasis on science and education to inform policies for the sustainable management of Basin resources to ensure a healthy and prosperous future.

The MDA's vision, which drives our strategic and operational direction, is for *local government and communities to work together to achieve a healthy, vibrant and thriving Murray-Darling Basin*. As a result, the MDA has:

- Partnered with CSIRO with a focus on science and education to address some of the Basin's toughest challenges.
- Advocated for and represented local government in environmental issues, including floodplain harvesting etc.
- Partnered with Murray-Darling Basin Authority, better supporting local government through information sharing and representation.
- Supported regions to develop Climate Ready Communities statements

Benefits to your economy

For many, if not all, Basin communities, water security plays an important role in economic growth and sustainability. Through the MDA's regional alignments and partnerships, member councils leverage the value of knowledge sharing across the local government and regional development sectors to peruse water quality, water security and other priorities.

Every year the MDA hosts a range of regionally and nationally significant events delivering economic benefits, both directly and indirectly to Basin communities and regions. The MDA's 77th National Conference and AGM is scheduled to be held this year in May at Wentworth.

The MDA provides member councils with partnerships that support regional economic development and diversification initiatives.

Benefits to your council

Our mission is to provide high value services to our members, and their communities by delivering quality projects, events and products create enduring value for Basin communities and governments.

The MDA recently launched the [Basin Communities Leadership Program](#). Funded under the Murray-Darling Basin Economic Development Program, the MDA developed the program which is valued at over \$4500 per participant and aims to build capacity, resilience, and leadership skills for the benefit of your community in meeting the increasing challenges of changing climate and water availability.

The program will be delivered in cohorts of 15 participants each in regions across the basin during 2021 and beyond. The programmes are available fully funded or on a fee for service basis. Each funded workshop represents a combined contribution to the regions' economies of more than \$4,800 per place or \$67,500 per cohort. We are genuinely excited by the possibility of delivering this leadership development training in your council, and your community.

Our achievements

The Murray Darling Association has been successful in shifting policies to better reflect the needs of the Basin communities, and we are continuing to grow our reach and impact as portrayed in our [Vision 2025 Strategic Plan](#).

The relationship between the MDA and our member Councils contributes strongly to the development of the local government sector as a whole and our collective role in ensuring a vibrant, sustainable future for the Murray-Darling Basin.

I look forward to continuing to work with your Mid-Western Regional Council in the years ahead to deliver benefits to yours and all Basin communities and council.

Should you have any questions or require further information, please don't hesitate to contact me directly at ceo@mda.asn.au, call 03 5480 3805.

Kind Regards



Emma Bradbury
Chief Executive Officer



QUOTE

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

Date
23 Feb 2021

Quote Number
QU-601

Reference
Membership Fee

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 2020/2021 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

MURRAY DARLING ASSOCIATION Inc.

ABOUT THE ASSOCIATION



The Murray Darling Association was founded in August 1944 as the Murray Valley Development League, with the aim of promoting inland development and decentralisation and encouraging communities to 'be conscious of their common heritage, the Murray River'. The league was pivotal in ensuring the completion of the Snowy Scheme and from the beginning worked towards improving and promoting the health and viability of the Murray-Darling Basin catchment and the communities within it.

Changing our name to Murray Darling Association in 1993, we have been for many years an active association representing a broad membership of local government municipalities, community groups, businesses, individuals and agencies in New South Wales, Queensland, South Australia and Victoria with an interest in ensuring the Murray Darling Basin continues as a viable and valuable asset for all Australians.

“The Association is an important forum to consider basin issues from a holistic perspective. It is a great networking opportunity which allows all stakeholders to share information and experience, debate topics, and learn from each other. The Association also provides an avenue to have a strong voice and input into policy making.”

FRANK ZAKNICH - GENERAL MANAGER
ALBURY CITY COUNCIL
— MEMBERS SINCE 1944

Providing a forum for Local Government and community participation in major natural resource and policy issues affecting the Murray-Darling Basin, we represent communities that rely on water from the Basin by providing information, facilitating debate, identifying needs and priorities, undertaking projects and education initiatives, and informing policy at local, state and federal level.

Since 1944, the Association has contributed to water conservation, decentralisation, tourism, the Snowy Scheme, catchment management, water quality, education and regional development formation.

The Murray Darling Association is a representative organisation with regions aligned by communities of interest, views, aspiration and concerns of a large number of people living in the Murray-Darling Basin, regardless of state boundaries.

Our Mission:

To ensure that the natural resources of the Murray-Darling Basin remain as valued assets for all Australians.

ACHIEVING OUR MISSION

The association will achieve our mission by providing natural resource management information; facilitating debate and community engagement; identifying needs and priorities; initiating and undertaking projects and education initiatives; promoting research; and working to influence natural resource management policies of governments as they relate to the Murray-Darling Basin.

ABOUT THE ASSOCIATION CONT.

AS AN ASSOCIATION WE SEEK TO:

- Encourage responsible social and economic development while ensuring balanced management of the natural environment;
- Foster the involvement of local government in natural resource management and decision making processes within the Basin;
- Provide leadership and a direction to achieve basin wide solutions to local issues;
- Believe that Local Government is central to the effective management of the Basin;
- Ensure that the environmental integrity of the Murray-Darling Basin is conserved and protected; and
- Deliver value to our members through exemplary practice in governance and public participation.

“Greater Shepparton City Council recently formalised our support for the association. As Greater Shepparton forms part Australia’s food bowl it is imperative for us to participate. Forming a partnership with the MDA will strengthen our position when lobbying state and federal government on matters affecting our region and improve outcomes in the management of our natural resources.”

CR DENNIS PATTERSON - MAYOR
GREATER SHEPPARTON CITY COUNCIL
— MEMBERS SINCE 2015

THE BENEFITS OF MEMBERSHIP:

- Strong united voice at regional, state and federal level on important basin related issues.
- Networking opportunities with other LGAs.
- Opportunity to discuss water related issues with other delegates who have Water/Environment as part of their portfolio.
- Cross boundary communication between South Australia, Victoria, New South Wales and Queensland.
- Benefit of long history and knowledge accumulated over 71 years.
- Good regional structure bringing ideas and issues from a very broad area to a central space.

“If the Murray Darling Association didn’t already exist, I would have to invent it.”

THE HON CRAIG KNOWLES
MDBA CHAIR (2011-2015)

OUR REGIONS

The Murray Darling Association has 12 distinct regions. Regions are determined by communities of similar interests and are not reliant on state boundaries. Regional members meet regularly to consider matters of regional significance, drawing on local knowledge and expertise. The chair of each region sits on the national board.

MDA Membership Policy

2019



Membership Policy

This is to be read in conjunction with the Murray Darling Association (MDA), [Constitution](#).

1. Eligibility for Membership:

The board of the MDA may consider applications for membership from the following:

- (a) Any Council who is located within a Region
- (b) Any Organisation, which is located within a Region
- (c) Any Individual living in a Region
- (d) Any Council/Organisation/Person who is located within Australia

This policy shall be read subject to clause 6 of the MDA constitution.

Whether an individual or organisation's membership application (or renewal) is accepted is at the sole discretion of the board.

A serving councillor of a local government entity or a member of a Member organisation must not apply to become an Individual Member or allow an Organisation to apply for membership with that councillor proposed as the Organisation Representative.

1.1 Categories of membership

Members of MDA may be classified as follows:

- (a) A **Member Council** is a local government municipal entity which has satisfied and maintains the requirements for membership of the MDA.
- (b) An **Organisation Member** is a company, corporation, association, body corporate, partnership, government or statutory authority, community service or not for profit organisation or other legal body (other than a Member Council) accepted as a member.
- (c) A **Life Member** is as identified in the MDA Constitution or elected as a Life Member. The Murray Darling Association, in its sole discretion, can award life membership to any member who they deem is deserving of life membership. Life members have all the benefits of an individual member and do not pay a membership fee.
- (d) An **Individual Member** is a person living in a Region who is a current Member.

Individual members must not use their membership status with the MDA to promote any business or third party which they are employed by, associated with or have a pecuniary interest in.

The board shall determine any disputes as to the appropriate classification of membership status and its decision is final.

1.2 Types of membership

- (a) Region Member
Any Council/Organisation/Person who is living or is located within a Region
- (b) Member at Large
Any Council/Organisation/Person who is living or is located outside of a Region

2. Member Benefits

The board, in its sole discretion, may approve different benefits and structures for the different types of membership and these benefits may vary from time to time. Benefits will be updated and maintained on the MDA website or otherwise informed to members in writing.

The board, in its sole discretion, may also approve or make available different benefit/s for different profiles of members, including select groups of members within a particular type of membership from time to time. For example; a) those members who hold a particular role within local government, b) members who may be employed by private corporations as opposed to government entities, and c) vice versa.

Membership benefits include:

- (a) Regional & National representation of local priorities
- (b) Strong regional networks supporting local economic development and leadership initiatives
- (c) Effective representation of local government and your communities at state and federal level in the management of Basin resources
- (d) entitlement to attend, contribute to and vote at a region meeting (as defined in reference)
- (e) entitlement to attend, contribute to, debate and vote at an MDA Meeting

2.1 Board directors, committees and member network committee members

(1) The Board will comprise each of the chairs of the Regions of the MDA existing from time to time.

(2) On an annual basis, at a board meeting, the Board will elect:

- (a) a President;
- (b) a Vice President; and
- (c) a Treasurer

to serve for the financial year.

2.2 Voting rights

Voting at a meeting of the association is associated with meeting type, membership categories and the number of representatives.

The voting rights for Region meetings are as follows:

(1) A **Member Council** has category rights to:

(a) appoint 2 Representatives, plus an additional Representative for every 20,000 of population (or part thereof) of the municipality above the first 20,000, up to a further 3, for a maximum total of 5 representatives.

(b) Each representative has the right to attend, participate and vote on its behalf at a Region meeting.

(2) An **Organisation Member** has category rights to:

- (a) appoint a Representative for a Region Meeting
 - (b) have its Representative attend, participate and vote on its behalf at a Region Meeting
 - (c) have its Representative be eligible for election by a Region as a region Delegate.
- (3) A **Life Member** has category rights to attend, participate and vote at a Region Meeting
- (4) An **Individual Member** has category rights to:
- (a) attend, participate and vote at a Region Meeting, and
 - (b) to be eligible for election as a Region Delegate.

The Voting, and Category rights for the MDA Meeting are:

- (1) A **Member Council** has category rights to
- (a) appoint 1 Member Council Delegate, plus an additional Delegate for every 20,000 (or part thereof) of population of the municipality above the first 20,000, up to a further 2, for a maximum total of 3 Member Council Delegates
 - (b) to have its Delegate(s) attend, participate and vote on its behalf at a MDA Meeting
- (2) An **Organisation Member** has category rights to
- (a) have its representative attend and participate at a MDA meeting
 - (b) if its Representative is elected as a region Delegate, to vote as a Region Delegate at the MDA meeting
- (3) A **Life Member** has category rights to attend, participate and vote at a MDA meeting as a Life Member.
- (4) An Individual Member has category rights to
- (a) attend and participate at a MDA Meeting, and
 - (b) if elected as a Region Delegate, to vote as the Region Delegate at a MDA Meeting

3. Membership Fees

The MDA Membership fees will:

- (a) be determined by the board of directors from time to time.
- (b) Each class and category of membership may have its own fee structure.
- (c) be charged on a pro-rata basis based upon the date of admission to membership.

4. Payment options

Annual fees may be paid by MasterCard or Visa, direct debit, cheque or cash.

The MDA reserves the right to change and/or add any payment options made available to members at any time.

5. Financial Members

(a) Only fully financial members of the MDA may, subject to clause 2 of this policy, access member benefits. The MDA retains the right to suspend access to benefits until the membership fee/s are paid in full.

(b) The annual subscription renewal date is 1 July of each year.

6. Cessation of Membership:

A Member ceases to be a Member of the MDA if:

- (a) for Individual Members and Organisation Members, the Member annual fee is overdue for more than 90 days and the Board ends the membership,
- (b) for Member Councils, the annual fee remains unpaid after the failure to pay has been raised at a MDA meeting and the meeting decides to end the membership;
- (c) in the case of an individual – dies or is declared bankrupt, or
- (d) the Board resolves to end the membership;
- (e) the Member resigns membership,
- (f) the Member is expelled from the MDA in accordance with clause 28 of the MDA Constitution, or
- (g) ceases to be eligible to be a Member, or
- (h) in the case of an organisation – is insolvent, or is being wound up or deregistered, or has a receiver, administrator, manager, liquidator or other controller (howsoever described) appointed over the organisation or a substantial part of its assets.

7. Amendments to this Policy

The board is entitled to amend this membership policy from time to time which will have effect no earlier than twenty eight (28) days following notice to members of the proposed amendments. Notice will be taken to be given where the amended membership policy is published on the Murray Darling Association's website.

Definitions:

A **Region meeting** is a meeting of the Member Councils of a region usually held quarterly.

An **MDA meeting** is a meeting of all attending Members of the MDA, usually referred to as the National Conference and AGM.

Original Issue Date:

7.5 Council Meeting Schedule 2021

REPORT BY THE DIRECTOR COMMUNITY
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, GOV400088

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Council Meeting Schedule 2021; and**
2. **confirm the dates for Meetings of Council for April 2021 through to Dec 2021 as follows**
 - **Wednesday April 21 - Council Meeting**
 - **Wednesday May 19 - Council Meeting**
 - **Wednesday May 26 - Extraordinary Council Meeting**
 - **Wednesday June 16 - Council Meeting**
 - **Wednesday July 21 - Council Meeting**
 - **Wednesday August 4 - Council Meeting**
 - **Wednesday September 22 - Council Meeting (including Mayoral election)**
 - **Wednesday October 13 - Council Meeting**
 - **Wednesday November 17 - Council Meeting**
 - **Wednesday December 15 - Council Meeting**

Executive summary

This report sets the meeting program for the remainder of 2021.

Disclosure of Interest

Nil

Detailed report

Council meetings are held each month (with the exception of January). Meetings are currently being held on the third Wednesday of each month, commencing at 5.30pm with a Public Forum session.

The Local Government Elections will cause an interruption to our regular Council meeting schedule, with elections scheduled to be held on Saturday 4th September 2021. To allow sufficient

time for the results to be declared, the first meeting of the newly elected Council will be held on Wednesday 22nd September. This may be moved if election results have not been declared. Requirements for the presentation of financial statements have also resulted in a rescheduling of the October meeting to the 2nd Wednesday on October 13th.

An extraordinary meeting is required on Wednesday 26 May to support the smooth passage of the operational plan. A further additional extraordinary meeting may be required on Wednesday 23 June to approve the budget, depending on any changes required to the 2021/22 Operational Plan and Delivery Program.

As there will be a new Council after the September elections, the new Council to make decisions on the holding of meetings early in the new term to set the schedule 2021/2022. This will include any necessary changes to the Code of Meeting Practice. The new Council will also determine how Council will continue with 355 Committees.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Code of Meeting Practice

Legislation

Local Government Act

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES

DIRECTOR COMMUNITY

5 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Item 8: Development

8.1 DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages - 400 - 402 Castlereagh Highway, Menah

REPORT BY THE PLANNING COORDINATOR

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, DA0225/2020

RECOMMENDATION**That Council:**

- A. receive the report by the Planning Coordinator on DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages - 400 - 402 Castlereagh Highway, Menah;**
- B. approve DA0225/2020 - Torrens Title Subdivision of Land to create 25 Large Lot Residential Lots in 2 Stages at 400 - 402 Castlereagh Highway, Menah subject to the following conditions and statement of reasons:**

APPROVED PLANS

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 Site Plan	MX-10356.01- C2.1	B	13/02/20	Triaxial Consulting
Subdivision Plan Stage 1	MX-10356.01- C2.1	D	27/01/21	Triaxial Consulting
Subdivision Plan Stage 2	MX-10356.01- C2.2	E	27/01/21	Triaxial Consulting
Servicing Plan	MX-10356.01- C3.0	F	26/02/21	Triaxial Consulting
Road Sections – Sheet 1	MX-10356.01- C4.0	C	27/01/21	Triaxial Consulting
Road Sections – Sheet 2	MX-10356.01- C4.1	B	13/02/20	Triaxial Consulting
Road Sections – Sheet 3	MX-10356.01- C4.2	B	13/02/20	Triaxial Consulting
Road Sections – Wilbetree Road	MX-10356.01- D4.3	C	27/02/21	Triaxial Consulting
Concept Intersection Plan Wilbetree Road and Castlereagh	MX-10356.01- C5.1	A	10/07/20	Triaxial Consulting

Highway				
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Any minor modification to the approved plans other than as required by following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

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

GENERAL

3. Proposed Lots 1 to 25 are to have a minimum area of 2 hectares and are to be serviced by a water reticulation system from the community bore scheme.
4. No more than 0.5 hectares of trees are to be removed from the site.
5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All works are to be constructed at the full cost of the developer, in a manner consistent with AUS-SPEC Specification and Council's standard drawings.
7. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.

Note: The attached GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity. A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received. Application forms are available from the NRAR website at: www.industry.nsw.gov.au – Water - Licensing & Trade - Approvals.

8. Any damage to Council infrastructure caused as a result of any part or stage of this development must be repaired or re-instated to Council satisfaction with all costs borne by the developer.
9. All costs associated with the preparation of the Survey Plan and associated easement documentation are to be borne by the developer.
10. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

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

11. 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.
12. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
13. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate. Electronic lodgement by email must be sent to Council's Administration email council@midwestern.nsw.gov.au with the Subject line DA0225/2020.
14. Following completion of the subdivision works, certified copies of the Works as Executed Drawings (WAE) are to be submitted to Council showing details of work as actually constructed. The Drawings are to show:
 - Notation that all works have been completed in accordance with the approved plans and specifications including approved variations and amendments;
 - Any departure from the approved plans;
 - Any additional work that has been undertaken;
 - WAE locations of stop valve;
 - Certification of the WAE plans by a registered surveyor; and
 - Registered surveyor is to supply a signed certificate that all pipes and associated pits are located wholly within the respective easements.
15. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under clause 91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Stormwater

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

Water Services

17. The developer is to provide separate non-potable water reticulation services to Lots 1 to 25 within the subdivision. This includes the provision of a private water service and private meter to Lots 1 to 25 within the subdivision.

18. The developer is to meet the full cost of water reticulation to service the development. All water supply work is required to be carried out in accordance with the requirements of the National Specification – Water Supply Code of Australia.

Electricity Supply

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

Access

20. No access is permitted to any lots within Stage 2 of the Subdivision directly from the Castlereagh Highway.
21. A copy of construction plans for the proposed road work associated with the intersection is to be submitted to TfNSW for approval. As road work is required on a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers under Section 87 of the *Roads Act, 1993* (the Act) and/or the functions of the roads authority, to undertake roadwork in accordance with Sections 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.

Vegetation buffer

22. A 20 metre wide vegetation buffer comprising a mix of native trees and shrubs, planted at no less than 5 metres apart, shall be implemented by the developer and extended from proposed Lot 1 to proposed Lot 7 within Stage 2 of the subdivision.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE – STAGE 1 ONLY

23. Under the *Environmental Planning & Assessment Act, 1979*, a Subdivision Certificate is required before the linen plan of subdivision for Stage 1 can be registered with the Land Titles Office.

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

24. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
25. Prior to the issue of a Subdivision Certificate for Stage 1, evidence must be provided to Council in the form of certification from all relevant utilities, ensuring services (including electricity and telecommunications as relevant) are available to each new Lot.
26. Prior to the issue of a Subdivision Certificate each Lot created in Stage 1 of the development must be provided with a practical and legal access sufficient for the proposed future use. Where a new access is required, this must be approved under the provisions of Section 138 of the *Roads Act 1993*.
27. The applicant must obtain all necessary consents for the creation and maintenance of any and all existing access easements that provide for the right of carriageway for both parties and must be registered on title as a Right of Carriageway.

28. Easements, including associated Section 88B instruments, are to be created in favour of benefitted properties or bodies over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this development.
29. Easements including associated Section 88B instruments, are to be created in favour of:
- any upstream lots to drain water (width variable); and
 - any proposed lots to be serviced by water reticulation components (width of 3m).

PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE - STAGE 2 ONLY

30. All documentation supporting the application for the Subdivision Works Certificate must be submitted in electronic format with a hard copy covering letter and a completed Subdivision Works Certificate Application Form to Council.
31. Engineering drawings are to be submitted in triplicate with a covering letter by the applicant. One set will be returned stamped 'Approved Plans'.
32. Where required, all finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision works certificate. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer.
33. One (1) A1 size set of plans shall be accompanied by the Water Reticulation Plans assessed as part of the application for the Subdivision Works Certificate for examination by Council and the three (3) A1 sized sets forwarded for approval. Specific inclusions required in the drawings are provided in the Guidelines with checklists to ensure all information is provided. All drawings shall be signed by the consultant engaged by the developer.
34. The developer shall submit a report outlining the proposals to provide a water supply service to proposed Lots 1 to 25 in Stage 2 of the subdivision via the community bore scheme. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.
35. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009 Section 6.2.
36. Prior to issue of the Subdivision Works Certificate, a Traffic Management Plan (TMP) completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment by Council's Local Traffic Committee.
37. The developer is to construct and widen the pavement of Wilbetree Road for the full frontage of the proposed subdivision protecting any existing trees, such that it complies with the following requirements.

ITEMS	REQUIREMENTS
Wilbetree Road Shoulder Upgrade	1 x 2m wide sealed shoulder extending to no less than 200 metres beyond the proposed new road to be created in Stage 2

Internal Road Pavement width	8 metres seal on 10 metre wide constructed pavement
Nature strip / verge	2 x 3 metre wide
Kerb and Gutter	Not required, roadside drainage using suitably sized table or V-drains
Seal	Two coat flush seal 14/7mm (double/double)
Sub-Soil Drainage	Where required

38. All utility crossings are to be perpendicular to the road centreline and pre-formed prior to the addition of the base course.
39. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.
40. Prior to the issue of a Subdivision Works Certificate the Developer must prepare a detailed drainage design which must be submitted to and approved by Council. Drainage design must include suitably sized detention devices to limit the rate of runoff to existing undeveloped levels for a 1:100 year ARI storm event. Design must be prepared and certified by a suitably qualified Engineer and supported by full and detailed calculations.

Drainage design must ensure that the rate of runoff is maintained at previously undeveloped levels. To ensure no adverse impacts on Wilbetree Road or other downstream properties between Wilbetree Road and the Cudgegong River it is suggested that a levee and / or detention basin be created at suitable location or locations within proposed Lot 2 of Stage 1.

41. The developer is responsible for all costs associated with the design and construction of all access and servicing requirements.
42. Prior to issue of the Subdivision Works Certificate, the Developer must submit full and detailed design prepared and certified by a suitably qualified engineer for the upgrade of Wilbetree Road which includes the construction of sealed shoulder of Wilbetree Road for that part of the road extending to no less than 200 metres beyond the proposed new road to be created in Stage 2. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced herewith. A Subdivision Works Certificate is required for, but not limited to the following Civil Works where applicable:

- Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and Bio-retention Devices;
- Road Construction including shoulder;
- Kerb and Gutter;
- Earth works for the Subdivision;
- Landscaping of road verges and Public Reserves;
- A sealed access crossover constructed with pipe / culvert providing driveway access to each Lot.

Council may require the public lighting of the intersection of Wilbetree and the proposed new subdivision road.

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

43. Prior to the issue of a Subdivision Works Certificate for Stage 2 of the development, Council is to be provided with certified copies of the electrical design for the subdivision including a layout design complying with the allocations determined by the Streets Opening Conference Guideline 2009, Section 6.2.
44. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
45. Where required, the detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels and contours to Australian Height Datum (AHD).
46. An Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.

Note – Details requires to prepare both ESCP and SWMP's are provided in the above Landcom document referred to as the Blue Book. Treatment methods to combat salinity are to be provided.

47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
48. Prior to issue of the relevant Subdivision Works Certificate, evidence is to be provided to Council to demonstrate that the applicant has obtained an approval from RailCorp to install boundary fences along the boundary with the railway line. Prior to the issue of the relevant Subdivision Certificate, evidence shall be provided to demonstrate that the approved fencing has been installed to the satisfaction of RailCorp.

Note: The applicant is required to submit an application to install the boundary fences to John Holland Rail, who manages the Country Regional Network, for its endorsement and for RailCorp's approval. A survey, prepared by a registered surveyor, to define the common boundary along the rail corridor, is to be submitted to JHR and to obtain RailCorp's approval to the definition of the common boundary.

49. Prior to the issue of any Subdivision Works Certificate for the subdivision, evidence is to be provided to demonstrate that post development stormwater generation does not exceed pre-development stormwater generation at the point of discharge to the railway corridor. The evidence shall be in the form of a detailed stormwater management plan prepared by a suitably qualified and experience engineering consultant and to the satisfaction of RailCorp.

Note: If the above assessment determines that works are required on site to retard stormwater prior to discharge to the railway corridor, a 4.55 modification application would be required to enable consideration of the impacts of the additional works required to adequately address stormwater management.

PRIOR TO THE COMMENCEMENT OF WORKS

50. Prior to the commencement of civil construction, the developer must obtain a Subdivision Works Certificate.
51. Prior to the commencement of works, and in conjunction with the assessment and issue of a Subdivision Works certificate, an Erosion and Sediment Control Plan (ESCP)/ Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction- Managing Urban Stormwater". Points to be considered include but not limited to:
- Saving available topsoil for reuse in the revegetation phase of the development;
 - Using erosion control measures to prevent on-site damage prior to any construction activity on site;
 - Rehabilitating disturbed areas promptly; and
 - Maintenance of erosion and sediment control structures.

Note: Details required to prepare both ESCP and SWMP's are provided in the above Landcom Document referred to as the Blue Book. Treatment methods to combat salinity are to be provided

52. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
53. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the *Water Management Act 2000*), the proponent shall obtain a Section 91 Controlled Activity Approval under the *Water Management Act 2000* to carry out those works.

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

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

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

55. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- i. Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - ii. Sediment control fences on the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - iii. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
56. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western

Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

57. Prior to the commencement of construction works, the proponent is to contact TfNSW's Traffic Operations Coordinator on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Castlereagh Highway.

DURING CONSTRUCTION

58. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water line installation prior to backfilling;
 - c) Concrete reinforcing prior to pouring concrete;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
59. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
60. 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.
61. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
62. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
63. 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.
64. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

- 65. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of the base course.
- 66. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
- 67. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
- 68. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.
- 69. Scour protection at culvert or pipe system outlets shall be constructed in accordance with guidelines set down in The Blue Book - Managing Urban Stormwater: Soils and Construction unless outlet conditions dictate the use of more substantial energy dissipation arrangements.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE – STAGE 2

- 70. Under the *Environmental Planning & Assessment Act, 1979*, a Subdivision Certificate is required before the linen plan of subdivision for Stage 2 can be registered with the Land Titles Office.

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.
- 71. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
- 72. Prior to issue of the Subdivision Certificate for Stage 2, Council's Property Department shall be contacted and formal notification provided to ensure that each allotment within the subdivision has been allocated a new property address in accordance with AS/NZS 4819:2011 Rural and Urban Addressing and the NSW Address Policy and Guidelines. The Subdivision Certificate and Plans shall ensure that the correct addressing is included with the application submitted to Council.
- 73. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Developer Contributions		
25 Lots (minus 1 x credit for existing Lot)		
Mudgee Catchment	Per Lot	24 Lots

Public Amenity or Service		
Transport facilities	\$4,347.00	\$104,328.00
Recreation and Open Space	\$2,182.00	\$52,368.00
Community Facilities	\$635.00	\$15,240.00
Stormwater Management	\$458.00	\$10,992.00
Plan Administration	\$995.00	\$23,880.00
Total	\$8,617.00	\$206,808.00

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

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

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

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

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

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

75. Prior to issue of the Subdivision Certificate for Stage 2, an Association must be formed, and is to prepare and file its constitution for the private Water Supply Scheme for proposed Lots 1 to 25. The constitution is to be submitted to and approved by Council prior to the issue of the Subdivision Certificate. The constitution is to outline all relevant rules associated with the supply of water, including minimum and maximum volumes, metering requirements and operational charges. The constitution is to state that proposed Lots 1 to 25 are to receive a minimum of 0.200 mega litres of non-potable water per year.
76. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Community Association of the Water Supply Scheme over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
77. A twenty (20) metre wide easement, including associated Section 88B instruments, is to be created over the bore proposed for water supply within Lot 2. The easement is to be made in favour of the Community Association of the Water Supply Scheme.
78. A twenty (20) metre wide easement, including associated Section 88B instruments, are to be created over the rear boundary of Lots 1 to 7, nominated as a vegetation buffer. The easement is to be created to maintain a vegetation buffer comprising of suitable trees and shrubs, planted not less than 5 metres apart, in perpetuity. The Section 88B shall also

include all vegetation management requirements for the burdened lots, including provision for replacement of vegetation where losses occur to ensure the vegetation buffer is maintained by future landowners.

79. A covenant, or similar instrument, is to restrict all boundary fencing of each new lot within the subdivision to contain post and rail, or post and wire fencing only.
80. Easements of variable width shall be created over any inter-allotment drainage/drainage channel in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
81. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.
82. A covenant, or similar instrument, requiring the purchasers of Lots 1 to 25 to become members of the Community Association and Water Supply Scheme servicing the development, is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.
83. Prior to issue of the Subdivision Certificate, the applicant is required to enter into an easement for noise and vibration to burden on the subdivided lots and to benefit RailCorp in accordance with terms and conditions as stipulated in a Section 88B Instrument in light of the rail corridor adjoining the site is currently in operation.
84. Prior to the issue of any Subdivision Certificate, a restriction as to user is to be registered under the *Conveyancing Act 1919* on each of the lots that have frontage to the Castlereagh Highway (classified State road HW18), prohibiting vehicular access between HW18 and each lot burdened.
85. A positive covenant is to be created and registered on each title for all Lots created in Stage 2 in accordance with the requirements of the *Conveyancing Act 1919* that:
 - Future dwellings constructed on proposed Lots created in Stage 2 must have a Finished Floor Level providing no less than 500 mm above the 1:100 year ARI flood level, and
 - All fencing below the 1:100 year ARI flood level shall be designed and constructed to allow the free passage of water in the event of a flood, and
 - Requires each property owner to be responsible for the lawful disposal of all waste generated by future development, occupation and use of the land and advising that Council does not provide domestic or other waste collection services to the land, and
 - Requires each property owner to contribute and be a party to any community water supply and sharing agreement.
86. The intersection of the Castlereagh Highway and Wilbetree Road is to be upgraded prior to issue of Subdivision Certificate, in accordance with *Austrroads Guide to Road Design Part 4A (2017)*:
 - Figure 7.5 'Type CHR' (Channelised Right Turn); and
 - Figure 8.3 'Type AUL (Auxiliary Left Turn) and any relevant TfNSW Supplements.

87. Safe Intersection Sight Distance (SISD) requirements outlined in the *Austrroads Guide to Road Design Part 4A* and relevant TfNSW Supplements shall be provided in both directions at the intersection of the Castlereagh Highway and Wilbetree Road. For an 80 km/h speed zone the minimum SISD is 181 metres.
88. Prior to issue of the Subdivision Certificate, evidence is to be provided to Council that the private level crossing to Lot 2 DP 136904 at the rail corridor has been formally closed.
89. 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) All works required by the consent be completed in accordance with the consent.
90. The Proposed Road within the subdivision of Lot 3 (stage 2) shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
91. Prior to the issue of a Subdivision Certificate, each lot must have separate access that must comply with Council requirements and must obtain approval under the provisions of Section 138 of the *Roads Act 1993* prior to carrying out any activities in the road reserve.
92. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and
 - Lower limbs of trees removed up to a height of 2 metres above the ground.

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:

- a) A 20m wide landscape buffer along the western boundary of the subdivision creating Lot 1 to 7 has been included to mitigate privacy concerns and also provide a buffer to the RU4 zoned properties;
- b) There has been no objection raised by use of a communal bore for non-potable water supply from Water NSW or the Natural Resources Regulator;
- c) Each future lot will be subject to the requirement of a Section 68 approval, with a suitably designed waste water system and geotechnical report (following on from the waste water assessment report conducted as part of the Planning Proposal in 2016) to accompany any future application made to Council;
- d) Dust and noise are able to be managed with appropriate conditions of consent during the civil construction phase;
- e) Adequate setbacks to all boundaries are available in accordance with the Mid-Western Development Control Plan 2013 for each future dwelling; and
- f) The existing dam will be retained on the future Lot 8 as this currently retains runoff from a culvert under the existing railway line.

OTHER APPROVALS

General Terms of Approval

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

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 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. Certain subdivisions/developments will be exempt from the requirement to provide fibre-ready telecommunication infrastructure to each new lot.

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

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

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

Advice from Transport for NSW

8. Noting that the current application does not include works, the applicant should be advised that in any subsequent applications whereby such equipment is required to be used in the air space over the rail corridor, the applicant must submit an application to JHR for RailCorp's approval in advance. The applicant is welcome to contact JHR's Third party works team via CRN.3rdpartyworks@jhrg.com.au for more information in this regards.
9. Noting that the current application does not include works or design, the applicant should be advised that in any subsequent applications that the development lighting and external finishes of building do not temporarily blind or cause distraction to railway operation. In addition, the use of red and green lights must be avoided in all signs, lighting and building colour schemes on any part of a building which faces the rail corridor.
10. Austroads *Guide to Road Design Part 4: Intersections and Crossings – General* identifies that the location and spacing of intersections and property access can affect the safety and operation of a road, and as such that Intersections must be located so that required driver and pedestrian sight distances are met.
11. The proposed new road should be located to ensure that all the sight distance requirements of Section 3.2 of Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* are achieved. For an 80km/h speed limit, an Approach Site Distance (ASD) of 114m is required and a Safe Intersection Sight Distance (SISD) of 181m is required.

Advice from Essential Energy

12. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
13. As part of the subdivision/s, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan/s of subdivision.
14. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
15. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not

having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy’s approval.

16. In addition, Essential Energy’s records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
17. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
18. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around power lines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Advice from WaterNSW

19. The proposed shared water supply arrangement to each of the resultant land portions post subdivision can be facilitated by the works (wells / bores) currently authorised under approval 80CA718669 and the associated Water Access Licence (WAL) 34156. It is however noted that the removal of defunct works may be required during, or prior to the subdivision construction phase. WaterNSW advise that the proponent be aware of decommissioning conditions pertinent to 80CA718669.

Advice from NSW RFS

20. Any further development application for class 1, 2 & 3 buildings as identified by the National Construction Code must be subject to separate application under section 4.14 of the *Environmental Planning and Assessment Act 1979* and address as may be applicable, the requirements of Planning for Bush Fire Protection 2019.

Executive summary

OWNER/S	Michael De Kantzow
APPLICANT:	Michael De Kantzow
PROPERTY DESCRIPTION	400 – 402 Castlereagh Highway, Menah Lot 4 and 5 DP 1204035, and Lot 2 DP 136904
PROPOSED DEVELOPMENT	Torrens Title Subdivision of Land in 2 Stages
ESTIMATED COST OF DEVELOPMENT:	N/A
REASON FOR REPORTING TO COUNCIL:	Greater than 20 Lots proposed
PUBLIC SUBMISSIONS:	Two (2) Submissions

Council is in receipt of Development Application DA0225/2020 that seeks approval for the Torrens Title Subdivision of land over two (2) stages to enable the creation of twenty-five (25), 2 hectare lots, located at 400-402 Castlereagh Highway, Menah, (Lot 4 and 5 DP 1204035, and Lot 2 DP 136904), and received by Council on 31 March 2020.

The development application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 24 April 2020. During the notification period, two (2) submissions of objection were received.

The concerns raised by the submissions have been considered within the assessment report in addition to the Applicant providing a written response to the matters of concern raised.

The proposed development has been assessed in accordance with Council's Development Control Plan 2013 (DCP) and the Mid-Western Regional Local Environment Plan 2012 (MWRLEP). 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 application is for a subdivision creating more than 20 allotments.

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed report

SUBJECT SITE

The subject site is located at 400 – 402 Castlereagh Highway, Menah, with frontage and access also available from Wilbetree and Abattoirs Road. The land is separated by the Wallerawang Gwabegar Railway line.

The allotments subject of the application include Lots 4 and 5 DP 1204035, and Lot 2 DP 136904.

The residual lot which is located at 400 Castlereagh Highway, Menah being Lot 1 DP 877564, contains the existing heritage item I406 – 'Menah Homestead', having an existing area of 20ha, and will be unaffected by the proposed subdivision. This allotment is however legally accessed via Lot 5 DP 1204035 and Lot 2 DP 136904 from the Highway. Consequently, to ensure legal access is maintained to the Menah Homestead, the existing 10 metre wide right of carriageway must be retained in perpetuity as part of the proposed subdivision.

The subject site is otherwise vacant land, historically utilised for grazing purposes with a vegetation buffer located along the Highway frontage, and scattered paddock trees found throughout. Two drainage lines are located across the site, along with a number of farm dams and bores located on both the eastern and western side of the railway line. The location of the subject site is found in Figure 1 below.



Figure 1: Site Location

PLANNING PROPOSAL

In 2015, Council received a Planning Proposal for Lot 4 DP 1204035 and part of Lot 2 DP 136904 Wilbetree Road and Castlereagh Highway, Menah seeking an amendment to the Mid-Western Regional Local Environmental Plan 2012 to facilitate development of 25 un-serviced large residential lots with a minimum area of 2ha. Water supply was proposed via roof catchment only with no supporting or alternative water reticulation proposed.

At Council's 20 May 2015 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DP&E) for Gateway Determination. A conditional Gateway Determination was granted in November 2015 by DP&E. An amended Planning Proposal was received in April 2018 to address Condition 1 of the Gateway Determination and provide details around the provision of a sustainable water supply via roof catchment and a supplementary supply from a reticulated community bore water scheme.

The amended Planning Proposal was referred to NSW Department of Primary Industries – Water (DPI Water). DP&E advised in a letter dated 12 June 2018 that DPI Water was satisfied with the

amended Planning Proposal and confirmed that Gateway Determination (Condition 1) had been satisfied with inclusion of a reticulated water supply via a communal bore scheme.

Following final resolution of Council on 12 August 2018, the Planning Proposal was subsequently gazetted on 16 November 2018.

PROPOSED DEVELOPMENT

DA0225/2020 seeks development consent for the Torrens Title Subdivision of the site over two (2) stages to enable the creation of 25 2ha rural-residential lots.

The proposed development for the subdivision of the land includes:

Stage 1 – (Figure 2 below)

Subdivision of existing Lot 4 and 5 DP1204035 and Lot 2 DP136904. The intention is to achieve lots meeting the minimum lot size, based on separation of the land zoned R5 from the RU4 land; and land divided by the Railway, to create the following lots:

- Proposed Lot 1 – 163.34ha (Zoned RU4 Primary Production Small Lots comprising all land west of the Railway and retaining Lot 1 DP 877564)
- Proposed Lot 2 – 96.17ha (Zoned RU4 Primary Production Small Lots east of the Railway)
- Proposed Lot 3 – 55.49ha (Zoned R5 Large Lot Residential Land subject to Stage 2)

Creation of an easement for water supply to benefit proposed Lot 3 will be created from the existing bore that will be retained in proposed Lot 2.

Stage 2 – (Figure 3 below)

Subdivision of proposed Lot 3 to create 25 lots each with a minimum area of 2ha (and a residue lot, in the event all lots are not released together). Each lot will only be serviced with non-potable water supply from the communal bore supply. No sewer or potable water is proposed to be provided by the developer.

A new cul-de-sac road is also proposed to be developed off Wilbetree Road.

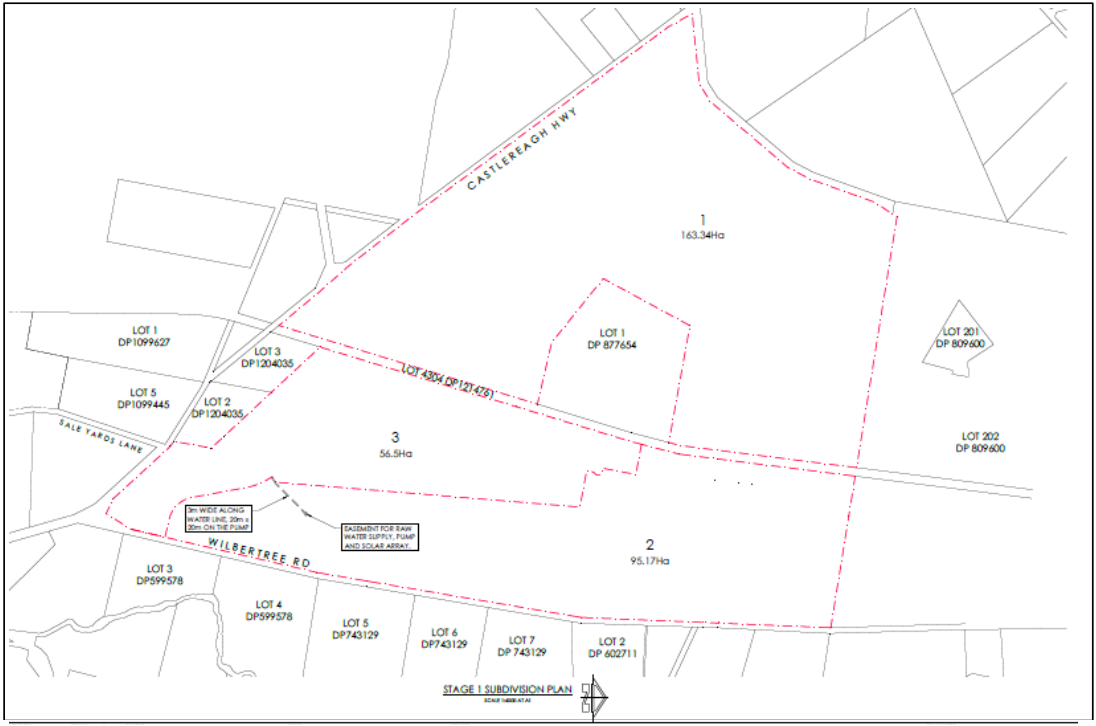


Figure 2: Proposed Plan of Subdivision (Stage 1 release)

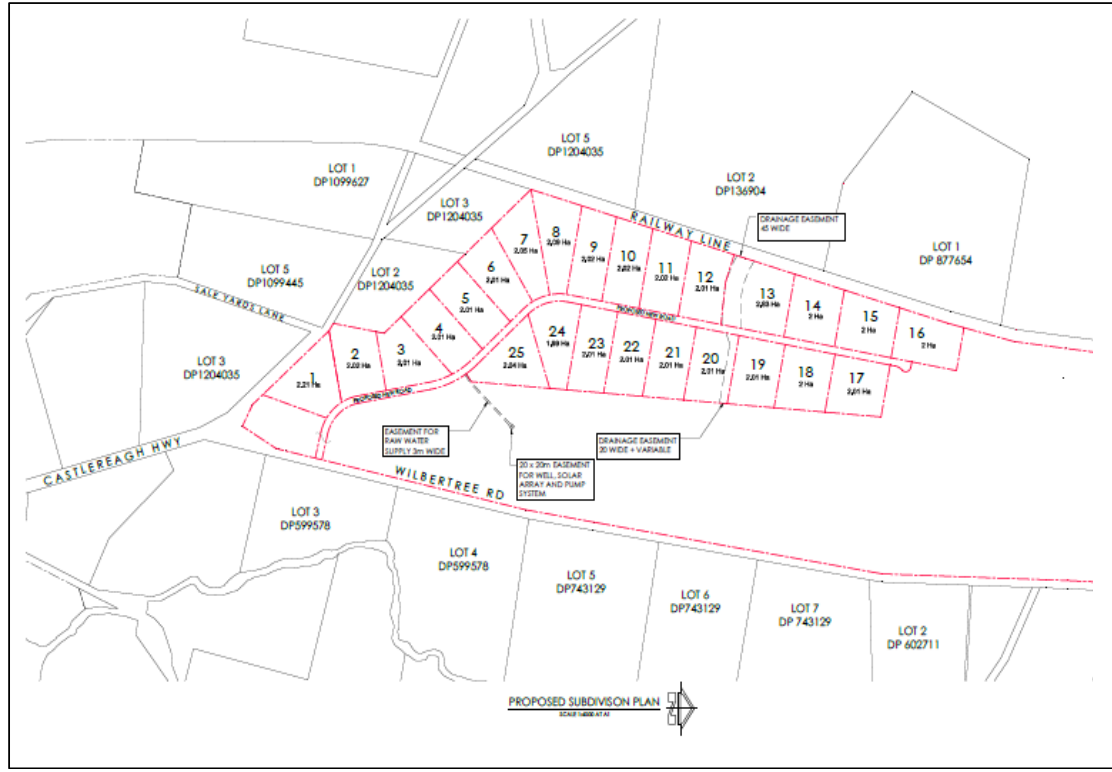


Figure 3: Proposed Plan of Subdivision (Stage 2 release)

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs).

Integrated Development

The development proposal is Integrated Development in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The development is identified as Integrated Development pursuant to the *Water Management Act 2000* (WM Act) with a 'Controlled Activity Approval' required to be obtained by the applicant. General Terms of Approval were issued by the Natural Resources Access Regulator under sections 89, 90, 91 of the WM Act and have been included in this report.

The application has also been submitted as Integrated Development pursuant to section 138 of the Roads Act, however, pursuant to section 4.46(3) of the EP&A Act:

(3) Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.

Subsequently, the development is not integrated development pursuant to section 138 of the Roads Act 1993.

Assessment

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

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

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

State Environmental Planning Policy 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. The site has historically been used for grazing purposes. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Koala Habitat Protection) 2020

SEPP (Koala Habitat Protection) applies to the proposal as Mid-Western Regional 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. No koala plan of management is however in place for the Mid-Western Region. The proposal also does not involve the clearing of significant native vegetation and therefore no further consideration is warranted.

State Environmental Planning Policy (Infrastructure) 2007

The proposal triggers the following requirements under SEPP (Infrastructure):

Section 45 – a referral to Essential Energy occurred during the assessment of the application with conditions of consent and advisory notes provided to Council.

Sections 86 and 87 – the development adjoins a railway corridor which connects Kandos to Gulgong. Whilst currently non-operational, there is a feasibility study that has been released that has investigated the re-opening of this rail line. Pursuant to sections 86 and 87 of the SEPP, the application was referred to Transport for NSW. Conditions have been provided in this regard which also covers the development in the event the railway line recommences operation.

Sections 101 and 104 – Council must consider, pursuant to section 101 of the SEPP, practical and safe vehicle access to the land by a road other than a classified road, and ensure the development will not affect the safe, efficient and ongoing operation of a classified road.

In this regard, the development is proposed to be accessed via Wilbetree Road, a local road, via the intersection of the Castlereagh Highway. A referral to Transport for NSW (TfNSW) was completed in relation to impacts on this intersection with the classified road network and due to the proposal for the intersection to be raised to accommodate the development. The response received from TfNSW required an upgrade to the intersection of the Highway with Wilbetree Road along with a restriction to apply to lots adjacent to the Highway which restricts any access directly from the proposed lots onto the Highway (proposed Lots 1 and 2). Conditions have been imposed in this regard.

Furthermore, consideration of development that is sensitive to traffic noise or emissions must be considered, pursuant to section 101 of the SEPP. The two (2) closest lots to the Highway have an existing row of semi-mature vegetation planted by the landowner as a buffer to the Highway. This is to be retained, along with a new landscape buffer which will be required as a condition of consent to be established at the rear of proposed Lots 2 to 7, providing an additional vegetative buffer to Lots 2 and 3 DP 1204035 (254 and 286 Castlereagh Highway) which is zoned RU4.

Lastly, it is important to note that the development does not trigger 'traffic generating development' pursuant to Schedule 3 of the SEPP as there is not more than 200 lots proposed nor 50 or more with access within 90m of a classified road.

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

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

Section 1.2 Aims of Plan

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

Section 1.4 Definitions

The proposal is defined in accordance with the MWRLEP and section 6.2 of the *Environmental Planning and Assessment Act 1979* as:

Subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

Section 2.2 Zoning of Land to Which Plan Applies

The subject land is zoned RU4 Primary Production Small Lots and R5 Large Lot Residential, and is therefore subject to the Plan. Refer to Figure 4 below.

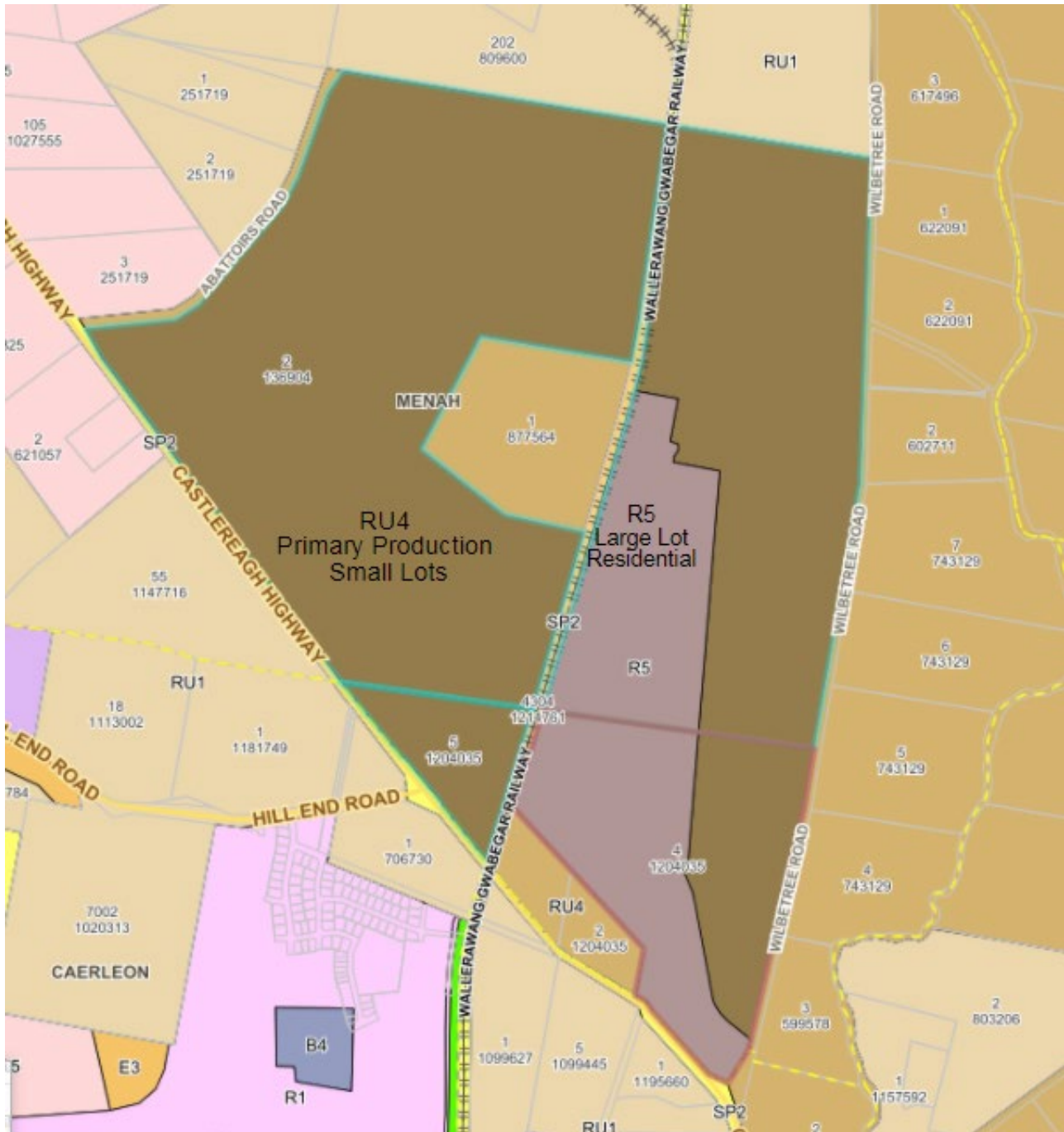


Figure 4: Zoning Map (MWRLEP 2012)

Section 2.3 Zone objectives and Land Use table

The land is zoned RU4 Primary Production Small Lots and R5 Large Lot Residential pursuant to MWRLEP.

The proposal, being the subdivision of land is permissible with consent in the zone and complies with the relevant objectives.

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

RU4 Primary Production Small Lots

1. To enable sustainable primary industry and other compatible land uses.

Comment The proposal does not significantly impact upon the ability of the land to be used for the purposes of primary production or other compatible land uses.

2. *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

Comment The proposal will not hinder employment opportunities in relation to the primary industry enterprise operating from the site.

3. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment The proposal will not result in any significant conflict with adjoining land. The stage 1 release which relates to the RU4 zoned land will be separated by the railway line and also new and existing vegetation buffers.

4. *To ensure that land is available for intensive plant agriculture.*

Comment The proposal will not hinder the use of the site for the purposes of intensive plant agriculture.

5. *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

Comment The proposal will not result in any significant impact upon the immediate visual amenity or environmental/cultural heritage values of the site.

R5 Large Lot Residential

1. *To provide residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality.*

Comment The proposed development has been designed to minimise impacts upon the environmental and scenic qualities of the immediate surroundings. The large 2ha proposed lots will enable further preservation of the rural setting in this area which is located in close proximity to the Mudgee township.

2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment The development will not further hinder the proper and orderly development of the land. The subdivision is proposed as a result of a previous Planning Proposal and is considered to promote the orderly development of the site as supported previously by Council.

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment The proposal is not expected to unreasonably increase the demand for public services and facilities subject to compliance with the conditions of consent.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment The proposal will not result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent.

Section 2.6 Subdivision – consent requirements

As the proposal involves subdivision, development consent is required as discussed throughout the report.

Section 4.1 Minimum subdivision lot size

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with the relevant planning controls.

The proposal firstly seeks to create 3 new lots which includes RU4 Primary Production Small Lots zoned land. The minimum lot size pursuant to section 4.1 of the MWRLEP is 20ha in the RU4 zone with proposed Lot 1 to be 163.34ha and Lot 2 to be 96.17ha, complying with the development standard.

Proposed Lot 3 is zoned R5 Large Lot Residential which is proposed to have an area of 55.49ha (and is subject to further subdivision as part of Stage 2).

The proposed lots as a result of the Stage 2 release will have a minimum area of 2ha. The minimum lot size pursuant to the MWRLEP mapping is 5ha, subject to the provisions of section 4.1(3B) which states:

(3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as "Area D" on the Lot Size Map may be subdivided to create lots of at least 2 hectares.

The proposal is mapped to be located wholly within "Area D" and seeks to utilise a communal water supply from an existing bore located on the site to provide the water reticulation to each lot within the subdivision. Accordingly, the proposal complies with the development standard.

Section 5.10 Heritage Conservation

The proposed development is not located within a Heritage Conservation area, however, the site adjoins a heritage item known as the "Menah Homestead" – see Figure 5 below. The proposed subdivision will not affect this allotment, which will retain separation from the residential lots by the existing railway corridor and a buffer of semi mature vegetation. Subsequently, there are no adverse impacts identified on the Heritage item identified by the proposal.

Furthermore, no items of aboriginal significance are recorded on the site or in the vicinity of the development. Notwithstanding this, a condition will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c)

The proposed development for the subdivision of the land over 2 stages is not considered to impact existing agricultural uses of the site or surrounding land, used for residential purposes. Stage 2 of the proposal will retain adequate buffers from the Highway and from adjoining RU4 land with both existing vegetation in place and new buffers to be introduced by way of conditions of consent. Furthermore, the development is consistent with the Planning Proposal approved over the site and all environmental mitigation measures will be required to be managed during civil construction and in accordance with the recommended conditions of consent.

Section 6.1 Salinity

Two (2) small portions of the land are identified to be affected by saline soils. The proposal involves earthworks as part of the civil construction however, this is not expected to significantly affect the process of salinisation and can be managed onsite as part of the Construction Management and Subdivision Works Certificate.

Section 6.2 Flood planning

The subject site is identified as sitting within high, medium and low risk flood areas, and is subsequently partly affected by the 1 in 100 year flood event – see Figure 6 below.

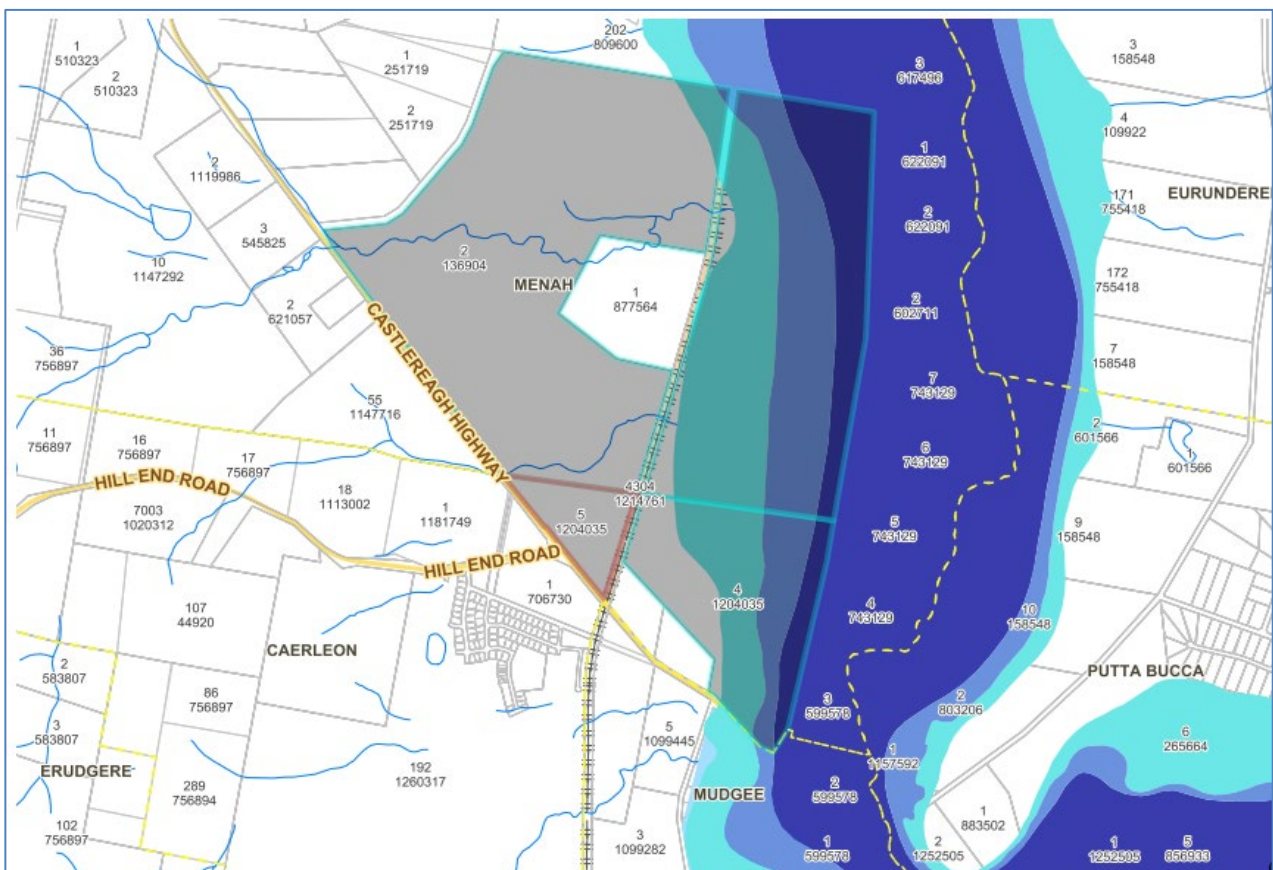


Figure 6: Flood Risk Mapping

Accordingly, the development is to satisfy the provisions of section 6.2(3) as discussed below and identified within the Statement of Environmental Effects prepared by the applicant:

- (a) *The development is compatible with the flood hazard of the land.*

Comment The proposal, being the subdivision of land is identified as a compatible land use in accordance with the Urban and Non-Urban Floodplains Matrix contained within the MWRDCP 2013. The development of Stage 2, creating 25 lots has been designed to be located above the 'medium and high hazard' flood risks (above the 1 in 100 year event) following determination by survey and a flood impact assessment prepared by the Applicant – refer to Figure 7 below.

(b) *The development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties.*

Comment The proposed residential lots to be created are to be located above the 1 in 100 year flood event. Subsequently, overland flow and management of stormwater will be required to be appropriately designed and constructed to ensure post development flows do not exceed predevelopment flows across the site. The creation of a 45m wide drainage easement is included on the Stage 2 subdivision plan which will be required to manage the runoff from the railway corridor and rural land to the west of the railway land.

(c) *The development incorporates appropriate measures to manage risk to life from flood.*

Comment The proposal has been designed to be located above the 1 in 100 year flood event with flood free access and egress required to be formed to the subdivision. This will form appropriate conditions of consent.

(d) *The development is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment The development will not have any significantly adverse impact on the environment, riparian vegetation, or watercourses.

(e) *The development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Comment The proposal is unlikely to result in unsustainable social and economic costs to the community.

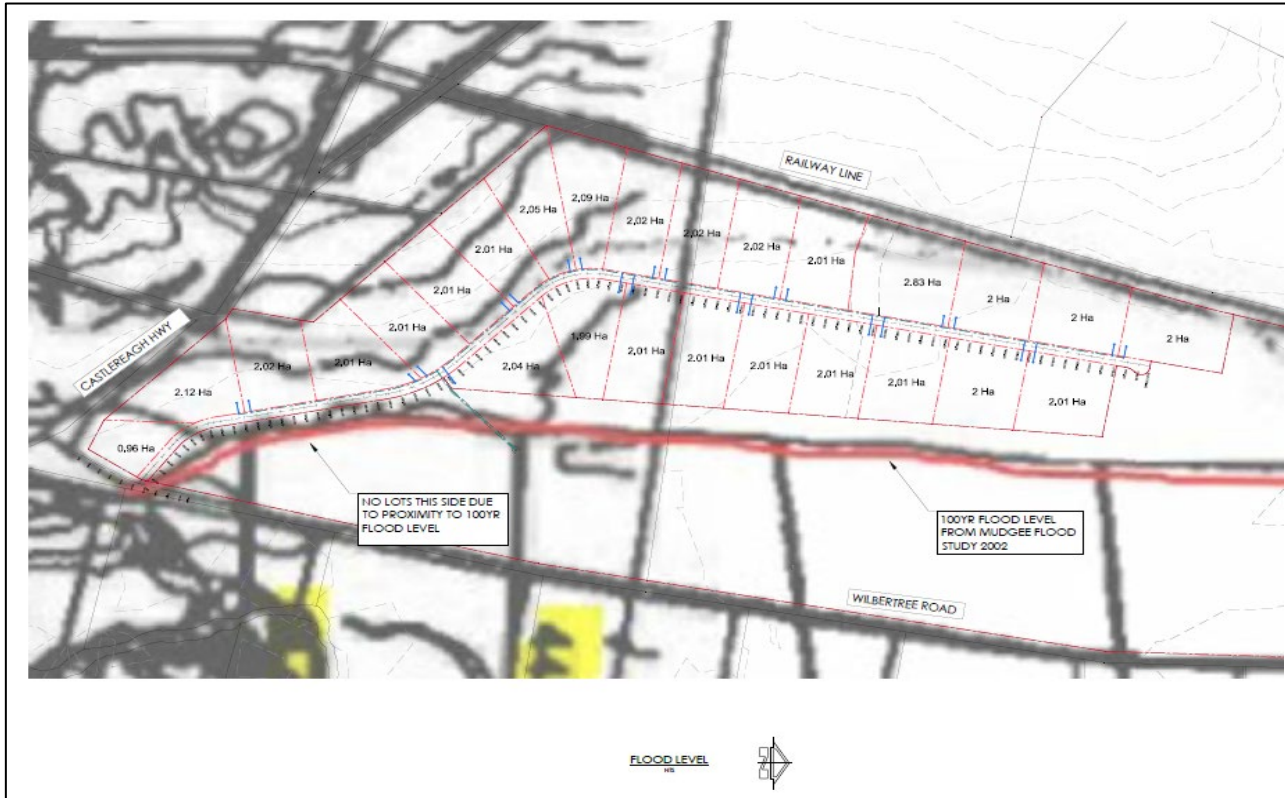


Figure 7: Flood Overlay (submitted by Applicant)

Section 6.3 Earthworks

The proposal involves extensive surface earthworks including creation of new roads, stormwater management systems and upgrades to the existing Highway intersection to service the development. The provisions under Clause 6.3(3) are addressed as follows:

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

There are no earthworks proposed as part of Stage 1 with all existing access arrangements remaining in place to service the existing Menah Homestead.

As part of Stage 2, the proposed development has incorporated new stormwater management measures, including a 45m wide drainage easement from the railway corridor, along with new road and intersection upgrades to accommodate access from Wilbetree Road. This work will require extensive earthworks over and adjacent to the site.

All cut and fill as a consequence of the proposed development will not impact on any watercourses or effect the future use of the site with all mitigation measures, such as erosion and sediment

control, forming part of the conditions of consent to manage such impacts during the civil construction phase.

The development as a result of the earthworks, is not permitted to direct water towards adjoining properties and therefore is not considered to have any adverse impacts, subject to compliance with the conditions of consent.

Section 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping – refer to Figure 8 below. A number of existing bores are located over the subject site including GW053958 which was constructed in 1965, drilled to a depth of 10 metres.

No deep 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 surface excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact water supply, and therefore no special measures, or conditions of consent would be considered necessary.

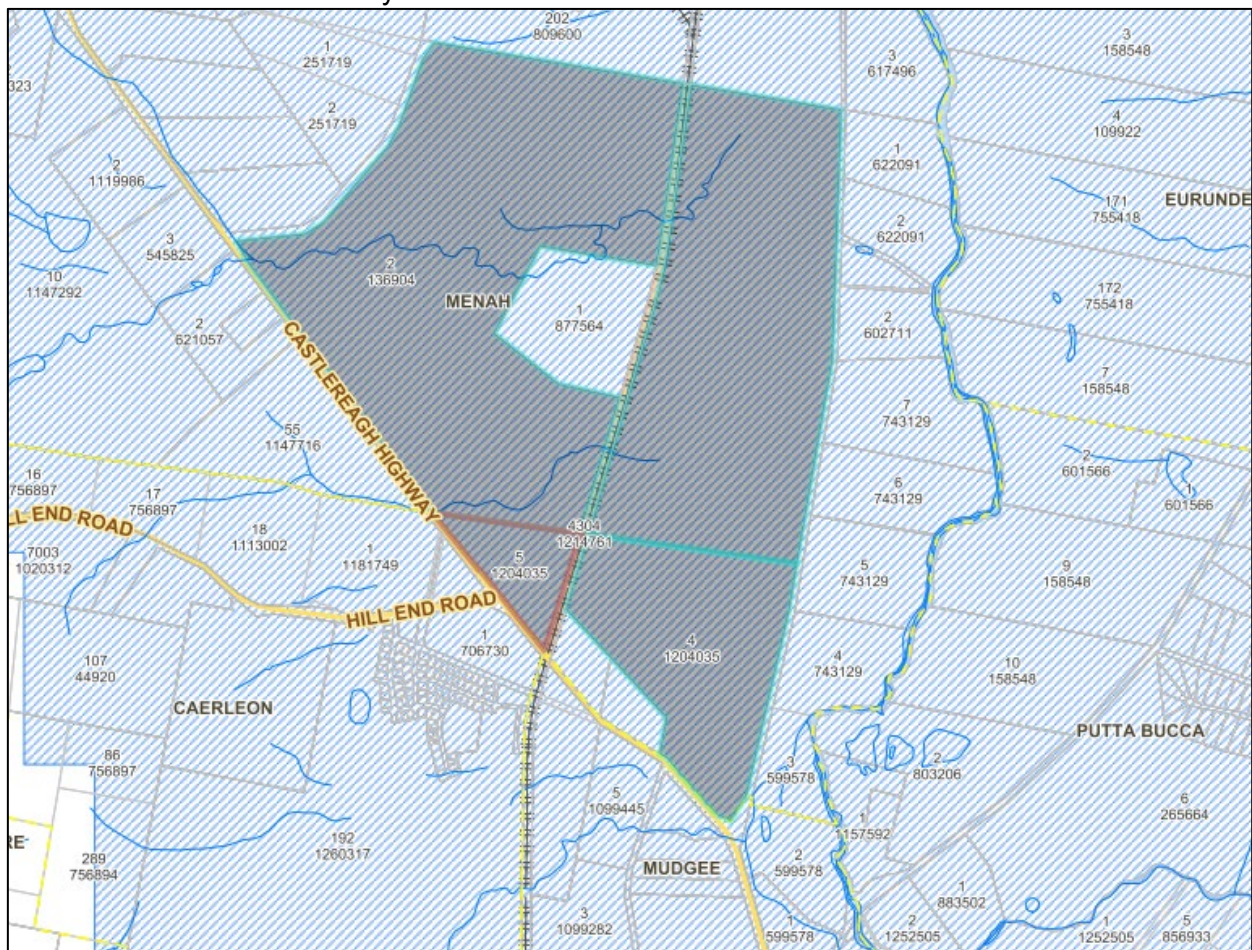


Figure 8: Groundwater Vulnerability Mapping (MWRLEP)

Section 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity' – see Figure 9 below with high biodiversity mapped in red.

Part 5.2 Flooding

As noted from the assessment of section 6.2 of the MWRLEP, the subject site is identified as sitting within high, medium and low risk flood areas, and is subsequently partly affected by the 1 in 100 year flood event. Stage 2 of the subdivision (relating to the proposed 25 x 2ha residential lots) has been designed however to be sited above the 1 in 100 year event. A condition of consent has been proposed to reinforce this requirement.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Part 7.2 Rural Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Rural and R5 zones	Land is zoned RU4 and R5.
Site Plan	
Site plan identifying existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads. Application should: <input type="checkbox"/> Identify existing use of land <input type="checkbox"/> Address access points/location public roads <input type="checkbox"/> Identify unformed roads/crown land within adjoining site <input type="checkbox"/> Show easements and services <input type="checkbox"/> Identify watercourses	Plan of Subdivision and Statement of Environmental Effects supplied and shows all relevant details.
Lot size	
Lots must be of sufficient area for dwelling house, associated buildings, services, access, P.O.S without excessive terracing and allow maximum retention vegetation	All lots within the subdivision are of sufficient area to contain a dwelling and ancillary structures.
Minimum area for subdivision complied with?	All lots meet minimum lot size of 20ha (RU4) and 2ha (R5).
RU4 – Primary Production Small Lots	
<ul style="list-style-type: none"> – Details of proposed / existing agricultural activity – Business plan prepared by suitably qualified agronomist – Evidence of water licensing satisfactory – Evidence of commencement or intention to commence activity 	Not applicable. The proposed subdivision of the RU4 portion as part of Stage 1 does not seek to establish new dwelling entitlements or alter the existing agricultural activities conducted on the land. The RU4 lots to be created will have greater than the required 20ha provisions. Should the applicant seek future approval for subdivision to create lots with additional dwelling entitlements, this must be considered at this point in time.
Services	
Lots within 500m of R1-R2 zones must: <input type="checkbox"/> Have frontage to and be connected to sealed road <input type="checkbox"/> Connect to reticulated water/sewer	Not applicable.
Roads	

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
All roads to be sealed and part of sealed road network if 500m to sealed road network	Yes, conditioned.
Lot Design	
<p>New lots to minimise environmental impacts including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Soil disturbance / erosion <input type="checkbox"/> Creek / waterway crossings <input type="checkbox"/> Tree removal <input type="checkbox"/> Adequate separation distances for new / existing development 	<p>Lots are designed to generally avoid disturbance. Future works are likely to be of minimal disturbance. New vegetation buffers are required to be created to continue the existing vegetation buffers to the Castlereagh Highway. Tree removal is limited to scant paddock trees which will be offset by new native plantings, recommended by a condition of consent.</p>
Bushfire Prone Areas	
Bushfire report submitted for subdivision on bushfire prone land	<p>Land is not mapped as being bushfire prone, however, grassland is considered a significant natural hazard in the Region and a referral pursuant to Section 4.15 of the Environmental Planning and Assessment Act occurred to the NSW Rural Fire Service. Conditions of consent have been recommended in this regard.</p>
Heritage	
Cultural heritage assessment submitted where the subdivision creates dwelling entitlement and overland drainage lines, ridgelines / plateaus present	<p>No known European or Indigenous heritage on the site. However, a condition relating to unexpected finds during works is recommended.</p>
Vegetation / Flora	
<ul style="list-style-type: none"> – Evidence of consultation with CMA (and OEH for threatened species) – Flora report to be submitted if potential for impact on threatened species 	<p>No significant clearing proposed with the assessment concluding minimal paddock trees would be impacted by the civil works that is less than the threshold and therefore would not trigger entry into the biodiversity offsets scheme. Further, the subject site is not mapped on the Biodiversity Values map.</p>
Fauna	
<p>If any potential impact of threatened species fauna study to be submitted with application Consult with OEH if required</p>	<p>No native fauna is likely to be significantly impacted by the development. A new vegetation buffer is however recommended to extend the existing vegetation corridor along the rear portions of proposed lots 1 – 7.</p>
Watercourses	
Activity approval required under the Water Management Act 2000 if development within 40 metres	<p>Conditions imposed accordingly with separate approval required from NRAR where works trigger a controlled activity approval.</p>
Crown Roads	

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
If development proposes to use Crown road, written consent of NSW Crown	Not applicable.
Rights of Carriageway	
Subdivision for where access is via right of carriageway generally not supported Written consent of all owners required if ROCW proposed	Not applicable.
Battle-axe handle	
Generally not supported by Council Maximum 2 battle-axe handles permitted	Not applicable.
Water cycle management report	
Required for each lot capable of on-site effluent disposal. Report must include: <input type="checkbox"/> Nominal effluent management area <input type="checkbox"/> Slope / aspect <input type="checkbox"/> Other site constraints Plan must indicate nearby watercourses with minimum buffer of 100m between EMA and perennial / intermittent creeks or minimum 40m from drainage depressions	Each site has sufficient area to allow on-site effluent disposal. To be further addressed at DA stage for each dwelling as the overall site was also supported by a Waste Water assessment as part of the Planning Proposal (dated May 2016).
Telecommunications	
Are telecommunications able to be extended to service the lot?	The NBN wireless service is available in this location. Exemptions may be applied. However, in the event an application is made separately under the Telecommunications Act. A condition has been imposed with an advisory note in this regard.
Electricity	
Electricity to be provided to each lot with dwelling entitlement Alternative power supply only considered on RU1, RU4 and R5 lots where development is >1km from grid or cost to provide electricity exceeds \$30,000/lot. Covenant must be imposed on lot in this instance	Electricity is able to be supplied to the development.
Land Use history	
Evidence of land use history supplied (primary source preferred)	Satisfactory evidence provided. No further action required.
Community Title Subdivision	
Lot density to be the same as Minimum Lot Size Map	Not applicable.
Water Supply	
Water reticulation system via a community bore scheme with minimum 2ha lots provided with non-potable water supply of 0.200 mega litres per year provided to each lot.	The proposal seeks to have a community bore scheme created with a minimum 0.200ML per year provided per lot. A condition is proposed in this regard. It is important to note that a licence under the Water Industry Competition Act (WICA) is not required. Legal advice has been provided in this regard.

Section 7.11 Contributions

Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing the subdivision of the land creating no additional lots as part of Stage 1 (3 lots into 3) however, there will be 24 additional

residential lots created as part of Stage 2. This will require the payment of a contribution in accordance with the plan for the 'Mudgee Catchment' as follow:

Per 2 or more bed dwelling / separate house or subdivision		Debit x 25	Credit x 1
Transport Facilities	\$4,347.00	\$108,675.00	\$4,347.00
Recreation and Open Space	\$2,182.00	\$54,550.00	\$2,182.00
Community Facilities	\$635.00	\$15,875.00	\$635.00
Stormwater Management	\$458.00	\$11,450.00	\$458.00
Plan Administration	\$995.00	\$24,875.00	\$995.00
Total	\$8,617.00	\$215,425.00	\$8,617.00
		Total Debits	Total Credits
Sub totals		\$215,425.00	\$8,617.00
TOTAL PAYABLE			\$206,808.00

An appropriate condition has been imposed requiring payment of the contribution.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Council's infrastructure or require additional potable water, sewer or trade waste services to the land or building. No charges can therefore be applied under the plan.

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

Environmental Planning and Assessment Regulation 2000

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

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

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

(a) Context and Setting

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

(b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate with a design for the new road and the intersection upgrade with Wilbetree Road and Castlereagh Highway submitted to Council and Transport for NSW. Subject to a future Section 138 approval and upgrades to be completed, there are no significant concerns raised by Council or Transport for NSW in relation to access and traffic generated by the 25 new lots proposed.

(c) Public Domain

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

(d) Utilities

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

(e) Heritage

In accordance with the assessment provided under section 5.10 of the MWRLEP, there are no significant heritage implications as a result of the development.

(f) Other Land Resources

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

(g) Water

An existing bore on the site is proposed to be utilised as the primary reticulated non-potable water supply for the development. This would only be utilised for domestic use associated with the future development of each residential lot and an allocation of 0.200ML / year / lot must be provided in accordance with the DCP provisions. This results in a total of 0.200ML x 25 lots = 5ML per year allocation for the Stage 2 subdivision.

The allocation, usage and access to the community bore must be managed by a Community Management Scheme/Plan which each future purchaser of the lots must legally enter into upon purchase. A condition of consent is required to reinforce this requirement for water supply with no objection to the proposal provided by Water NSW or the Natural Resource Access Regulator.

The proposal is not considered to have an adverse impact on water supply in the locality and management of this water supply will burden the future land owners within the Community Management Scheme.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and fauna

Whilst the development is not likely to have an adverse significant impact on flora and fauna, a condition of consent is imposed to ensure a vegetation buffer of not less than 20m is maintained and extended to the rear of Lots 1 – 7, prior to release of the Subdivision Certificate. A covenant is also recommended to ensure that the buffer is maintained in perpetuity by the future land owners.

(k) Waste

As the proposed residential subdivision is located in the R5 zone and is not deemed an 'urban subdivision' under the DCP, no kerbside collections will be available. The Mudgee waste facility will be the facility licenced to accept wastes generated by the development.

(l) Energy

Not applicable.

(m) Noise and Vibration

Minor and temporary construction noise associated with the civil works will be limited to the conditions of the development consent including limited hours in which construction can occur. There are not expected to be any adverse impacts associated with noise or vibration, subject to compliance with the conditions of consent.

(n) Natural Hazards

The site is identified as flood prone as discussed within section 6.2 of the LEP assessment. All lots and the internal road network have been proposed outside the 1 in 100 year event, which complies with the Mid-Western Regional LEP 2012 provisions under section 6.2. Subsequently, conditions of consent have been recommended to ensure that compliance is maintained as a result of the future earthworks over the land.

Further, whilst the site is not mapped as bushfire prone land, the entire site is identified to contain grassland vegetation. Subsequently, a referral to NSW Rural Fire Service concluded that the entire site is to be managed as an Inner Protection Area for the life of the development and any future buildings (subject to future approval) must consider the threat of bushfire and adequate measures employed on the site in this regard. The NSW RFS conditions and advisory notes have been incorporated into the conditions of consent accordingly.

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

(q) Social Impact in the Locality

It is considered the proposal will result in positive social impacts associated with the creation of additional residential large lots in close proximity to Mudgee.

(r) Economic Impact in the Locality

The proposal is considered to result in positive economic impacts with additional employment generation and local purchases during construction of the civil works, along with future building work associated with the release of lots and new dwelling construction.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with Council requirements and specification during construction, being subject to a future Subdivision Works Certificate.

(u) Cumulative Impacts

There are no known cumulative 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 – 4.15(1)(c)**(a) 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.

(b) Are the Site Attributes conducive to Development?

Yes. The proposal has been designed to accommodate the natural hazard (flooding) applying to the site, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

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

(A) Public Submissions

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 24 April 2020. During the notification period, two (2) submissions of objection were received.

The concerns raised by the submissions have been considered within the assessment report in addition to the Applicant providing a written response to the matters of concern raised.

Issue	Comment
Loss of view, serenity, privacy and lifestyle	<p>The proposed development is permitted with consent in the RU4 and R5 zones and the application is a result of the Planning Proposal gazetted in 2018.</p> <p>The planning principle regarding 'views' has been considered in the Land and Environment Court in numerous cases. The principle specifically discusses view sharing. It is acknowledged that the proposal will result in dwellings on the adjoining site and reduce the view currently experienced however, the resultant sharing of the existing view in the context of the planning principle is considered acceptable.</p> <p>It is also considered that protection of amenity and privacy are significant, relevant concerns in relation to the development. As a result of the proximity of the two (2) dwellings from existing boundaries located on RU4 land, a 20m wide vegetation buffer is proposed as a condition of consent to be extended along the full length of the boundaries and include Lots 1 – 7. A condition has been imposed in this regard.</p>
Water affecting neighbouring groundwater supply, compensation for effect on groundwater	<p>There is no evidence to suggest the ongoing use of the existing bore would have an impact on any nearby water supplies as a result of the subdivision.</p> <p>The Planning Proposal also included pressure and water quality testing of the existing bore which was referred to DPI Water who considered the suitability of the water source for the community water scheme.</p> <p>The proposed communal bore arrangement has also received no objection from Water NSW or the Natural Resources Access Regulator.</p>
Water supply and reliance of rainwater tanks for potable supply	<p>The proposal will result in rainwater tanks to supply potable water to the future dwellings</p>

	<p>which is consistent with all other rural residential (R5) subdivisions in the Region. In the event of drought, commercial suppliers would be required for provision of paid water to each dwelling.</p>
Waste Management Systems impacting groundwater quality	<p>A site and soil evaluation for wastewater management was prepared in May 2016 (report number KHEFF1609) to accompany the Planning Proposal. There is no evidence to suggest any future waste water disposal systems would have an impact on groundwater quality, particularly given the depth of the closest bore drilled to 10 metres and sufficient buffers available for the development site.</p> <p>All future dwellings will each require onsite waste water management systems to be professionally designed and sited to accommodate the most appropriate system for the soil type of each lot. The design of the system cannot impact on the communal bore supply or on adjoining bores in the locality and must ensure the most appropriate system for the soil type, size of the dwelling and setbacks to all boundaries are achieved in accordance with current Standards.</p>
Dust	Dust will be required to be managed during the construction phase, in accordance with Council's standard conditions of consent.
Noise	Noise will be required to be managed during the construction phase, in accordance with Council's standard conditions of consent.
Setbacks of buildings from boundaries	<p>The current DCP provision for setbacks of buildings in the R5 zone is as follows:</p> <ul style="list-style-type: none"> - 30m from the street frontage; - 20m to the side and rear boundaries. <p>As a result of the proposed vegetation buffer to be created by virtue of the recommended conditions of consent, this will result in no building able to be constructed within 40m of the rear boundaries (adjacent to the RU4 lots).</p> <p>In addition, it should be noted that Lot 1 and 2 which has a frontage to the Castlereagh Highway would typically require a 200m setback for all buildings. However, by introducing a restriction on both access to the Highway and for the vegetation buffer of 20m, access will be retained from the new internal road only for Lots 1 and 2.</p>
Vegetation screens along boundary and visual buffer	As noted above, a 20m vegetation buffer is recommended for all Lots 1 – 7 at the southern/rear boundary.

	<p>In comparison to other recent approvals for similar forms of development in the Region, the vegetation buffer in this circumstance is recommended to be installed to mitigate privacy impacts due to the existing minimal rear setbacks of the dwellings (swimming pool located adjacent to the boundary) being constructed less than the required 20 metres under the DCP.</p> <p>The vegetation buffer is not imposed as a result of any potential spray drift or agricultural activities on the RU4 parcels.</p>
<p>Land use conflict associated with agricultural practices and providing a spray drift buffer</p>	<p>As the proposed lots are of a size which will also require regular maintenance such as slashing and weed control, it is not considered that there are any significant land use conflicts with the existing two (2) adjoining 4ha lots to the south of the development site. It is noted however that the dwellings on each existing lot are located in very close proximity to the boundaries of the proposed new lots to provide a greater setback to the Castlereagh Highway. As a result, a vegetation buffer is proposed to provide separation and privacy between the land.</p>
<p>Fencing renewal at boundary line of RU4 Lots to south of R5 lots. Type of fencing on land</p>	<p>Renewal of or the fencing of existing boundaries are not a matter for Council to consider under the <i>Dividing Fences Act 1991</i>.</p> <p>It is proposed to however condition the type of fencing within the subdivision to only permit post and rail or post and wire fencing, typical of the rural area.</p>
<p>Building heights / restrictions</p>	<p>The proposed development site will not be restricted on overall height of construction, however, in the event a future dwelling is of double storey construction, privacy measures must be included in the design and ensure that adjacent properties are not overlooked or overshadowed. Given the significant setbacks to boundaries required by the DCP and the vegetation buffer to the rear of Lots 1 – 7, it is not considered that there would be any need to impose additional restrictions, greater than that required by the current standards.</p>
<p>Accurate measurement and placement of blocks</p>	<p>The plan of subdivision has been submitted to Council, drawn to scale at 1:4000.</p>
<p>Retention of the dam for aesthetic attraction and part of water supply as part of a stream</p>	<p>It is confirmed that the dam is not part of a stream or watercourse. This is an artificial dam created to capture surface runoff from the land to the west and the drainage line runs from the culvert under the railway corridor.</p>

The applicant lodged amended plans on the 27 January 2021, however, the changes were not considered significant enough with regards to implications on adjoining neighbours and re-notification of the proposal was not considered necessary.

(b) Submissions from Public Authorities

The application was referred to the following agencies:

Natural Resources Access Regulator (NRAR)

Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity Approval under the *Water Management Act 2000* (WM Act) has been provided for the development. Appropriate conditions have been recommended in this regard that would require the Applicant to make separate application for approval prior to the commencement of work.

A copy of this correspondence is to be provided with any notice of determination issued.

WaterNSW

WaterNSW reviewed the information submitted with the application for the purposes of the WM Act, and advise that no water use approval under section 89 of the WM Act is required to be administered by WaterNSW. Consideration in respect to 'water use' is only assessed by WaterNSW in relation to irrigation use. Any purpose outside of irrigation should be addressed by the relevant consenting authority, such as Council via local government development consent.

Further, no requirement for WaterNSW consideration in respect to section 90(2) of the WM Act - water management work approval, is necessary under this request. The proposed shared water supply arrangement to each of the resultant land portions post subdivision can be facilitated by the works (Wells / bores) currently authorised under approval 80CA718669 and the associated Water Access Licence (WAL) 34156. It is however noted that the removal of defunct works may be required during, or prior to the subdivision construction phase. WaterNSW advise that the proponent be aware of decommissioning conditions pertinent to 80CA718669.

A copy of this correspondence is to be provided with any notice of determination issued.

Transport for NSW (TfNSW)

TfNSW encompasses both road and rail infrastructure and as such the referral response provided comments on both infrastructure impacted by the development. TfNSW did not object to the development and conditions have been provided to be imposed on any development consent issued. This will include intersection upgrades with the Castlereagh Highway and Wilbetree Road that must be approved by TfNSW. The revised plans provided in January 2021 by the applicants consultant was referred to TfNSW and whilst no objections were raised on the 2 February 2021, it was important to note the following comments:

We note the applicant's highway intersection design plan has not changed and as such is still not acceptable for construction, but this need not hold up a DA determination, as the recommended consent conditions allow these design matters to be resolved as part of the WAD process.

A copy of this correspondence is to be provided with any notice of determination issued.

Essential Energy

The application was referred to Essential Energy. No objection was provided to the development however recommended conditions or advisory notes were provided for Council's consideration.

NSW Rural Fire Service (NSW RFS)

The application was referred to the NSW RFS in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*. Recommended conditions have been provided and incorporated accordingly.

The Public Interest – 4.15(1)(e)

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

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

CONSULTATIONS

(a) Health and Building

Council's Health & Building Surveyor has not raised any concerns with the proposal with comments provided in relation to servicing via On Site Sewage Management (OSSM) Systems as follows:

It is reasonable to expect each lot to be capable of treating and disposing of wastewater through an appropriately designed On Site Sewage Management (OSSM) System. The suitability of such systems will be assessed under the lodgement of future applications.

(b) Technical Services

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

(c) Heritage Advisor

No consultation necessary.

(d) Access committee

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

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

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000
Mid-Western Regional Local Environmental Plan 2012

Financial implications

The Applicant will be required to pay developer contributions in accordance with the Mid-Western Regional Contributions Plan 2019.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

27 January 2021

- Attachments:*
1. Development Plans. (separately attached)
 2. Applicants Submission (Legal Advice). (separately attached)
 3. Natural Resources Access Regulator Response (General Terms of Approval). (separately attached)
 4. WaterNSW Response. (separately attached)
 5. Transport for NSW Response. (separately attached)
 6. Essential Energy Response. (separately attached)
 7. NSW Rural Fire Service Response. (separately attached)
 8. Submission 1. (separately attached)
 9. Submission 2. (separately attached)
 10. Applicant Response to Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares

REPORT BY THE TOWN PLANNER
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, LAN900120

RECOMMENDATION

That Council:

1. **receive the report by the Town Planner on the Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228, rezone to R5 Large Lot Residential and change the minimum lot size to 12 hectares;**
2. **provide initial support for the rezoning and change to minimum lot size of Planning Proposal 705 Springfield Lane, Gulgong Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, Lots 15-17 DP 1172228;**
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 705 Springfield Lane, Gulgong NSW 2852 Lots 277-282, 285, 286 DP 755433, Lots 64, 70, 71, 138 DP 755434, and Lots 15-17 DP 1172228 from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size from 100 hectares to a 12 hectare minimum lot size. The proposed rezoning would facilitate a future 6 lot subdivision ranging from 12.5 hectares to 16.2 hectares.

The subject site is located south of Gulgong approximately 1.5 kilometres from the CBD. The property sits either side of the Castlereagh Highway on the outer edge of Gulgong. The combined area of the site is 82.06 hectares.

The Planning Proposal provided as Attachment 1 has been prepared generally in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Gulgong. The subject site has been identified as a short term opportunity area, which is a first priority area under the CLUS. This is visually displayed in Figures 2, 3, 4. The

proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS.

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. DPIE 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 DPIE'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	✓	October 2020
Staff Undertake Initial Assessment	✓	October 2020 - February 2021
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 17 March 2021 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		

PROPOSED

The Planning Proposal seeks to rezone the subject site from RU1 Primary Production with a current minimum subdivision lot size of 100 hectares, to R5 Large Lot Residential and reduce the minimum lot size to 12 hectares. The below map highlights the subject site and current zoning.

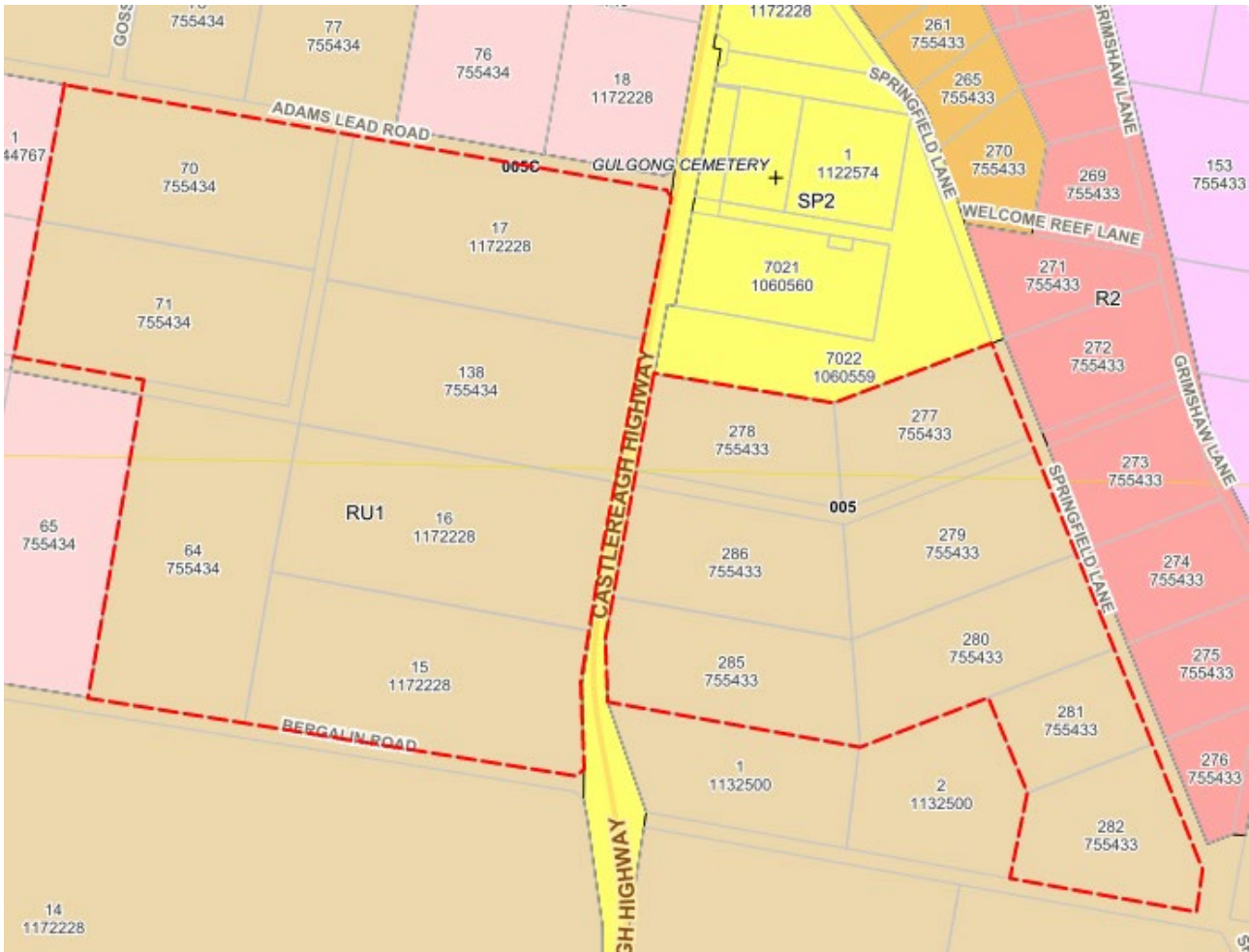


Figure 1: Subject site and current RU1 Primary Production zoning.

Page 69 of the Comprehensive Land Use Strategy (CLUS) refers to the subject land, stating that:

“The minimum lot size for these opportunity areas should generally be 12 hectares. Council may consider 2-6 hectare lots within section E if reticulated water is available.”

In this regard, the proponent has proposed 12 hectares as the minimum lot size either through consolidation or subdivision; and will not rely on reticulated water services. The lots are of a size sufficient to contain an on-site sewage management system (OSSM), have individual bores for a domestic water source, and rely upon rainwater as the source of primary potable water.

INTENDED OUTCOMES

The Planning Proposal seeks to rezone the site to R5 Large Lot Residential land and change the minimum lot size to 12 hectares to facilitate a 6 lot subdivision.

EXPLANATION OF PROVISIONS

The Planning Proposal details that the proposed outcome will be achieved by:

1. Amending the zone indicated on Land Zoning Map – Sheet LZN_005 and 005C from RU1 Primary Production to R5 Large Lot Residential.

2. Amending the minimum lot size indicated on the Lot Size Map – Sheet LSZ_005 and 005C from (AD) 100 hectares to (AB2) 12 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. The questions most applicable in the consideration of this Planning Proposal are discussed below.

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future rural lifestyle opportunities around Gulgong, visually displayed in Figures 2, 3, 4.

The CLUS identifies the subject site (described as precinct E) as a short-term opportunity to develop rural lifestyle lots with a minimum lot size of 12ha. This is further reflected in Figure 4-4 of the CLUS, which details the map indicating the area as a future large lot residential opportunity.

The CLUS clarifies that this proposal would supply the residential market rather than the rural market. The proposed lots would keep a rural setting and provide a supply of rural lifestyle lots.

IDENTIFIED SUPPLY OF RURAL LIFESTYLE LOTS

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the CLUS in 2010. The CLUS has the following three volumes:

- Part A – Introduction and Background
- Part B – Constraints and Opportunities
- Part C – Strategy

The CLUS identifies opportunities for the delivery of rural lifestyle lots with a minimum lot size of 12 hectares.

Council identified 12 hectare rural lifestyle opportunities around the urban centres. These opportunities are located within the 5 kilometres offset of Gulgong, Kandos and Rylstone and within the 15 kilometres offset around Mudgee. The subject site is located within 5 kilometres of Gulgong, being approximately 1.5 kilometres from the town centre.

The rural lifestyle opportunities map identifies the majority of the subject site as being within a short term opportunity area (Figure 2, 3). Part of the site extends outside of Precinct E. Whilst this area is outside the Precinct, and located within 'Class 3 land (otherwise unconstrained)' it has been identified as a future large lot residential area with a minimum of 2 hectares (Figure 4). Whilst the Planning Proposal is for 12 hectare lots, it would not inhibit this area from a future rezoning to a 2 hectare minimum lot size. A 12 hectare minimum lot size is a natural progression down to the intended future 2 hectare size.

There is one other short term opportunity area, 'Precinct C' (see Figure 2) in the Gulgong area, located to the west of town, which was rezoned to R5 Large Lot Residential when the MWRLEP was gazetted in 2012. It is noted that none of the R5 land in this precinct has been taken up and subdivided by landholders since 2012. Consequently, this precinct has not yielded the intended targets set by the CLUS and therefore it is reasonable to consider the rezoning of this subject site.

The CLUS states that demand for rural lifestyle lots surrounding Gulgong has been estimated as high as 75-100 lots over a 5 year period. The two short term opportunity areas have an estimated yield of 30-50 lots, which would partially meet this demand. Accordingly, this Planning Proposal is appropriate because it will deliver a supply of rural lifestyle opportunities surrounding the Gulgong urban area and cater for the needs of the community.

The Mudgee and Gulgong Urban Release Strategy identifies an average demand of 1 lot per year, which provides a sufficient buffer of availability to demand. This is monitored by Council on a 6-monthly basis.

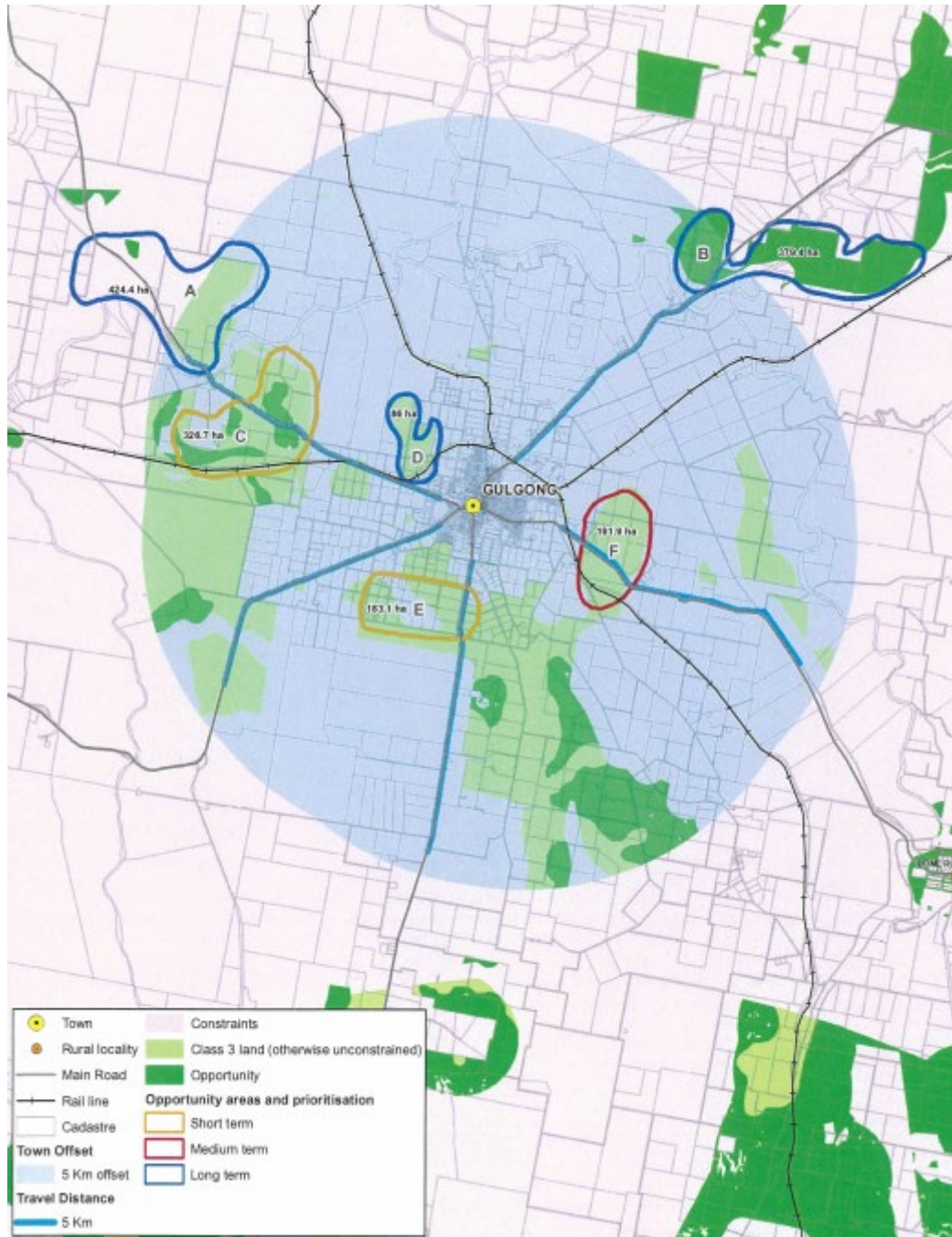


Figure 2: Rural lifestyle opportunities – 5km offset area surrounding Gulgong

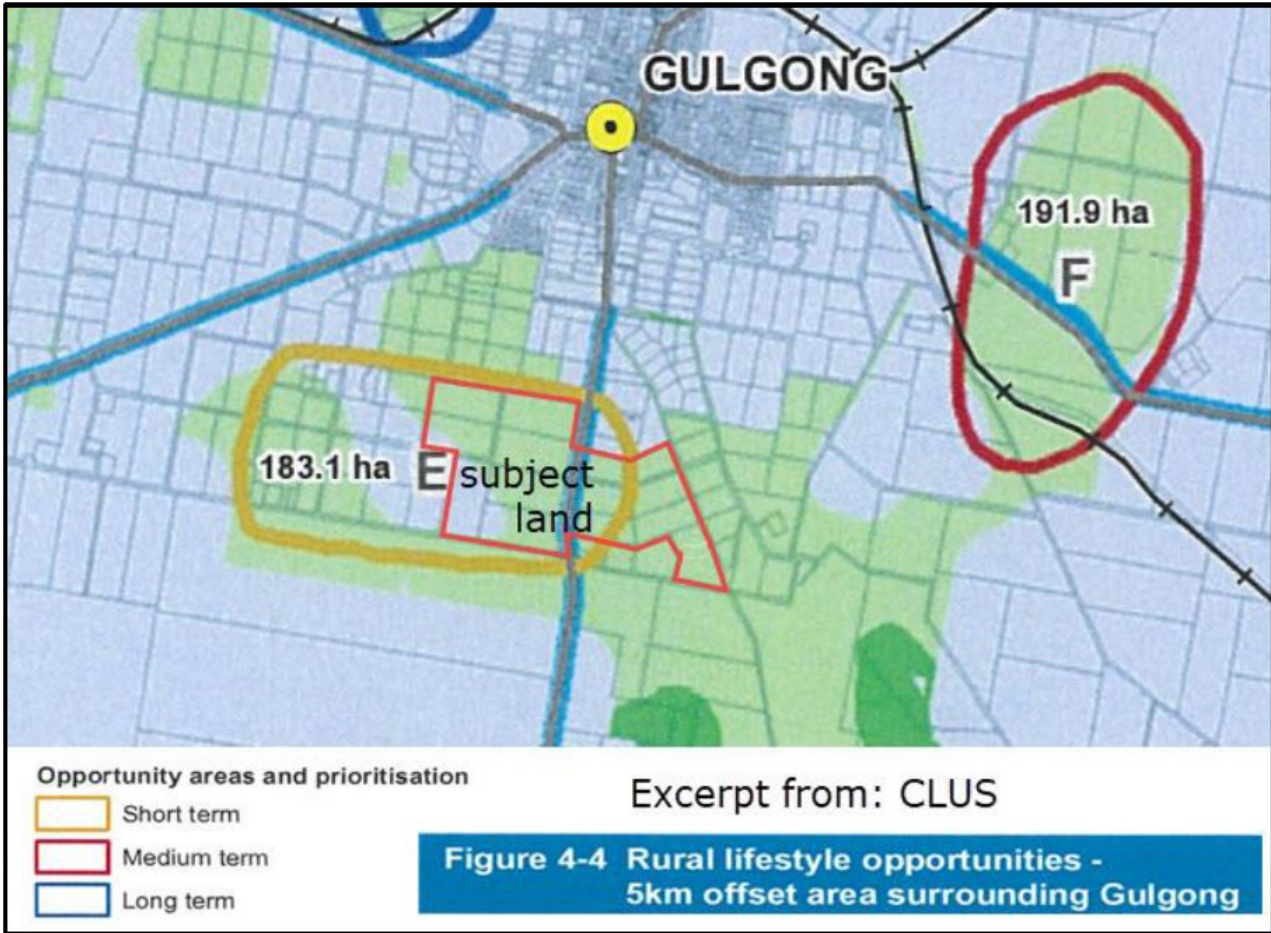


Figure 3: Subject site in relation to the rural lifestyle opportunities

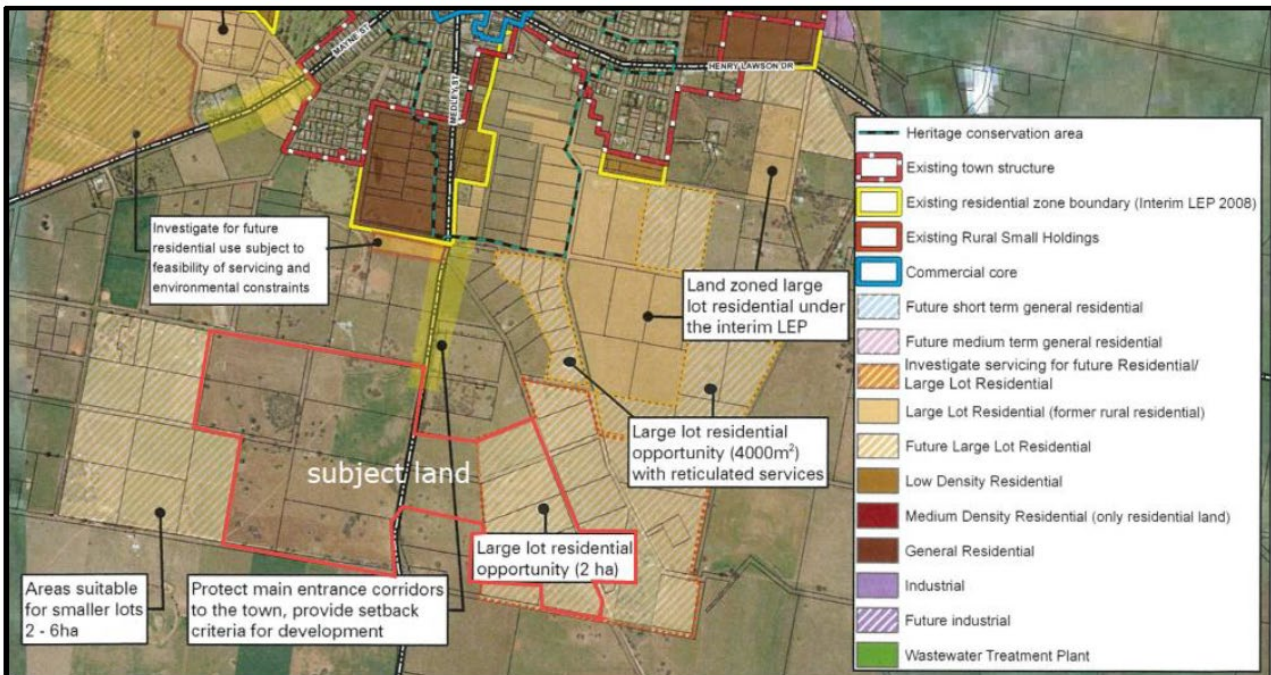


Figure 4: Gulgong town structure plan

DEMAND

The Mudgee and Gulgong Urban Release Strategy 2014 provides specific demand and supply details for the Gulgong Urban Release Areas. An average demand of 1 lot per year is stipulated as being required for R5 Large Lot Residential.

NEXT STEP

If Council supports the recommendation to support the proposed rezoning, the next step would involve forwarding the Planning Proposal to DPIE for a Gateway determination.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil.

Associated Risks

Nil.

CAMERON AMOS
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

19 February 2021

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Adverse Event Plan

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, RIS900009

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Adverse Event Plan;**
2. **place the Adverse Event Plan on public exhibition for 28 days; and**
3. **adopt the Adverse Event Plan if no submissions are received.**

Executive summary

As part of the acceptance of \$1,000,000 from the Australian Government's Drought Communities Programme Extension grant funding, Council was required to develop and submit an Adverse Event Plan to the Australian Government. This is part of the Completion and Independent Audit Report for this grant program.

Mid-Western Regional Council does not have an Adverse Event Plan and has utilised the funds available through the program to develop a draft. A copy of the draft Mid-Western Regional Council Adverse Event Plan is attached for Council consideration and public exhibition.

Disclosure of Interest

Nil

Detailed report

An Adverse Event Plan has been developed in accordance with the requirements of the Australian Government's Drought Communities Programme Extension grant program.

The Mid-Western Regional Council Adverse Event Plan ("the Adverse Event Plan") is designed to assist Council and the region's community to prepare an effective response to adverse events that may impact the Mid-Western Region – its activities, events or infrastructure in which Council has full or partial vested interest or a participatory role. Adverse events may include events such as fire, flood, severe weather and disease or pandemic, or other adverse events such as drought and/or sudden and unforeseen trade restrictions resulting from an unanticipated adverse event.

Planning and preparedness for any arising adverse event is considered an ongoing pursuit by Council to ensure the safety, well-being and economic sustainability of our community.

The Adverse Event Plan is for use by Mid-Western Regional Council staff and Councillors, the Mid-Western Region community and the Australian government.

It is proposed that the Adverse Event Plan will be reviewed by the Local Emergency Management Committee (LEMC) every three years or immediately following any of the following:

- Legislative changes that subsequently affect the plan
- At the end of or during an adverse event, to ensure the plan’s effectiveness and relevance, or when deemed necessary as part of a test of policy strength and relevance or policy/strategy upgrading.

It is recommended that Council endorse the draft Adverse Event Plan and place it on public exhibition for a period of 28 days. The plan will be adopted if no submissions are received.

Community Plan implications

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

Strategic implications

A range of policies and plans are utilised in the development and implementation of the Mid-Western Regional Council Adverse Event Plan including:

- Mid-Western Regional Local Emergency Management Plan
- Community Strategic Plan
- Industry Closure Strategy
- Pollution Incident Response Management Plan
- Water Asset Management Plan
- Mid-Western Regional Economic Development Plans (REDS)
- Mid-Western Regional Economic Development Strategy
- Roads Asset Management Plan
- Asset Management Strategy
- Building Asset Management Plan
- Comprehensive Land Use Strategy
- DIAP – Disability Inclusion Action Plan
- Mid-Western Regional Local Strategic Planning Statement
- Open Space and Recreational Asset Management Plan
- Pedestrian Access and Mobility Plan
- Pesticide Use Notification Plan
- Plant and Equipment Asset Management Plan
- Privacy Management Plan
- Sewer Asset Management Plan
- Solid Waste Asset Management Plan
- Stormwater Asset Management Plan

Financial implications

Not applicable

Associated Risks

Not applicable

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

3 March 2021

Attachments: 1. Mid-Western Regional Council Adverse Event Plan - Draft.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

ADVERSE EVENT PLAN

MID-WESTERN REGIONAL COUNCIL
MARCH 2021

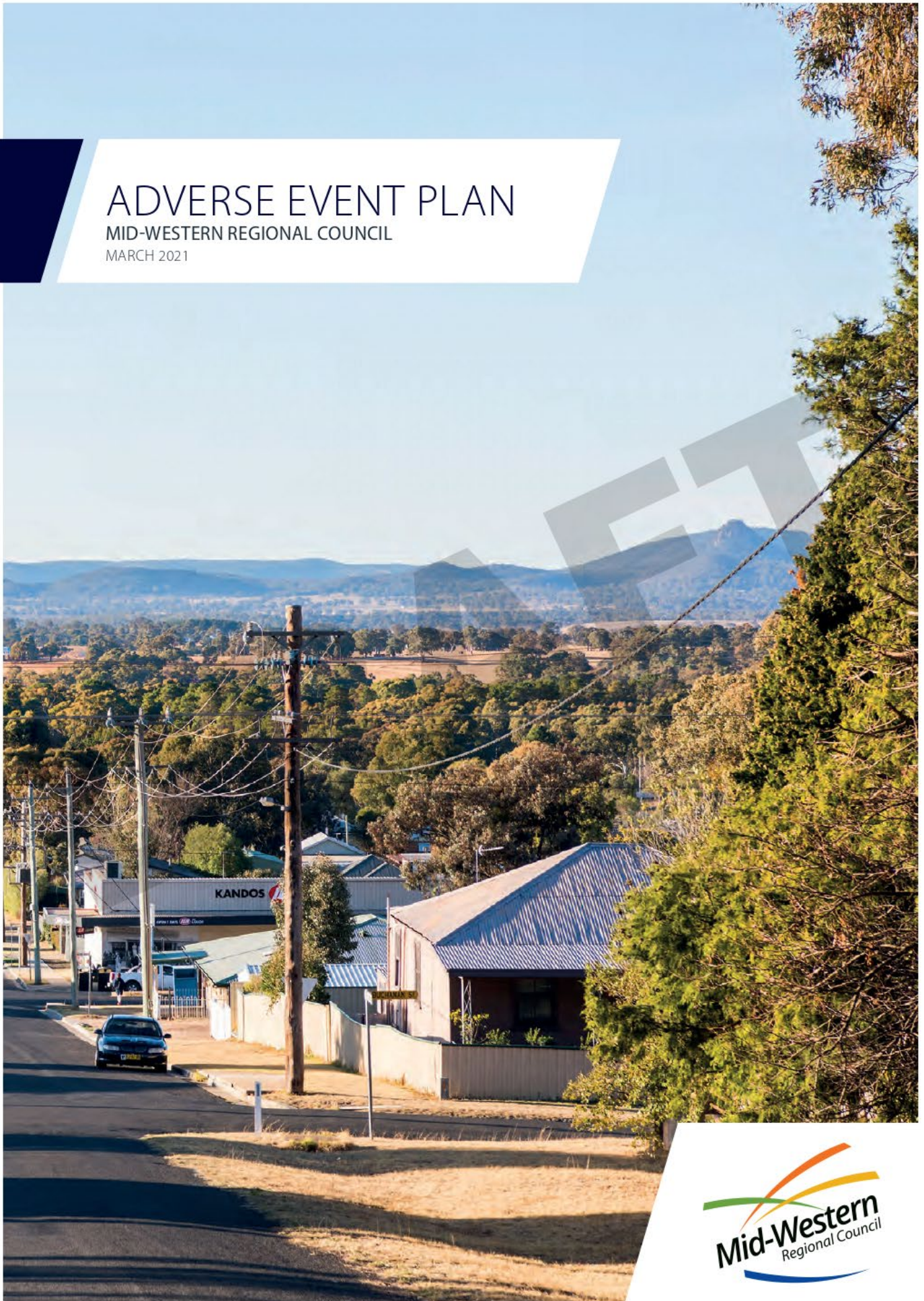




TABLE OF CONTENTS

- 1. Overview3
- 2. Definition of an Adverse Event.....4
- 3. Scope of Plan.....5
- 4. Council’s Vision and Values6
- 5. Aim of the Plan7
- 6. Managing an Adverse Event8
- 7. Media Protocols.....9
- 8. Internal Roles and Responsibilities.....10
- 9. Risks, External Roles and Responsibilities Summary12
- 10. Adverse Events Processes14
- 11. Policy Review.....15
- 12. Additional Resources16

1. OVERVIEW

Mid-Western Regional Council ('Council')s Adverse Event Plan is designed to assist Council and the region's community to prepare an effective response to adverse events that may impact the Mid-Western Region – its activities, events or infrastructure in which Council has full or partial vested interest or a participatory role.

Adverse events may include events such as fire, flood, severe weather and disease or pandemic, or other adverse events such as drought and/or sudden and unforeseen trade restrictions resulting from an unanticipated adverse event.

Planning and preparedness for any arising adverse event is a considered an ongoing pursuit by Council to ensure the safety, well-being and economic sustainability of the community.

Council's Adverse Event Plan is for use by Mid-Western Regional Council staff and Councillors, the Mid-Western Region community and the Australian Government.

The Mid-Western Region



The Mid-Western Region covers 875,279 ha (approx 8,737 square kilometres).

The major populated centres are:

- Mudgee (Administrative centre for Mid-Western Regional Council)
- Gulgong
- Kandos
- Rylstone
- Plus numerous villages and rural localities



Village settlements located within the area:

- Birriwa
- Bylong
- Cooyal
- Clandulla
- Charbon
- Goolma
- Grattai
- Hargraves
- Ilford
- Running Stream
- Lue
- Olinda
- Tambaroora
- Turill
- Ulan
- Windeyer
- Wollar

and intervening rural areas.



Mudgee is the major centre in the local government area.

Mudgee is located 261 kilometres North-West of Sydney.



The Mid-Western Regional area is located within the Weather Forecast District (BOM) of Central Tablelands, and is located within the NSW Fire Area (RFS) of Central Ranges.

2. DEFINITION OF AN ADVERSE EVENT

An adverse event means an event or incident that has a negative impact on the well-being of the Mid-Western community.

DRAFT

3. SCOPE OF PLAN

Council's Adverse Event Plan relates to adverse events that may directly affect the Mid-Western Region, events or infrastructure in which Council has full or partial vested interest.

It establishes best practice, strategies and plans to provide detailed guidance to Council staff and the community by which they can prevent (where possible), prepare and recover from adverse events that may impact the Mid-Western Region – its activities, events or infrastructure that Council is either fully or partially responsible for.

Council's Adverse Event Plan may consider the following:

- **Natural resource management** (i.e. managing water supply, ground cover, trees, erosion, biodiversity)
- **Economic diversification and community resilience** (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership)
- **Communication and coordination** (i.e. how to let people know what is available – now, and in the future; how do you communicate in hard times and for recovery).

Additionally, the Adverse Event Plan considers the following Council plans and documents:

- Community Strategic Plan
- Mid-Western Regional Local Emergency Management Plan (Local EMPLAN)
- Industry Closure Strategy
- Pollution Incident Response Management Plan
- Water Asset Management Plan
- Mid-Western Regional Economic Development Plans (REDS)
- Mid-Western Regional Economic Development Strategy
- Drinking Water Management Plan
- MWRC WHS Framework

4. COUNCIL'S VISION AND VALUES

OUR VISION

A prosperous and progressive community we proudly call home.

OUR VALUES

Respect



We respect ourselves, our team mates and our organisation as a whole.

When we talk or write to each other we show respect by being positive, polite and truthful; really listening; responding politely; and providing honest feedback.

We never tolerate bullying and discrimination in the workplace.

Integrity



We are all accountable for our own actions and also for assisting and supporting our fellow workers.

We seek solutions, we don't cast blame.

We work for the community and we are proud to show our care for the place in which we live.

We are committed to action – we do what we say we will do.

We are honest with each other in everything we say and do, and we are committed to open, two-way communication.

Recognition



We are committed to a healthy, safe and constructive working environment where everyone's well-being is our major focus.

We work together to develop employment policies and practices that are adaptable to individual circumstances.

We celebrate our achievements and recognise that everyone's contribution is essential to this Council's success.

In supporting each other and working together we create the right environment in which we all can achieve our very best.

We seek continuous improvement both individually and collectively.

We admit our mistakes and focus on getting better.

We strive to achieve our personal best and be industry leaders.



5. AIM OF THE PLAN

The aim of Council's Adverse Event Plan is to show leadership, capability and resilience by adapting and managing the unexpected stresses associated with adverse events in the Mid-Western Region by prevention of, preparation for, response to, and recovery from emergencies within the LGA.

Key steps to meeting the proposed aims

Prevention



Gaining experience and knowledge from adverse events and consequently make service improvements as appropriate

Preparation



Relevant preparation (where possible) for an adverse event by ensuring that all staff are aware of their roles and responsibilities should an adverse event occur



Reporting various disaster scenarios to the community e.g Local Emergency Management Plan



Developing a consistent and coordinated approach to identifying and responding to adverse events



To dovetail where necessary into the current Mid-Western Regional Council plans and documents

Response



Effective determination of the appropriate Council response to an adverse event



The provision of support to staff whilst managing adverse events in a timely, efficient, and effective manner



The provision of relevant, effective and up to date information across the community

Response and Recovery



The provision of a centralised source of information regarding the Council resources available for use during and in recover from an adverse event.

6. MANAGING AN ADVERSE EVENT

It is understood that every adverse event would usually vary in many ways, and therefore will be managed in different ways. Differences may be identified and ranked by:



It is therefore implicit that the response to and management of every adverse event will be proportionate to the adverse event's specific risks, scale, scope, and complexity.

Council's risk management framework sets out five steps in the risk management process:

- STEP 1 ➤ Hazard identification
- STEP 2 ➤ Risk assessment
- STEP 3 ➤ Identification and control/elimination of the risk
- STEP 4 ➤ Allocation of responsibilities
- STEP 5 ➤ Monitoring and review

If and where necessary, additional resources or support may be obtained from reliable sources such as The Australian Disaster Resilience Knowledge Hub (<https://knowledge.aidr.org.au/>) and Resilience NSW (<https://resilience.nsw.gov.au>) through the course of managing an adverse event or in preparation for one should warning be provided.

7. MEDIA PROTOCOLS

As per Council's Media Protocols (section 5.9) the timeliness of reporting an adverse event is critical. Prompt reporting to, and liaison with the Continuity Management Team (CMT) allows for the preparation of an appropriate response/action strategy. The Media Protocol Plan should be referred to in-depth should media interest be realised in relation to an Adverse Event.

In the case of an adverse event, which triggers the Business Continuity Plan, it can be referred to so as to commence an appropriate communications strategy.

The following additional resources may be utilised by approved personnel as necessary to ensure appropriate media protocol has been maintained:

- BCI 3 Media Enquiry Record Form
- BCI 4.1 Media Release – Council Service Disruption
- BCI 4.2 Media Release – Council Travel Advisory

Communications

Communication procedures in relation to adverse events will be managed in accordance to the type of adverse event and the need to work with or to involve additional stakeholders and third parties (i.e local or national emergency services).

The Corporate Communications Coordinator is required to assist the CMT Director in the management of media contact and enquiries during an adverse event. The Coordinator must be highly familiar with the Business Continuity Plan, team responsibilities and the Plan itself. The Coordinator's responsibilities include supporting the CMT Director, liaising with senior executives, managing media visits and organising the monitoring and recording of all media.

8. INTERNAL ROLES AND RESPONSIBILITIES

General Manager

It is the General Manager's responsibility to ensure that the Adverse Event Plan is effective, current, and regularly reviewed, and that Council successfully meets all obligations arising from an adverse event under the Work Health and Safety Act 2011.

Directors

All Council Directors must exercise due diligence in responding to an adverse event, ensuring that Council is complicit with all relevant WHS duties. Directors' duties include:

- Actively support staff in response to an adverse event
- Ensure Council has effective processes for obtaining, receiving, considering, and responding to relevant information regarding incidents, hazards and risks
- Ensure that Council complies with any responsibilities and obligations as per the WHS Act 2011 or associated codes of practice and regulations
- Where possible, maintain effective Council operations whilst understanding relevant hazards and risks
- Ensure Council has effective resources to minimise risks associated with an adverse event
- Ensure Council uses appropriate resources and process to minimise any potential hazards and risks

NB: Directors may also be considered workers under the WHS Act 2011.

Managers and Supervisors

Council's Managers and Supervisors, contractors to Council and other affiliated groups of Council are responsible for:

- Ensuring that any adverse event is reported immediately
- Investigating any reports of adverse events thoroughly
- Implementing and monitoring WHS policies and procedures within their working environment and team
- Identifying and managing workplace hazards and risks
- Responding to an adverse event in an appropriate and effective manner.

Corporate Communications Coordinator

The Corporate Communications Coordinator is required to assist the CMT Director in the management of media enquiries and contact during an adverse event. The Corporate Communications Coordinator must be familiar with the Business Continuity Plan, Critical function Sub Plans and team responsibilities in addition to the Adverse Event Plan. Responsibilities include:

- Support CMT director regarding interviews/media briefings/public statements
- Liaise with other senior executive with regards to staff briefings
- Where appropriate, manage media visits
- Organising the monitoring and recording of all media related broadcast during the period of the adverse event.

Staff/Workers

All Council workers are responsible for:

- Reporting an adverse event promptly to the appropriate personnel, within Council's approved plans and procedures
- Taking steps to manage and monitor their own health and safety
- Complying, where possible to any instruction that is given by Council to allow Council to respond adequately to an adverse event
- Taking responsibility of his/her actions to not adversely affect the health or safety of a fellow worker, director, manager or supervisor, third party stakeholder or community member.

Others

The term Others consider persons who may be affected but are not already covered in the above Council Structure. Others must:

- Take steps to manage and monitor their own health and safety
- Take responsibility of his/her actions so as to not adversely affect the health or safety of others including directors, managers or supervisors, third party stakeholders or community members
- Comply, where possible to any instruction that is given by Council to allow Council to respond adequately to an adverse event.

9. RISKS, EXTERNAL ROLES AND RESPONSIBILITIES SUMMARY

Where necessary, Council will work with the following third-party stakeholders to best manage the relative actions required around the following types of adverse event. Relevant strategies and plans will also be referred to as required.

Source of Risk	Risk Level	Combat Agency (Key Support Agency)
BUSHFIRE (Grass/bushfire impinging on residential areas and/or environment)	E	NSW Rural Fire Service
MINES EMERGENCY	E	LEOCON (Mines Safety – Trade & Investment)
PANDEMIC (human/animal)	E	Department of Health
FLOOD – Flash (Mudgee/Rylstone/Kandos)	H	NSW SES
STORM	H	NSW SES
HAZMAT (Rail)	H	Fire and Rescue NSW
AGRICULTURAL DISEASE – Animal (exotic stock/animal disease)	H	DPI (Local Land Services)
AGRICULTURAL DISEASE – Plant (grapes)	H	DPI (Local Land Services)
UTILITIES FAILURE – Electricity (sub stations / transmission lines)	H	LEOCON (Essential Energy/ Endeavour Energy)
TRANSPORT EMERGENCY – AIR (regular passenger aircraft)	H	LEOCON (NSW Police Force)
HAZMAT (major storage facilities; Orica explosives plant; Robert Oatley Winery)	H	Fire and Rescue NSW
HAZMAT (road transport routes)	H	Fire and Rescue NSW
EXPLOSION	H	Fire and Rescue NSW
UTILITIES FAILURE – Telecommunication	H	LEOCON
UTILITIES FAILURE – Water	H	LEOCON (Mid-Western Regional Council)
TRANSPORT EMERGENCY – ROAD (passenger and school coach/bus)	H	LEOCON
TRANSPORT EMERGENCY – ROAD (Animals)	H	NSW Police Force

Source of Risk	Risk Level	Combat Agency (Key Support Agency)
FIRE – COMMERCIAL or INDUSTRIAL (warehouses; industrial; Orica explosives plant, gas storage/ shopping centres; aged care, hospitals)	H	Fire and Rescue NSW
DAM FAILURE (Windamere and Rylstone Dams)	H	NSW SES (Water NSW/ MWRC)
FLOOD (major to max probable)	M	NSW SES
BUILDING COLLAPSE	M	LEOCON / NSW Police Force
LANDSLIDE (Charbon area)	M	LEOCON
UTILITIES FAILURE - Sewage	M	LEOCON (Mid-Western Regional Council)
EARTHQUAKE	L	LEOCON
TRANSPORT EMERGENCY – RAIL (Coal Train)	L	LEOCON / NSW POLICE FORCE JHR / ARTC
FIRE RESIDENTIAL TRANSPORT EMERGENCY – RAIL (Coal Train)	L	Fire and Rescue NSW; NSW Rural Fire Service LEOCON/NSW Police Force; JHR/ ARTC
FIRE RESIDENTIAL	L	Fire and Rescue NSW NSW Rural Fire Service

E = Extreme | **H** = High | **M** = Medium | **L** = Low

Name	Contact number
NSW Rural Fire Service	02 6372 4434
LEOCON	02 6372 8599
State Emergency Service (SES)	132 500
Fire and Rescue NSW	02 6339 8500
Department of Health	02 6881 8567 (24/7 basis)
Local Land Services (LLS)	02 6378 1717
NSW Police (Mudgee)	02 6372 8599
Essential Energy	1800 641 424
Endeavour Energy	131 003
Mines Rescue	1300 015 551

10. ADVERSE EVENTS PROCESSES

The successful management of an adverse event will rely on a combined effort by staff/workers, directors, managers and supervisors to ensure that the relevant strategies and plans are adhered to and implemented should an adverse event occur.

As necessary, additional strategic guidance will come from existing strategies and plans, including (but not limited to):

- Mid-Western Regional Local Emergency Management Plan (Local EMPLAN)
- Community Strategic Plan
- Industry Closure Strategy
- Pollution Incident Response Management Plan
- Water Asset Management Plan
- Mid-Western Regional Economic Development Plans (REDS)
- Mid-Western Regional Economic Development Strategy
- Roads Asset Management Plan
- Asset Management Strategy
- Building Asset Management Plan
- Comprehensive Land Use Strategy
- DIAP – Disability Inclusion Action Plan
- Mid-Western Regional Local Strategic Planning Statement
- Open Space and Recreational Asset Management Plan
- Pedestrian Access and Mobility Plan
- Pesticide Use Notification Plan
- Plant and Equipment Asset Management Plan
- Privacy Management Plan
- Sewer Asset Management Plan
- Solid Waste Asset Management Plan
- Stormwater Asset Management Plan

11. POLICY REVIEW

The Adverse Event Plan will be reviewed by the Local Emergency Management Committee (LEMC) every three years or immediately following any of the following:

- Legislative changes that subsequently affect the plan
- At the end or during an adverse event, to ensure the plan's effectiveness and relevance, or

when deemed necessary as part of a test of policy strength and relevance or policy/strategy upgrading.

DRAFT

12. ADDITIONAL RESOURCES

Supplementary Mid-Western Regional Council Plans:

- Emergency Management Plan
- Business Continuity Plan
- Bushfire Recovery Plan

The Australian Disaster Resilience Knowledge Hub (<https://knowledge.aidr.org.au/>)

Relevant Third-Party Stakeholders Policies

DRAFT

8.4 Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy

REPORT BY THE MANAGER, HEALTH AND BUILDING
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0130047

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Health and Building on the submission received to the amended Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy; and**
2. **adopt the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy.**

Executive summary

At Council's December 2020 meeting, Council endorsed a copy of the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy to be placed on public exhibition for a period of 28 days.

The revised policy was placed on public exhibition with one staff submission received. No public submissions were received. The staff submission is not specifically related to the Policy, rather it requested that consideration be given to non-food related and low risk food vendors receiving reduced fees and the option to apply for a one off event permit. This matter is relevant to the setting of Council's Fees and Charges in the future.

As the submission does not require a change to the Policy, it is recommended that Council adopt the Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy as exhibited and attached to this report.

Disclosure of Interest

Nil

Detailed report

At Council's December 2020 meeting, Council endorsed a copy of the revised Mobile Vending Vehicles and Temporary Stalls in a Public Place Policy to be placed on public exhibition for a period of 28 days.

The revised policy was placed on public exhibition for a period of 28 days, with one staff submission received (as per Attachment 2). The details of the submission and staff's response are summarised in the following table.

Summary of Submission	Staff Response	Is a change to the policy required?
<p>Based on the reduced risk to public safety compared to that presented by high risk food vendors, may consideration be given for non-food related vendors and low risk food vendors to be afforded the option to apply for a one off event permit and a lower fee of \$30.00, in lieu of the annual permit and annual fee of \$156.00.</p>	<p>The setting of fees is not a matter specifically covered by the Policy. However, the recommendation has been considered and is proposed to be implemented in the future Fees and Charges.</p> <p>To ensure that an adequate rate of recovery can be achieved, a new fee of \$40.00 will be proposed in the 2021/22 Fees and Charges.</p> <p>This fee will be available for non-food related and low risk food vendors who wish to attend a single event. The \$40.00 does not include business registration.</p>	<p>No</p>

The amended policy as endorsed at the December 2020 meeting and as exhibited for 28 days is included in Attachment 1. Given the submission did not object to the policy nor require changes to be made to the policy, the recommendation is for Council to adopt the Policy as exhibited.

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 policy links to Council's strategy of maintaining its partnership with the NSW Food Authority to address matters such as food premises inspections, safe food handling and food borne illness investigation.

Should the policy not be adopted, Council may not meet the expectations of both the businesses seeking the opportunity to operate a mobile or temporary premises in the region and the community, who should be confident in the knowledge that the operators are not impacting too greatly upon those permanent businesses whilst also satisfying food regulation requirements.

Council Policies

Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy (2018).

Legislation

Local Government Act 1993

Local Government (General) Regulation 2005
NSW Food Act 2003
NSW Food Regulation 2015

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

JOSH BAKER
MANAGER, HEALTH AND BUILDING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 February 2021

Attachments: 1. Mobile Vending Vehicles and Temporary Stalls in a Public Place - November 2020 - unmarked version March 2021.
2. Submission.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

ADOPTED		VERSION NO	3
COUNCIL MEETING MIN	CLICK HERE TO	REVIEW DATE	NOVEMBER 2022
DATE:	NOVEMBER 2020	FILE NUMBER	A0130047

Objective

The objective of this policy is to manage the sale of any article in a public place within the Mid-Western Regional Local Government Area (LGA), whether from a standing vehicle or temporary stall. It is designed to provide applicants with instructions on how to obtain approval for mobile sales and sales at temporary events within the region.

The policy will be used to regulate 'Approvals to Operate' for mobile vending vehicles and temporary stalls so that they will not interfere with the operation of permanent commercial enterprises located in the Central Business District (CBD) areas of Mudgee, Gulgong, Rylstone and Kandos, or elsewhere as stated within this policy.

This policy does not relate to mobile food carts or kiosks in a shopping centre, or a temporary stall or mobile vehicle on private land.

Legislative requirements

This policy operates in accordance with the provisions of the following legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Food Act 2003
- NSW Food Regulation 2015

Related policies and plans

- Australian Standard AS4674-2004 'Design, Construction and Fit out of Food Premises'
- NSW Food Authority Guidelines for Mobile Food Vending Vehicles
- NSW Food Authority Guidelines for Food Businesses at Temporary Events
- Standards 3.1.1, 3.2.2 and 3.2.3 of the Australian New Zealand Food Standards Code
- Roads and Maritime Services (RMS) – 'Mobile vending in rest areas' Policy Number: PN271

POLICY: MOBILE VENDING VEHICLES AND TEMPORARY STALLS IN A PUBLIC PLACE, 3, NOVEMBER 2020

Policy

Criteria for Determination of Applications

FOOD RELATED SALES

Businesses that sell food at temporary events such as fairs, festivals, markets and shows are considered retail food businesses under this policy, as they sell food to the public and need to meet a range of requirements.

All applications must be made in the approved form. Each vehicle and/or stall operator must submit a completed individual application form which is accompanied by the appropriate application fee and relevant supporting documentation for Council assessment.

Prior to the issuing of an 'Approval to Operate' a Mobile Food Vending Vehicle or a Temporary Food Stall under this policy, the applicant is to submit sufficient information for Council to use when considering the application. The criteria used to assess the application is provided in Council's 'Section 68 Application to Operate a Mobile Food Vending Vehicle or Temporary Food Stall' form. Further provisions and explanatory information is included in the *NSW Food Authority Guidelines for Mobile Food Vending Vehicles* and *Guidelines for Food Businesses at Temporary Events*.

The construction and fit out of mobile food vending vehicles and temporary food stalls must comply with the relevant requirements of the *NSW Food Act 2003*, and, the *NSW Food Regulation 2015* incorporating the Food Standards Code.

SALE OF ANY OTHER (NON-FOOD RELATED) ARTICLE

All applications must be made in the approved form. Each vehicle or stall must submit a completed application form, accompanied by the appropriate fee and relevant supporting documentation for Council assessment.

Prior to the issuing of an 'Approval to Operate' for a Mobile Vending Vehicle or a Temporary Stall under this policy, the applicant is to submit sufficient information for Council to use when considering the application. Applicants are required to declare all articles proposed to be sold from the vehicle or stall.

Other Matters Relating to Approvals

Approvals will be issued for a maximum of 12 months. In all cases, a written approval must be obtained from Council prior to operation.

NOISE

The use of amplified music, bells or a public address system is restricted to the approved hours of operation on any day. The use of such equipment is also prohibited whilst the vehicle is stationary.

WASTE MANAGEMENT

Mobile vendors and temporary stall operators are responsible for all waste materials that they generate. Waste materials such as packaging and food waste generated by the operator, should be collected in bins or suitable receptacles, bagged or contained, stored and disposed of at the cost of the operator.

INSPECTIONS

The inspection of retail food businesses trading at temporary events is conducted by Council Health Officers, who are authorised officers under the *NSW Food Act 2003*. The role of Council Health Officers undertaking inspections is to ensure that good food safety practices are in place such as temperature control, cleanliness, hand washing and labelling.

Mobile Food Vending Vehicles

All mobile food vending vehicles operating in the Mid-Western Regional LGA must be presented for inspection at Council's administration office or an alternative location as agreed upon with Council. Mobile food vending vehicles must be constructed and maintained in accordance with the NSW Food Authority's 'Guidelines for Mobile Food Vending Vehicles'.

A prior appointment must be made with Council's Health Officers for an inspection. A minimum 48 hours' notice is required.

Temporary Food Stalls

In accordance with the *NSW Food Act 2003*, Council may inspect food stalls at any time of operation.

Any other mobile vehicle or stall

The inspection of a mobile vehicle or stall selling any other article (non-food related) will be at the discretion of Council's authorised officers.

FEEES

Fees for the assessment of applications, issuing of approvals and conducting of inspections are determined by Council each year and are contained in Council's "Adopted Fees and Charges". The application fee includes the cost of any initial inspections.

Applications will only be considered for approval after payment of the approved fee.

Additional inspection fees will be charged for all additional inspections of mobile food vending vehicles and temporary food stalls, where reinspection is required or where sufficient evidence is provided in conjunction with a complaint.

Charities and not-for-profit organisations are not required to pay the application fee. However, they must still make application and comply with the conditions of the approval if issued.

SIGNAGE

An approval under this policy does not infer any approval for the erection or display of any sign or sign structure other than those directly attached to the mobile vending vehicle or temporary food stall.

HOURS OF OPERATION

A mobile vending vehicle or temporary stall that is erected, installed or located on a public place or public reserve is only permitted to operate between 7:00am – 7:00pm or for the duration of a sporting event, fete, fair, festival, carnival, community market or similar event.

Council reserves the right to vary the approved hours of operation where it has been demonstrated that the hours will not interfere with residents or other commercial businesses.

POLICY: MOBILE VENDING VEHICLES AND TEMPORARY STALLS IN A PUBLIC PLACE, 3, NOVEMBER 2020

SAFEWORK NSW

A fire extinguisher and fire blanket should be supplied and readily accessible in every vehicle or stall where cooking or heating processes are undertaken. Gas fired appliances used in the open should not have a gas bottle greater than 9kg capacity and the bottle secured so that it cannot be tipped over. All measures should be taken to satisfy SafeWork NSW. Contact SafeWork NSW for more information.

RMS REST STOPS

Any application to operate within a designated rest stop/trucking bay must have prior concurrence from NSW Roads and Maritime Services (RMS), granting support for the activity. If RMS support is granted, application must then be made to Council for mobile trading within the nominated rest stop. Any approval granted will be subject to Council conditions and any other conditions imposed by the RMS.

REVOKE OR AMEND AN APPROVAL TO OPERATE

Where it is found that a condition of any approval to operate has not been complied with, Council may decide to either modify the approval or revoke the approval.

RESTRICTED AREAS

Mobile vending is not approved in areas where it may interfere with road users or established shops/businesses.

In the Mid-Western Regional LGA, operation of a mobile vending vehicle or stall is prohibited in the following areas:

- Within a 300 metre radius of a commercial area in Mudgee, Gulgong, Rylstone and Kandos; or
- Within a 300 metre radius of a sports ground with a canteen, unless approval is obtained from the relevant sporting association consenting to the mobile trading occurring in conjunction with the sporting event; or
- Within a 300 metre radius of an existing fixed premises not located within a commercial area and that sells the same or similar article; or
- On the side of a highway or classified road (including the Castlereagh Highway or Ulan Road); or
- Any other road where reduced speed limits apply.

INSURANCE

Prior to operation and for the duration of any 'Approval to Operate', all mobile vending vehicles and temporary stalls are to hold a valid Certificate of Currency for Public Liability Insurance to a value of \$20,000,000 which lists Mid-Western Regional Council as an 'Interested Party'.

Where insurance cover expires within an approval period, the operator is required to submit a copy of new insurance details to Council within 7 days prior to the expiry date of the insurance.

Mobile vending vehicles are required to carry and supply a Certificate of Currency for Third Party Property Damage Insurance.

Should any insurance cover either expire without renewal or be cancelled by the provider, the 'Approval to Operate' ceases to have any affect and the holder of the approval is not permitted to operate the business until insurance cover is obtained.

Exemptions

Given the importance of preserving the safety of food for sale for human consumption, there are no exemptions for compliance with this policy. The design, fitout and operation of any mobile vending vehicles or temporary stalls whether used for the sale of food or other article in a public place in the Mid-Western Region LGA must comply with this policy.

Definitions

For the purposes of this policy:

- *"mobile vending vehicle"* includes any vehicle, whether mobile or stationary, used for the purposes of selling any article or food.
- *"temporary stall"* includes any structure, food stall or mobile food stall, any van, truck, trailer or moveable module, tent or gazebo used for the purposes of selling any article or food. A temporary stall includes any structure that is built or designed to enable it to be dismantled and removed from the site when required.
- *"a standing vehicle"* includes any mobile vending vehicle that has stopped to make a sale.
- *"any article for the purpose of selling"* includes a mobile vending vehicle, temporary stall or any other such structure of a temporary nature.
- *"a roadside stall"* includes any stand, van or vehicle set up on the side of the road selling to passing trade.
- *"charities and community groups"* includes those which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs).
- *"public place"* means:
 - a) a public reserve, public bathing reserve, public baths or public swimming pool; or
 - b) a public road, public bridge, public wharf or public road-ferry; or
 - c) a Crown reserve comprising land reserved for future public requirements; or
 - d) public land or Crown land that is not:
 - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)); or
 - (ii) a common; or
 - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*; or
 - (iv) land that has been sold or leased or lawfully contracted to be sold or leased; or
 - e) land that is declared by the regulations to be a public place for the purposes of this definition.
- A *"public reserve"* means:
 - a) a public park; or
 - b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*; or

POLICY: MOBILE VENDING VEHICLES AND TEMPORARY STALLS IN A PUBLIC PLACE, 3, NOVEMBER 2020

- c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*; or
- d) any land dedicated or taken to be dedicated under section 49 or 50; or
- e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*; or
- f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*; or
- g) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation or for a public cemetery; or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*, being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established; or
- h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*; or
- i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*, and includes a public reserve of which a council has the control under section 344 of the *Local Government Act 1919* or section 48, but does not include a common.

- “*public road*” means a road which the public are entitled to use.

From: [REDACTED]
To: [Council](#)
Subject: Formal Submission - Document on Exhibition - Mobile Vending Vehicles and temporary Stalls in a Public Place
Date: Wednesday, 23 December 2020 12:00:30 PM

To the General Manager,

Please find below a formal submission on behalf of Council's Events Team in regards to the current policy on exhibition - **Mobile Vending Vehicles and temporary Stalls in a Public Place** Whilst acknowledging that the amendments to the policy are positive and offer fairer operational existence amongst local and visiting vendors we ask that the below may be considered:

1. That for non-food vendors there is an introduction of a one off event permit of \$30 for Mobile Vending Vehicles and temporary Stalls in a Public Place instead of the \$156 fee. This would be to cover those that attend a Council run event such as Flavours of Mudgee and would only be required to have such a permit once a year. Participating vendors at Council events are already charged a stall holder fee of \$122
2. Low risk foods vendors such as but not limited to honey, jam, chocolate, be considered to have a reduced fee applied to their application or are allowed to apply for a one off event permit as these foods are lower risk and are not subject to the same compliance associated to higher risk food vendors

Should you require further information to support this submission please don't hesitate to contact the events team – [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Mid-Western Regional Council

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[facebook](#) | [twitter](#) | [youtube](#)



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8.5 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0420109

RECOMMENDATION

That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.

Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation to development assessment and determination of applications.

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of February 2021 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.

An additional table summarising the DCP Variations for the 6 month period from July to December 2020 is also provided. In future, this data will be reported monthly under the determined applications in this report.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

01 March 2021

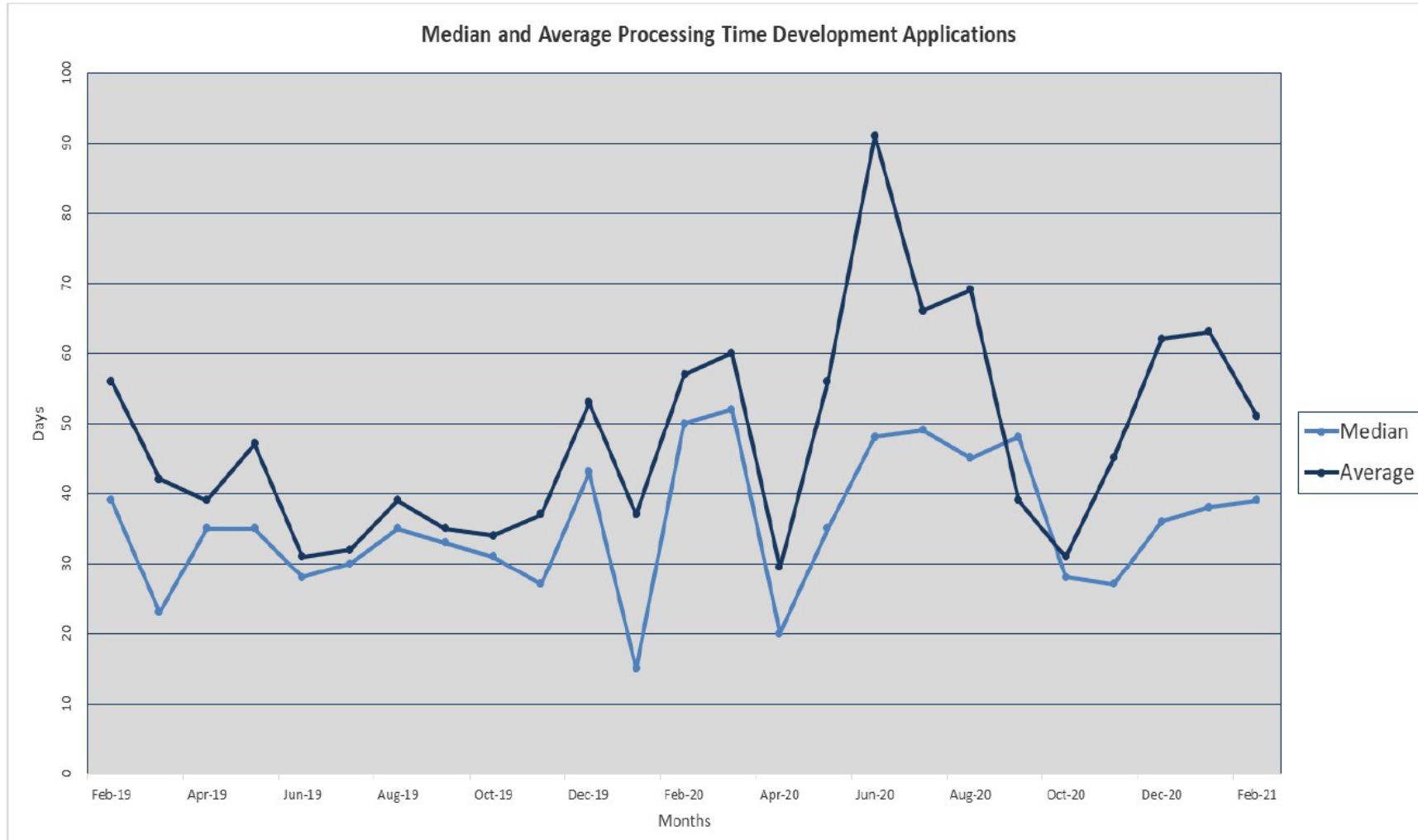
Attachments: 1. Monthly Development Applications Processing and Determined - February 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

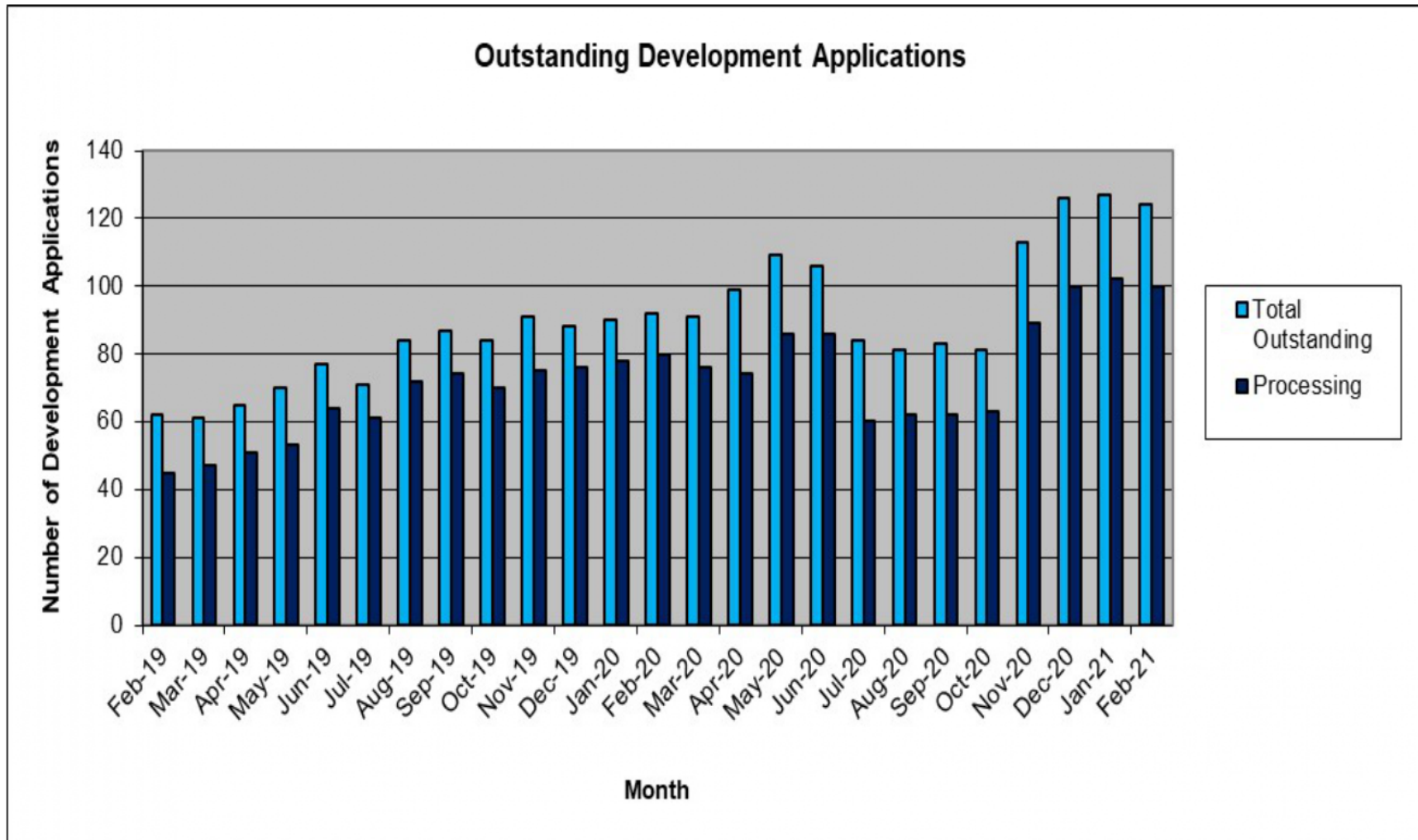
Monthly Development Application Processing Report – February 2021

This report covers the period for the month of February 2021. Graph 1 indicates the processing times up to 28 February 2021 with the month of February having an average of 51 days and a median time of 39 days.



Monthly Development Application Processing Report – February 2021

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 – February 2021

The Planning and Development Department determined 37 Development Applications either by Council or under delegation during February 2021.

Development Applications Determined – February 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0277/2019	Dwelling House	280	Gardines Road	TWO MILE FLAT
DA0043/2021	Eco-Tourist Facility	1135	Campbells Creek Road	WINDEYER
DA0099/2021	Home Industry	713	Black Springs Road	BUDGEE BUDGEE
DA0103/2021	Dwelling House	153	Bruce Road	MUDGEE
DA0108/2021	Dwelling House	1063	Crudine Road	CRUDINE
DA0109/2021	Dwelling House	49	Saleyards Lane	MUDGEE
DA0111/2021	Dwelling House	47	Saleyards Lane	MUDGEE
DA0112/2021	Dwelling House	3	Croake Way	MUDGEE
DA0119/2021	Dual Occupancy	1991	Lower Piambong Road	PIAMBONG
DA0120/2021	Multi Dwelling Housing	29	Ilford Road	RYLSTONE
DA0127/2021	Residential Shed	2	Piper Street	RYLSTONE
DA0128/2021	Dual Occupancy	135	Strikes Lane	EURUNDEREE
DA0133/2021	Dwelling House	8	Mullholland Court	MUDGEE
DA0136/2021	Subdivision - Torrens Title	64	Botobolar Road	BOTOBOLAR
DA0137/2021	Dwelling House	5	Cameron Street	MUDGEE
DA0140/2021	Residential Shed	12	Lovett Court	SPRING FLAT
DA0154/2021	Carport	10	Darren Drive	MUDGEE
DA0162/2021	Dual Occupancy	62	Medley Street	GULGONG
DA0172/2021	Carport	63	Church Street	MUDGEE
DA0174/2021	Dwelling House	22	Xavier Court	MUDGEE
DA0177/2021	Garage	12	Mountain View Road	MUDGEE
DA0190/2021	Secondary Dwelling	22	Burrundulla Avenue	MUDGEE
DA0193/2021	Air Transport Facility	4	Aerodrome Road	RYLSTONE
DA0209/2021	Dual Occupancy	1212	Spring Creek Road	YARRAWONGA
DA0212/2021	Pergola	5	Durack Court	MUDGEE
DA0217/2021	Dwelling House	12	Lovett Court	SPRING FLAT
DA0219/2021	Dwelling House	5	Mullholland Court	MUDGEE
DA0223/2021	Residential Shed	19	Charles Lester Place	MUDGEE
DA0228/2021	Residential Shed	14	Hone Creek Drive	CAERLEON
DA0230/2021	Alterations & Additions	6	Court Street	MUDGEE
DA0233/2021	Residential Shed	42	Denison Street	MUDGEE

Monthly Development Application Processing Report – February 2021

DA0236/2021	Dual Occupancy	14	Saleyards Lane	MUDGEE
DA0241/2021	Residential Shed	112	School Lane	BUDGEE BUDGE
DA0245/2021	Farm Building	106	Spring Flat South Lane	SPRING FLAT
DA0249/2021	Residential Shed	18	Hollingsworth Drive	GULGONG
DA0252/2021	Residential Shed	43	Inglis Street	MUDGEE
DA0254/2021	Dwelling House & Shed	321	Springwood Park Road	COPE

***NOTE – one Development Application was approved with a variation to the DCP as listed below:**

- DA0043/2021 (>10%)

Monthly Development Application Processing Report – February 2021

DCP Variations Summary – Number of DCP Variations approved by financial year. This table shows the number of variations approved for the 6-month period from July to December 2020.

	2017 - 2018	2018 - 2019	2019-2020	2020-2021 (Jul – Dec)
Total DA/Mod Applications	354	350	322	185
Total DA/Mod Applications Requesting 1 or more DCP variations	32	19	33	21
% of DCP Variations	9%	5%	10%	11%
Total DCP Variations of numerical standards	41	21	53	27

Monthly Development Application Processing Report – February 2021

Development Applications currently being processed – February 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping Ground	2970	Walkers Lane	LUE
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0274/2020	Camping Ground	701	Coricudgy Road	KELGOOLA
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0085/2021	Alterations & Additions	16	Gladstone Street	MUDGEE
DA0102/2021	Boundary Adjustment	21	Robertson Street	MUDGEE
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0126/2021	Dwelling House	111	Mount Pleasant Lane	BUCKAROO
DA0129/2021	Dwelling House	338	Black Springs Road	EURUNDEREE
DA0141/2021	Dwelling House	329	New Olivers Road	RUNNING STREAM
DA0147/2021	Subdivision - Torrens Title	13	Belmore Street	GULGONG
DA0150/2021	Boundary Adjustment	5817	Ilford Sofala Road	SOFALA
DA0151/2021	Boundary Adjustment	5964	Castlereagh Highway	RUNNING STREAM
DA0155/2021	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0157/2021	Farm Stay Accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0171/2021	Pergola	50	Gladstone Street	MUDGEE
DA0189/2021	Subdivision - Torrens Title	283	Erudgere Lane	ERUDGERE
DA0199/2021	Change of use - Serviced Apartments	1	Sydney Road	MUDGEE
DA0202/2021	Dwelling House	485	Cypress Drive	YARRAWONGA
DA0207/2021	Dwelling House	206	Lesters Lane	PIAMBONG
DA0210/2021	Dwelling House	1	Lovett Court	SPRING FLAT
DA0211/2021	Eco-Tourist Facility	1245	Coxs Creek Road	COXS CREEK
DA0219/2021	Dwelling House	5	Mullholland Court	MUDGEE
DA0220/2021	Subdivision - Torrens Title	107	Bellevue Road	MUDGEE
DA0222/2021	Dwelling House	20	Kilkenny Avenue	MUDGEE
DA0225/2021	Camping Ground	1372	Hill End Road	GRATTAI

Monthly Development Application Processing Report – February 2021

DA0234/2021	Alterations & Additions	7	Fitzgerald Street	RYLSTONE
DA0235/2021	Dual Occupancy	769	Black Springs Road	BUDGEE BUDGE
DA0237/2021	Residential Shed	140	Lesters Lane	PIAMBONG
DA0239/2021	Dwelling House	1403	Blue Springs Road	BUNGABA
DA0240/2021	Residential Shed	7	Steel Drive	SPRING FLAT
DA0247/2021	Dwelling House	147	Bruce Road	MUDGE
DA0248/2021	Garage	30	Carwell Street	RYLSTONE
DA0253/2021	Dwelling House	3	Kilkenny Avenue	MUDGE
DA0254/2021	Dwelling House	321	Springwood Park Road	COPE
DA0256/2021	Commercial Alterations/Additions	1	Sydney Road	MUDGE
DA0258/2021	Residential Shed	7	Mulholland Court	MUDGE
DA0259/2021	Commercial Premises	21	Sydney Road	MUDGE
DA0261/2021	Residential Shed	163	Denison Street	MUDGE
DA0265/2021	Moveable Dwelling	1532	Castlereagh Highway	APPLE TREE FLAT
DA0267/2021	Dwelling House	140	Lowes Peak Road	ST FILLANS
DA0262/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0263/2021	Carport	14	Wentworth Avenue	MUDGE
DA0264/2021	Pergola	25	Stockmans Drive	PUTTA BUCCA
DA0266/2021	Change of use - Mechanic to Gym	11	Wilkins Crescent	MUDGE
DA0268/2021	Retaining Wall	10	Kilkenny Avenue	MUDGE
DA0270/2021	Dwelling House	2	Oakfield Close	MUDGE
DA0272/2021	Pergola	11	Richards Street	MUDGE
DA0273/2021	Change of use - Tourist Accommodation	857	Spring Ridge Road	BERYL
DA0274/2021	Dwelling House	13	Hone Creek Drive	CAERLEON
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed > 150m2	23	Horatio Street	MUDGE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGE
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG
DA0225/2020	Subdivision - Torrens Title	402	Castlereagh Highway	MENAH
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0025/2021	Caravan Park	196	Rocky Waterhole Road	MOUNT FROME
DA0053/2021	Change of use - Fabrication Workshop	22	Industrial Avenue	MUDGE
DA0087/2021	Carport	63	Court Street	MUDGE

Monthly Development Application Processing Report – February 2021

DA0132/2021	Dual Occupancy	591	Wollar Road	CROSS ROADS
DA0160/2021	Subdivision - Torrens Title	473	Burrundulla Road	BURRUNDULLA
DA0178/2021	Dwelling House	55	Bymes Lane	BURRUNDULLA
DA0185/2021	Dwelling House	487	Black Springs Road	BUDGEE BUDGE
DA0195/2021	Dwelling House	931	Castlereagh Highway	MULLAMUDDY
DA0214/2021	Alterations & Additions	29	Robert Hoddle Grove	BOMBIRA
DA0243/2021	Alterations & Additions	33	Coolcalwin Street	OLINDA
DA0250/2021	Alterations & Additions	162	Eurunderree Lane	EURUNDEREE
DA0100/2021	Community Facility	35	Ilford Hall Road	ILFORD
DA0114/2021	Motel	21	Horatio Street	MUDGE
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGE
DA0165/2021	Dual Occupancy	8	Stan Boal Court	MUDGE
DA0166/2021	Water Storage Facility	51	Oaklnads Road	MOUNT FROME
DA0186/2021	Tourist and Visitor Accommodation	109	Tinja Lane	EURUNDEREE
DA0191/2021	Subdivision - Torrens Title	209	Robertson Road	SPRING FLAT
DA0196/2021	Industrial Building	10	Industrial Avenue	MUDGE
DA0204/2021	Function Centre	345	Spring Flat Road	SPRING FLAT
DA0205/2021	Dwelling House	60	Dangar Street	KANDOS
DA0218/2021	Change of use - Shed to Serviced Apartment	463	Queens Pinch Road	SPRING FLAT
DA0221/2021	Dwelling House	74	Carwell Street	RYLSTONE
DA0229/2021	Dual Occupancy	90	Sawpit Road	MUDGE
DA0231/2021	Residential Shed	35	Redbank Road	MUDGE
DA0232/2021	Tourist and Visitor Accommodation	2976	Goolma Road	GOOLMA
DA0238/2021	Dual Occupancy	24	Saleyards Lane	MUDGE
DA0242/2021	Secondary Dwelling	2787	Henry Lawson Drive	GULGONG
DA0251/2021	Change of use - Cellar Door to Retail	18	Sydney Road	MUDGE
DA0255/2021	Dual Occupancy	48	Saleyards Lane	MUDGE
DA0260/2021	Shed >150m2	41	Henry Lawson Drive	BOMBIRA

Monthly Development Application Processing Report – February 2021

Heritage Development Applications currently being processed – February 2021.

App/Proc ID	Description	House No	Street Name	Locality
DA0032/2021	Multi Dwelling Housing	68	Mortimer Street	MUDGEE
DA0188/2021	Multi Dwelling Housing	47	Lewis Street	MUDGEE
DA0194/2021	Carport	14	Wenonah Street	GULGONG
DA0197/2021	Alterations & Additions	35	Louee Street	RYLSTONE
DA0198/2021	Change of use - Serviced Apartments	110	Church Street	MUDGEE
DA0200/2021	Commercial Alterations/Additions	82	Market Street	MUDGEE
DA0201/2021	Change of use - Bakery and Signage	131	Church Street	MUDGEE
DA0203/2021	Serviced Apartment	38	Perry Street	MUDGEE
DA0213/2021	Alterations & Additions	50	Nicholson Street	MUDGEE
DA0215/2021	Residential Shed	42	Court Street	MUDGEE
DA0226/2021	Serviced Apartment	92	Douro Street	MUDGEE
DA0230/2021	Alterations & Additions	6	Court Street	MUDGEE
DA0244/2021	Carport	67	Cox Street	MUDGEE
DA0252/2021	Residential Shed	43	Inglis Street	MUDGEE
DA0257/2021	Alterations & Additions	107	Denison Street	MUDGEE
DA0269/2021	Residential Shed	23	Atkinson Street	MUDGEE
DA0271/2021	Change of use - Yoga Studio to Retail	15	Byron Place	MUDGEE
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0254/2019	Dual Occupancy	100	Inglis Street	MUDGEE
DA0300/2019	Demolition	80	Madeira Road	MUDGEE
DA0118/2020	Change of use - Retail to Beautician	26	Market Street	MUDGEE
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	Information and Education Facility	49	White Street	GULGONG
DA0168/2021	Demolition	61	Horatio Street	MUDGEE
DA0173/2021	Residential Shed	8	Bowman Street	GULGONG
DA0216/2021	Residential Shed	31	Denison Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0227/2021	Alterations & Additions	74	Douro Street	MUDGEE
DA0246/2021	Dual Occupancy	90	Louee Street	RYLSTONE

Item 9: Finance

9.1 Tender for Supply of Electricity to Contestable Site and Street Lighting

REPORT BY THE MANAGER FINANCE
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, ENE100001

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Tender for Supply of Electricity to Contestable Site and Street Lighting; and**
2. **commence the process of a reverse auction for supply of electricity from 1 January 2022 to 30 June 2023 for contestable sites and street lighting.**

Executive summary

Council's contracts for the supply of electricity to contestable sites and street lighting are nearing the end of their term. This preliminary report sets out and seeks approval for the proposed process for tendering of new electricity.

Disclosure of Interest

Nil.

Detailed report

Council's current contracts for the supply of electricity to Council's contestable electricity sites and street lighting expire on the 31 December 2021. A shorter than usual contract term of 18 months is recommended to allow for contract review should a solar array be constructed. A consumption decrease has been estimated for street lighting in Mudgee and Gulgong in anticipation that all lights will be upgraded to LED before the contract commencement.

Contestable sites are those where the electricity consumption exceeds 100MWh per annum. Currently Council has 17 sites comprising water and sewer pumping stations and treatment plants, swimming pools, Mudgee Depot, Mudgee Valley Caravan Park, Glen Willow Complex and Mudgee Administration Centre. The street lighting contract covers the towns of Mudgee, Gulgong and Rylstone. All other sites form part of the "small market sites" category. We are proposing a reverse auction process be undertaken in relation to the supply of electricity for contestable sites and for street lighting.

Council has entered into an agreement with Regional Procurement and their specialist energy subcontractor, Energy Action to conduct a reverse auction tender for the supply of electricity from the 1 January 2022 to 30 June 2023. A reverse auction is where energy retailers bid for Council's

business via the Energy Action web site, the auction is open for a prescribed period and the interested parties are able to bid until the auction closes. Tenderers are assessed against the evaluation criteria, price being the principal criteria. We are seeking a number of qualitative criteria including consolidated invoicing ability, Australian Energy Regulator registration and customer service history.

Due to the nature of the electricity market, quoted prices for electricity can only be held for a short period, usually between 3 to 4 days. To enable submission and evaluation of the tenders within this short validity period, it is proposed to present a supplementary report detailing the tender outcomes for Council's consideration at its meeting of 21 April 2021. The timeline for the reverse auction will be:

- 13 April 2021 Reverse Auction uploaded to TenderLink
- 20 April 2021 Advertising period closes 11:00 AM
- 20 April 2021 Reverse Auction evaluation to be conducted via Teleconference commencing at 11:10 AM.
- 20 April 2021 Reverse Auction evaluation report distributed to participating council for adoption.
- 21 April 2021 Late report presented to Mid-Western Regional Council meeting
- 22 April 2021 Contracts to be signed. Unsuccessful energy retailers advised.
- 01 January 2022 Contract commences.

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 - Purchase of Goods and Services above \$250,000 shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Legislation

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework for tendering

Financial implications

The spend for each contract is estimated at:

Contestable sites \$1,400,000

Street lighting \$350,000

Future budgets are in place for electricity and street lighting expenses.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Monthly Statement of Investments as at 28 February 2021

REPORT BY THE MANAGER FINANCE
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, FIN300053

RECOMMENDATION

That Council:

1. receive the report by Manager Finance the on the Monthly Statement of Investments as at 28 February 2021; 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 28 February 2021.

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 and the regulations

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 March 2021

Attachments: 1. Investment Report 28 February 2021.

APPROVED FOR SUBMISSION:

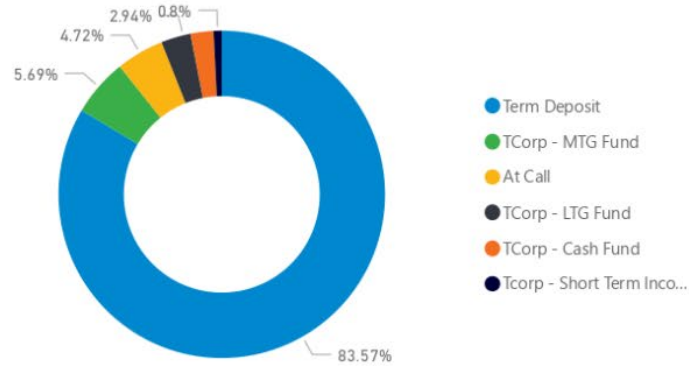
BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council Cash and Investments as at 28 February 2021

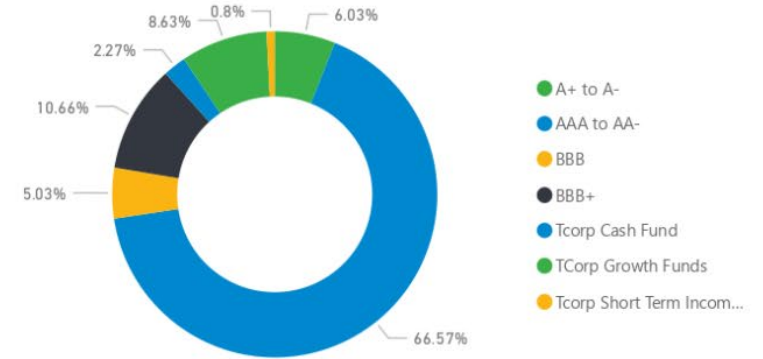
Total Investment Portfolio

99.43M

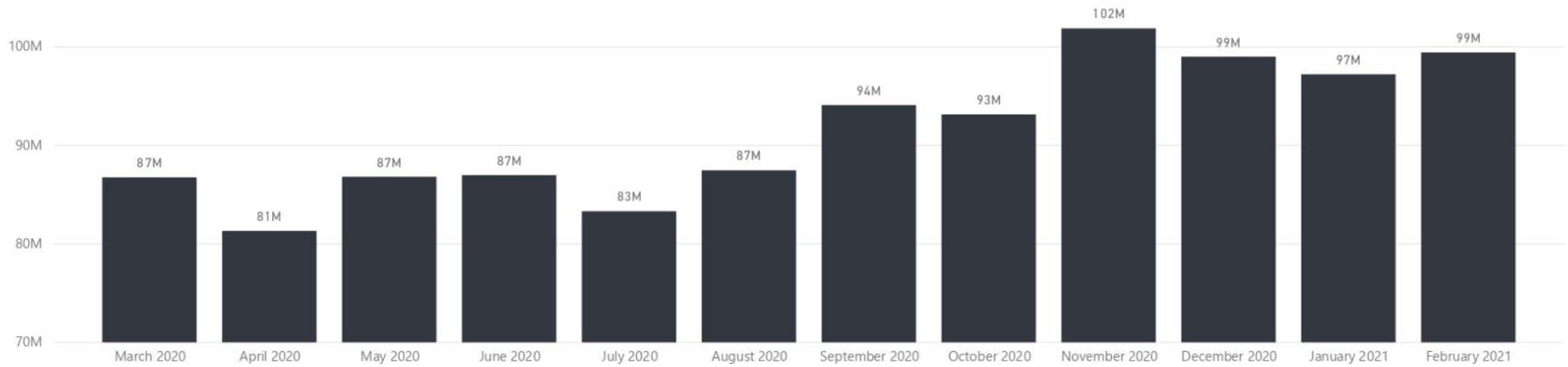
Investments by Type

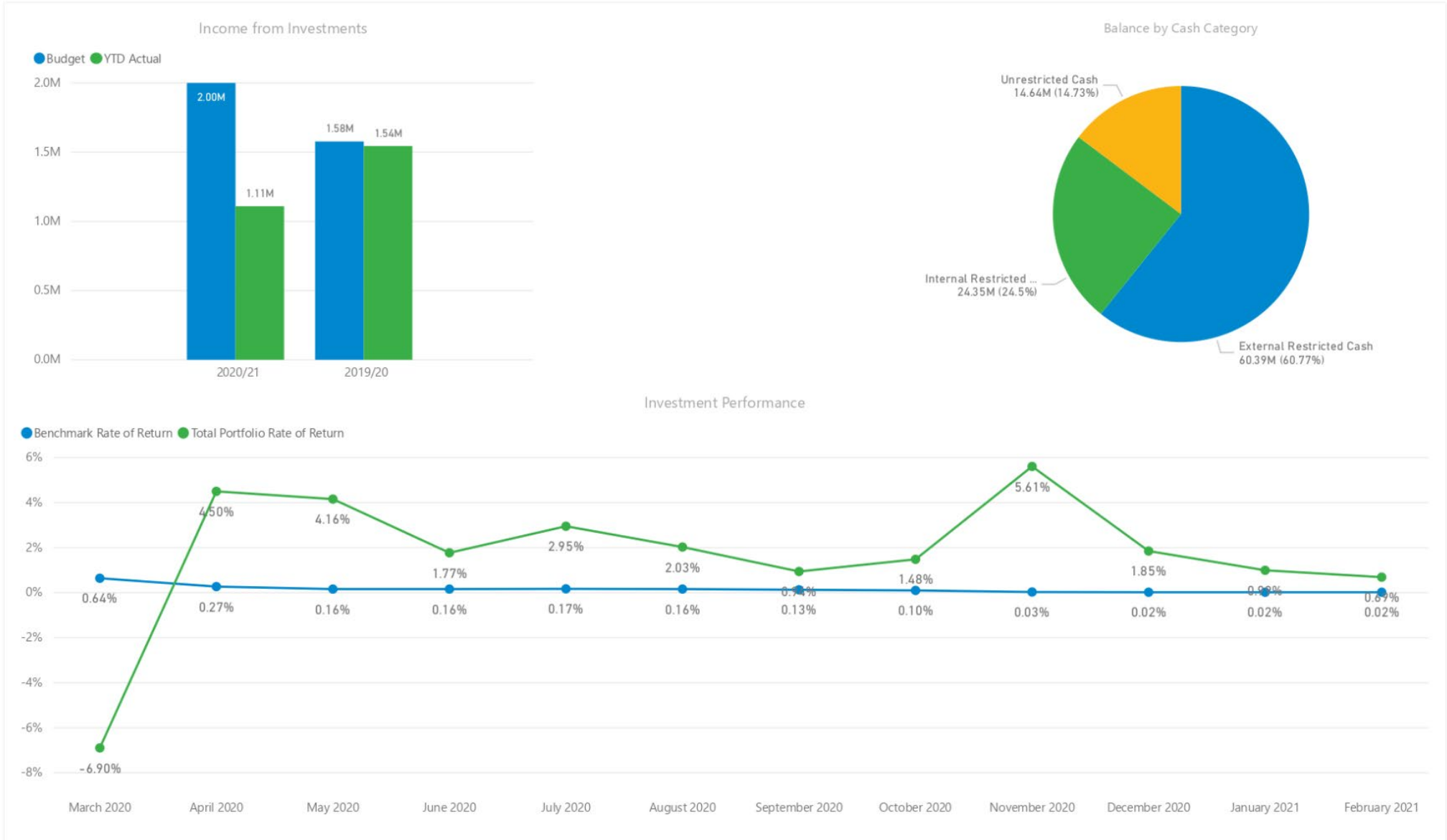


Investments by Long Term Rating



Portfolio Balance at End of Month





At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	4,695,278.65
TCorp - Cash Fund	0.50%	1	2,258,348.35
TCorp - Long Term G	0.50%	5	2,924,717.11
TCorp - Medium Term	0.50%	5	5,654,499.27
Tcorp - Short Term In	0.50%	5	798,880.37
Total			16,331,723.75

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	283	2,000,000
AMP	0.75%	339	1,500,000
Bank Of Queensland	1.65%	255	2,500,000
Bank Of Queensland	1.60%	353	1,500,000
Bank Of Queensland	1.45%	367	1,000,000
Bank Of Queensland	0.90%	577	1,500,000
CBA	0.70%	227	1,500,000
CBA	0.68%	269	1,800,000
CBA	0.55%	234	1,200,000
CBA	0.53%	325	2,000,000
CBA	0.53%	339	2,000,000
CBA	0.53%	381	2,000,000
CBA	0.44%	423	2,500,000
CBA	0.43%	409	1,500,000
Defence Bank	1.80%	17	1,500,000
ING	1.13%	437	1,500,000
Macquarie	1.45%	3	1,500,000
Macquarie	1.45%	24	2,000,000
Macquarie	1.40%	731	1,000,000
MyState Bank	1.65%	31	1,500,000
MyState Bank	0.75%	241	2,600,000
NAB	1.10%	52	1,000,000
NAB	1.00%	129	1,800,000
NAB	0.85%	143	2,200,000
NAB	0.81%	136	1,500,000
NAB	0.80%	171	1,500,000
NAB	0.87%	535	2,000,000
NAB	0.81%	178	2,000,000
NAB	0.75%	206	2,500,000
NAB	0.75%	213	1,000,000
NAB	0.79%	563	1,500,000
NAB	0.70%	591	1,000,000
NAB	0.61%	297	1,500,000
NAB	0.57%	388	2,000,000
NAB	0.48%	395	2,500,000
St George	2.61%	59	2,500,000
St George	1.11%	45	1,500,000
St George	1.15%	73	1,500,000
St George	1.15%	101	2,000,000
St George	1.15%	115	3,000,000
St George	1.12%	87	2,000,000
St George	0.60%	311	1,500,000
St George	0.60%	325	1,500,000
Westpac	1.54%	157	1,500,000
Westpac	0.85%	523	2,000,000

Institution	Yield	Term to Maturity	Principal Amount
Westpac	0.80%	185	1,000,000
Westpac	0.80%	199	1,500,000
Westpac	0.62%	283	1,500,000
Total			83,100,000

Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	31,331,724	32%	32%	20%	OK
Between 3 months and 1 year	46,100,000	46%	78%	40%	OK
Between 1 year and 2 years	21,000,000	21%	99%	50%	OK
Between 2 years and 4 years	1,000,000	1%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
Total	99,431,724				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	15%	14,500,000
	NAB	40%	OK	29%	28,695,279
	St George	40%	OK	16%	15,500,000
	Westpac	40%	OK	8%	7,500,000
A+	Macquarie	20%	OK	5%	4,500,000
A	ING	20%	OK	2%	1,500,000
	Bank Of Queensland	10%	OK	7%	6,500,000
BBB+	MyState Bank	10%	OK	4%	4,100,000
	AMP	5%	OK	4%	3,500,000
BBB	Defence Bank	5%	OK	2%	1,500,000
	TCorp - Cash Fund	30%	OK	2%	2,258,348
TCorp Growth Funds	TCorp - Long Term Growth Fund	15%	OK	3%	2,924,717
	TCorp - Medium Term Growth Fund	15%	OK	6%	5,654,499
	TCorp - Short Term Income Fund	15%	OK	1%	798,880
Grand Total				100%	99,431,724

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	67%	66,195,279
A+ to A-	50%	OK	6%	6,000,000
BBB+	20%	OK	11%	10,600,000
BBB	10%	OK	5%	5,000,000
Tcorp Cash Fund	30%	OK	2%	2,258,348
TCorp Growth Funds	15%	OK	9%	8,579,216
TCorp Short Term Inc	15%	OK	1%	798,880
Grand Total			100%	99,431,724

Monthly Investment Portfolio Activity

The below table shows investments activities of At Call Fund and Managed Funds

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	2,253,558		4,695,279
TCorp - Cash Fund	2,258,387		2,258,348
TCorp - Long Term Growth Fund	2,919,820		2,924,717
TCorp - Medium Term Growth Fund	5,684,286		5,654,499
Tcorp - Short Term Income Fund	-		798,880
Total	13,116,052	-	16,331,724

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
ING	2.77%	17/02/2021	1,000,000	55,248
Westpac	1.55%	24/02/2021	1,500,000	34,334
St George	1.50%	3/02/2021	1,500,000	21,144
Total			4,000,000	110,726

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
AMP	0.75%	2/02/2022	1,500,000	11,219
CBA	0.43%	13/04/2022	1,500,000	7,298
Total			3,000,000	18,517

9.3 Monthly Budget Review - February 2021

REPORT BY THE MANAGER FINANCE
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, FIN300240

RECOMMENDATION

That Council:

1. receive the report by the Manager Finance on the Monthly Budget Review - February 2021; and
2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

Executive summary

This report provides Council with information on the progress of the 2020/21 capital works program at 28 February 2021.

Disclosure of Interest

Nil.

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides the detailed information of recommended variations.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Not applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2005, states that the responsible accounting officer of a Council must:

- a) Establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and
- b) If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

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

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 March 2021

Attachments: 1. Monthly Budget Review Attachment - February 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW – 28
FEBRUARY 2021

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

17 MARCH 2021

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

SUMMARY

Fund	Funding Source	20/21	21/22	Grand Total
General	ASSET REPLACEMENT RESERVE	-2,858		-2,858
	GRT - ROADS TO RECOVERY	-34,813		-34,813
	OTR - OTHER REVENUE	-394	-80,000	-80,394
	OTR - RMS STATE ROADS - ORDERED WORKS	-1,456,924		-1,456,924
	STATE ROADS WARRANTY RESERVE	-15,000		-15,000
	Unrestricted Cash	65,335	50,000	115,335
General Total		-1,444,654	-30,000	-1,474,654
Saleyards	CAPITAL PROGRAM RESERVE	0		0
Saleyards Total		0		0
Water	Unrestricted Cash	-20,000		-20,000
	WATER RESERVE	-15,663		-15,663
Water Total		-35,663		-35,663
Grand Total		-1,480,317	-30,000	-1,510,317

FINANCIAL YEAR: 20/21

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Ow - Ilford Sofala Intersection Asphalt Works - For asphalt work required at Ilford Sofala intersection.	316,507	OTR - RMS STATE ROADS - ORDERED WORKS	(341,828)	-	0	25,321
CONNECTING OUR REGION	General	Ow - Guntawang Intersection Asphalt Works - For asphalt work required at Guntawang intersection.	310,440	OTR - RMS STATE ROADS - ORDERED WORKS	(335,275)	-	0	24,835
CONNECTING OUR REGION	General	Ow - Goree Intersection Asphalt Works - For asphalt work required on the Goree intersection.	304,044	OTR - RMS STATE ROADS - ORDERED WORKS	(328,368)	-	0	24,324
CONNECTING OUR REGION	General	Ow - Hw18 Castlereagh Hwy Asphalt - For the asphalt work required on Fisher Street intersection.	255,652	OTR - RMS STATE ROADS - ORDERED WORKS	(276,104)	-	0	20,452
CONNECTING OUR REGION	General	Ow - Sh18 Railway Crossing Asphalt Work Birriwa - For Asphalt work on the Sh18 Railway Crossing	162,360	OTR - RMS STATE ROADS - ORDERED WORKS	(175,349)	-	0	12,989
GOOD GOVERNMENT	General	MWRC Ops Admin - Fitout 23 Depot Road - Increase in the Fitout for the lease.	42,000	-	0	-	0	(42,000)
CONNECTING OUR REGION	General	Ow - Beryl Intersection Repair - For repairs required at Beryl intersection to be funded from the roads warranty reserve.	15,000	-	0	STATE ROADS WARRANTY RESERVE	(15,000)	0
CONNECTING OUR REGION	General	Urban Rehab - Short St Rylstone Kerb & Gutter - To increase as the Short Street, Rylstone Kerb and Gutter works complete over budget	10,569	-	0	-	0	(10,569)

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2021

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Reseal - Henry Lawson Dr Seg 130-160 - To increase revenue for the additional roads to recovery funding received.	9,533	GRT - ROADS TO RECOVERY	(29,415)	-	0	19,882
CONNECTING OUR REGION	General	Reseal - Lower Piambong Rd Seg 80 - Reseal of small section of Lower Piambong Rd at the intersection of Lester Lane while the Lesters Lane reseal is occurring	5,000	-	0	-	0	(5,000)
CONNECTING OUR REGION	General	Reseal - Nullo Mountain Rd Seg 110 - To increase as the reseal work for Nullo Mountain works completed over budget	4,586	-	0	-	0	(4,586)
CONNECTING OUR REGION	General	Urban Reseals - Bayly St Seg 10-60 - To increase as the Bayly St reseals work completed over budget	3,569	-	0	-	0	(3,569)
LOOKING AFTER OUR COMMUNITY	General	Gulgong Memorial Hall Roof – Works completed over budget	3,252	OTR - OTHER REVENUE	(394)	ASSET REPLACEMENT RESERVE	(2,858)	0
CONNECTING OUR REGION	General	Reseal - Henry Lawson Dr Seg 80-90,120 - To increase revenue for the additional roads to recovery funding received.	2,142	GRT - ROADS TO RECOVERY	(5,398)	-	0	3,256
BUILDING A STRONG LOCAL ECONOMY	Saleyards	Saleyards Water Pump - Replace water pump at the saleyards using the funding underspent for the saleyard security cameras	7,260	-	0	CAPITAL PROGRAM RESERVE	(7,260)	0
BUILDING A STRONG LOCAL ECONOMY	Saleyards	Saleyards Security Cameras - Savings to be transferred to replace the water pump at the saleyards.	-7,260	-	0	CAPITAL PROGRAM RESERVE	7,260	0

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water New Connections - To increase budget for the increase in New Water Connections.	20,000	-	0	-	0	(20,000)
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Mains - Anderson Street - To increase as the water mains project on Anderson Street complete over budget	15,663	-	0	WATER RESERVE	(15,663)	0
	Total		1,480,317		(1,492,131)		(33,521)	45,335

FINANCIAL YEAR: 21/22

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Unrestricted Cash Variation \$
General	LED Street lighting Upgrade - \$80k sale of energy savings credits and \$30k for expenses contingency	30,000	OTR - OTHER REVENUE	(80,000)	50,000
Total		30,000		(80,000)	50,000

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 28 February 2021.

26 M

Actual YTD

214

Capital Projects

*Excludes Budget Only and
Deferred

39%

Budget Spent

63

Capital Projects
Completed

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
BUSHFIRE RECOVERY - LARGE WATER TANKS (DRFA)	196	0	196	113	57%	67	Final works
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	30	0	30	0	0%	0	Design
GPS CEMETERY SITES	42	0	42	5	11%	10	Construction
CEMETERY CAPITAL PROGRAM	15	0	15	10	65%	0	Construction
MUDGEES CEMETERY FENCE UPGRADE	65	0	65	0	0%	38	Initial works
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	0	0%	0	Procurement
RYLSTONE CEMETERY DRAINAGE	26	0	26	3	10%	0	Final works
LIBRARY BOOKS	91	0	91	67	73%	(27)	Construction
LIBRARY EQUIPMENT	20	0	20	14	69%	0	Construction
RYLSTONE LIBRARY BRANCH	9	0	9	3	37%	0	Initial works
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	50	0	50	0	0%	0	Consultation
GULGONG MEMORIAL HALL EXT. PAINTING	30	0	30	31	102%	0	Complete
GULGONG MEMORIAL HALL ROOF	66	3	70	70	100%	0	Complete
TOWN HALL - SURVEILLANCE CAMERA UPGRADE	50	0	50	0	0%	13	Complete-awaiting invoices
GUIDES BUILDING - RYLSTONE	40	0	40	19	47%	13	Final works
GULGONG HALL	34	0	34	0	0%	2	Consultation
PROPERTY PURCHASE- 70 COURT ST	650	0	650	5	1%	0	Initial works
KANDOS LIBRARY & HALL	12	0	12	7	57%	0	Complete
POOL SHADE PROGRAM	55	0	55	0	0%	49	Procurement
GULGONG POOL REPAINT	91	0	91	91	99%	0	Complete
GULGONG POOL STORAGE SHED	25	0	25	0	0%	0	Initial works
POOL FILTER REPLACEMENT	55	0	55	0	0%	0	Procurement
POOL MATTS	60	0	60	0	0%	0	Procurement
KANDOS POOL HEATERS	85	0	85	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES SHOWGROUNDS - REDEVELOPMENT	497	0	497	8	2%	9	Procurement
GLEN WILLOW SPORTS GROUND UPGRADES	10,998	0	10,998	5,436	49%	4,904	Construction
GLEN WILLOW CARPARK	500	0	500	266	53%	82	Construction
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	557	0	557	537	96%	7	Final works
RYLSTONE CEMETERY STORAGE SHED	20	0	20	5	24%	3	Construction
MUDGEES DOG PARK RELOCATION & UPGRADE	150	0	150	0	0%	79	Initial works
BILLY DUNN AMENITIES	262	0	262	6	2%	0	Consultation
RYLSTONE SHOWGROUND CAPITAL	75	0	75	0	0%	4	Design
BILLY DUNN CARPARK ACCESS	96	0	96	26	27%	2	Construction
PUBLIC TOILETS - CLANDULLA	5	0	5	3	63%	0	Complete-awaiting invoices
PUBLIC TOILETS - WALKERS OVAL	10	0	10	6	61%	4	Final works
MUDGEES SHOWGROUNDS - CARPARK & PATHWAY UPGRADE	74	0	74	64	87%	0	Complete
MUDGEES SHOWGROUNDS - BRIDGE CLUB KITCHEN	57	0	57	57	100%	0	Complete
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	10	0	10	1	6%	7	Initial works
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0	Design
SCULPTURES ACROSS THE REGION	26	0	26	13	48%	0	Initial works
PLAYGROUND SHADING PROGRAM	171	0	171	18	11%	0	Construction
DISTRICT ADVENTURE PLAYGROUND	9	0	9	9	100%	0	Complete
PITTS LANE - LIGHTING *	50	0	50	0	0%	0	Procurement
FLIRTATION HILL DEVELOPMENT	38	0	38	2	6%	1	Design
RED HILL CAPITAL WORKS	20	0	20	7	35%	7	Consultation
PLAYGROUND CCTV	15	0	15	14	91%	0	Complete
PUBLIC TOILETS - CORONATION PARK	10	0	10	1	11%	0	Initial works
PUBLIC TOILETS - ROBERTSON PARK	20	0	20	0	0%	0	Consultation
PLAYGROUND - ROBINSON / FISHER ST GULGONG	24	0	24	3	13%	6	Construction
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	50	0	50	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ROBERTSON PARK PATHWAY	10	0	10	0	0%	0	Procurement
ART GALLERY FACILITY	7,471	0	7,471	3,355	45%	3,433	Construction
STREETSCAPE - CBD INFRASTRUCTURE	25	0	25	19	77%	0	Final works
Total	23,081	3	23,084	10,293	45%	8,714	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	202	0	202	84	41%	2	Construction
MUDGEES WASTE DEPOT UPGRADES	59	0	59	10	17%	35	Construction
NEW TIP CELL CONSTRUCTION	78	0	78	48	61%	24	Final works
WASTE SITES REHABILITATION	30	0	30	27	89%	3	Complete
RECYCLING PLANT UPGRADES	200	0	200	1	0%	0	Procurement
LEACHATE POND ENLARGEMENT	27	0	27	12	43%	7	Deferred/Cancelled
WEIGHBRIDGE SOFTWARE UPGRADE	43	0	43	0	0%	42	Final works
KANDOS WTS OFFICE REPLACEMENT	99	0	99	6	6%	4	Procurement
GULGONG WTS OFFICE REPLACEMENT	118	0	118	3	3%	0	Procurement
MUDGEES LANDFILL WHEEL WASH	35	0	35	0	0%	0	Procurement
DRAINAGE CAPITAL IMPROVEMENTS	117	0	117	42	36%	2	Construction
MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN	51	0	51	18	35%	2	Final works
EARTH CHANNEL ENLARGEMENT WORKS	90	0	90	0	0%	4	Construction
PIT MODIFICATIONS – VARIOUS LOCATIONS	17	0	17	8	47%	0	Construction
CAUSEWAY - SCHOOL LANE	33	0	33	1	3%	3	Design
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0	Design
KANDOS STORMWATER UPGRADE	701	0	701	11	2%	179	Procurement

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CAUSEWAY - DREWS LANE	33	0	33	1	3%	0	Design
PUTTA BUCCA WETLANDS EXTENSION	11	0	11	0	5%	7	Complete-awaiting invoices
PUTTA BUCCA WETLANDS TOILET	101	0	101	0	0%	2	Design
WATER NEW CONNECTIONS	93	20	113	102	90%	4	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	330	0	330	9	3%	0	Procurement
WATER AUGMENTATION - ULAN RD EXTENSION	311	0	311	144	46%	115	Complete-awaiting invoices
WATER TELEMTRY	250	0	250	199	79%	52	Complete
WATER MAINS - BYRON PLACE	60	0	60	0	1%	0	Procurement
WATER MAINS - LYNNE STREET	30	0	30	10	32%	1	Complete
WATER MAINS - MAYNE STREET	270	0	270	0	0%	0	Procurement
WATER MAINS - ANDERSON STREET	122	16	138	137	99%	0	Complete
WATER MAINS - COOYAL STREET	148	0	148	98	66%	0	Complete
WATER MAINS - SULLY STREET	50	0	50	35	70%	0	Complete
WATER MAINS - QUEEN STREET	86	0	86	69	80%	0	Complete
WATER MAINS - BELMORE STREET	250	0	250	187	75%	6	Construction
WATER MAINS - MOONLIGHT STREET	65	0	65	64	98%	0	Complete
WATER MAINS - STOTT STREET	22	0	22	0	0%	0	Project Scope
WATER MAINS - NANDOURA STREET	200	0	200	76	38%	7	Construction
WATER MAINS - FISHER STREET	50	0	50	28	56%	3	Final works
WATER PUMP STATION - CAPITAL RENEWALS	19	0	19	19	101%	0	Complete
RYLSTONE DAM PS PAC DOSING SYSTEM	90	0	90	0	0%	89	Construction
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	106	0	106	66	63%	0	Final works
RAW WATER SYSTEMS RENEWALS	20	0	20	0	0%	9	Procurement
WATER TREATMENT RYLSTONE UPGRADES	8	0	8	8	96%	0	Complete
WATER WELLFIELD BORE INTEGRITY UPGRADES	40	0	40	21	53%	0	Complete
WATER METER REPLACEMENT	70	0	70	61	87%	0	Final works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RAW WATER SYSTEMS - MUDGEE AND GULGONG DISINFECTION UPGRADES	2	0	2	2	101%	0	Complete
RAW WATER SYSTEMS - SALEYARDS WATER SUPPLY	28	0	28	0	0%	0	Consultation
RURAL CUSTOMER FILL STATIONS	270	0	270	3	1%	7	Procurement
SEWER NEW CONNECTIONS	24	0	24	10	43%	0	Construction
SEWER TELEMETRY	31	0	31	0	0%	27	Procurement
SEWER MAINS - CAPITAL BUDGET ONLY	591	0	591	0	0%	0	Procurement
SEWER MAINS RELINING	300	0	300	28	9%	0	Initial works
RISING MAIN ULAN RD TO PUTTA BUCCA	129	0	129	129	100%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	38	0	38	39	102%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	69	0	69	7	10%	0	Construction
MUDGEE STP SLUDGE DEWATERING IMPROVEMENTS	9	0	9	9	100%	0	Complete
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
SEWER TREATMENT WORKS MUDGEE INLET	46	0	46	0	0%	0	Procurement
Total	6,451	36	6,487	1,832	28%	637	

Building a Strong Local Economy

RYLSTONE CARAVAN PARK - CAPITAL	80	0	80	0	0%	7	Design
RIVERSIDE CARAVAN PARK FIRE SERVICES	103	0	103	27	26%	0	Initial works
MUDGEE VALLEY PARK UPGRADE	706	0	706	321	45%	0	Construction
CUDGEGONG WATERS PARK INTERNAL ROADS	50	0	50	0	0%	0	Project Scope
ENTRANCE SIGNAGE PROJECT	112	0	112	99	88%	0	Construction
SALEYARDS SECURITY CAMERAS	10	(7)	3	3	100%	0	Construction
SALEYARDS BULL PEN SHADE	11	0	11	0	0%	6	Construction
SALEYARDS WATER PUMP	0	7	7	0	0%	0	Project Scope
PROPERTY - MUDGEE AIRPORT SUBDIVISION	200	0	200	9	4%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PROPERTY - EX SALEYARDS STAGE I	586	0	586	535	91%	32	Complete
RYLSTONE KANDOS PRESCHOOL EXTENSION	14	0	14	1	10%	0	Complete-awaiting invoices
COMMERCIAL PROP - MN353/20	2,031	0	2,031	2,042	101%	0	Complete
CAPITAL WORKS PITTS LANE	34	0	34	34	100%	0	Complete
Total	3,937	0	3,937	3,072	78%	45	

Connecting our Region

URBAN RESEALS - BAYLY ST SEG 10-60	37	4	41	41	100%	0	Complete
URBAN RESEALS - BELMORE ST SEG 10-20,50-90	91	0	91	17	18%	46	Construction
URBAN RESEALS - MAYNE ST SEG 20,60,70	31	0	31	16	51%	8	Construction
URBAN RESEALS - QUEEN ST SEG 10-80	55	0	55	30	54%	10	Construction
URBAN RESEALS - WYALDRA ST SEG 10	7	0	7	8	112%	0	Complete
URBAN RESEALS - COX ST SEG 10	13	0	13	13	100%	0	Complete
URBAN RESEALS - WALKERS LN SEG 10	13	0	13	13	100%	0	Complete
URBAN RESEALS - BELLEVUE RD SEG 30-60	33	0	33	33	100%	0	Complete
URBAN RESEALS - BRUCE RD SEG 30	28	0	28	2	6%	16	Construction
URBAN RESEALS - CEDAR AVE SEG 10-20	7	0	7	7	99%	0	Complete
URBAN RESEALS - COMMON RD SEG 10	10	0	10	1	11%	6	Construction
URBAN RESEALS - CONSTANTIA RD SEG 10	20	0	20	2	10%	13	Construction
URBAN RESEALS - COURT ST SEG 10,60-100	55	0	55	10	18%	24	Construction
URBAN RESEALS - COX ST SEG 15-20	19	0	19	20	101%	0	Complete
URBAN RESEALS - GLADSTONE ST SEG 10-40,110-130	126	0	126	49	39%	30	Initial works
URBAN RESEALS - NORMAN RD SEG 10-30	30	0	30	30	100%	0	Complete
URBAN RESEALS - ROBERT JONES ST SEG 10	5	0	5	5	100%	0	Complete
URBAN RESEALS - MUDGEE ST SEG 10-70	110	0	110	26	24%	53	Construction
URBAN ROADS KERB & GUTTER CAPITAL	26	0	26	18	68%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	935	0	935	20	2%	54	Design
HEAVY PATCHING - MUDGEE ST RYLSTONE	50	0	50	28	56%	0	Complete
URBAN REHAB - SHORT ST RYLSTONE KERB & GUTTER	50	11	61	61	100%	0	Complete
URBAN HEAVY PATCHING	25	0	25	3	13%	0	Project Scope
MULTIPLE PEDESTRIAN REFUGES & BUILDOUTS	20	0	20	20	100%	0	Complete
RESHEETING - URBAN ROADS	16	0	16	2	10%	0	Initial works
URBAN ROADS LAND MATTERS CAPITAL	28	0	28	0	1%	0	Consultation
GUTTERING BYLONG VALLEY WAY KANDOS	66	0	66	67	102%	0	Complete
RESEAL - CRAIGMOOR RD SEG 10	29	0	29	29	100%	0	Complete
RESEAL - EDGELL LANE SEG 10	16	0	16	16	100%	0	Complete
RESEAL - CRAIGMOOR RD SEG 20	26	0	26	27	105%	0	Complete
RESEAL - HENRY LAWSON DR SEG 80-90,120	115	2	117	117	100%	0	Complete
RESEAL - GREEN GULLY RD SEG 15	10	0	10	10	100%	0	Complete
RESEAL - GUNDOWDA RD SEG 10-30,70	84	0	84	84	100%	0	Complete
RESEAL - QUEENS PINCH RD SEG 70,110-120	62	0	62	63	102%	0	Complete
RESEAL - NULLO MOUNTAIN RD SEG 110	21	5	25	25	100%	0	Complete
RESEAL - LESTERS LN SEG 10-40	134	0	134	100	75%	8	Complete
RESEAL - QUEENS PINCH RD SEG 50	27	0	27	27	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 130-160	151	10	160	160	100%	0	Complete
RURAL REHAB - CUDGEGONG RD	360	0	360	12	3%	0	Initial works
RURAL REHAB - BARNEYS REEF RD	430	0	430	2	1%	0	Initial works
HEAVY PATCHING	46	0	46	16	34%	1	Project Scope
CUDGEGONG ROAD GUARDRAIL	50	0	50	46	92%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	88	0	88	38	44%	0	Complete
ULAN WOLLAR ROAD - MOOLARBEN INTERSECTION	72	0	72	70	98%	0	Complete
REHAB - LUE RD SEG 100 TO 110	3	0	3	3	100%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL SEALED ROAD LAND MATTERS	18	0	18	0	0%	0	Consultation
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	329	0	329	21	6%	15	Construction
ULAN AND WOLLAR ROAD UPGRADES	86	0	86	0	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	1,695	0	1,695	1,515	89%	578	Construction
HILL END ROAD SAFETY IMPROVEMENTS	1,501	0	1,501	730	49%	158	Construction
BVW UPGRADE RNSW 2080	1,823	0	1,823	686	38%	64	Construction
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	841	0	841	0	0%	0	Project Scope
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	15	0	15	1	5%	3	Initial works
SEAL EXTENSION - BARIGAN RD	2,006	0	2,006	1,175	59%	206	Construction
WIDEN AND SEAL MT VINCENT ROAD HILL	90	0	90	60	67%	5	Complete
SEAL EXTENSION - AARONS PASS RD	1,200	0	1,200	25	2%	1,026	Construction
SEAL EXTENSION - COXS CREEK RD	460	0	460	340	74%	0	Complete
SEAL EXTENSION - MEBUL RD	1,405	0	1,405	14	1%	7	Construction
SEAL EXTENSION - PYRAMUL RD SEG 120-130	375	0	375	0	0%	0	Initial works
RESHEETING	2,512	0	2,512	2,302	92%	27	Construction
SEAL EXTENSION - PYRAMUL RD	107	0	107	107	100%	0	Complete
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	12	61%	0	Construction
DIXONS LONG POINT CROSSING	1,175	0	1,175	354	30%	142	Design
REGIONAL ROAD BRIDGE CAPITAL	3	0	3	0	0%	0	Complete
GOULBURN RIVER BRIDGE ULAN ROAD	400	0	400	31	8%	0	Procurement
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	400	0	400	0	0%	0	Initial works
ULAN ROAD - HOLYOAKE BRIDGE TO LUE ROAD REHAB	110	0	110	0	0%	5	Initial works
FOOTWAYS - CAPITAL WORKS	136	0	136	109	81%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	30	0	30	2	8%	0	Construction
PUTTA BUCCA ECO TRAIL	319	0	319	102	32%	78	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES SHARED CYCLEWAY/WALKING LOOP	28	0	28	29	101%	0	Procurement
FOOTPATH - LAWSON PARK EAST	51	0	51	0	0%	0	Procurement
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	700	0	700	121	17%	283	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	175	0	175	69	39%	23	Construction
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	247	0	247	0	0%	0	Project Scope
AIRPORT RUNWAY*	1,012	0	1,012	125	12%	775	Complete-awaiting invoices
AIRPORT AMBULANCE TRANSFER BAY	83	0	83	8	9%	55	Initial works
AIRPORT TERMINAL AWNING	6	0	6	6	99%	0	Complete
AIRPORT HELICOPTER LANDING PAD	32	0	32	0	0%	0	Complete-awaiting invoices
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	220	0	220	0	0%	0	Design
Total	23,241	30	23,271	9,331	40%	3,717	

Good Government

RYLSTONE COUNCIL BUILDING	64	0	64	22	34%	9	Final works
MUDGEES STORES BUILDING	10	0	10	7	75%	0	Deferred/Cancelled
OLD POLICE STATION CAPITAL	62	0	62	1	1%	1	Design
CARMEL CROAN BUILDING CAPITAL	45	0	45	45	100%	0	Complete
CONCEPT PLANS FOR MAIN ADMIN BUILDING	50	0	50	0	0%	0	Procurement
IT SPECIAL PROJECTS	31	0	31	18	59%	0	Procurement
IT NETWORK UPGRADES	101	0	101	0	0%	96	Procurement
IT CORPORATE SOFTWARE	128	0	128	42	33%	19	Construction
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	0	0%	13	Construction
BACKUP DISASTER RECOVERY UPGRADE	282	0	282	0	0%	220	Procurement
PLANT PURCHASES	8,022	0	8,022	936	12%	3,288	Procurement
RYLSTONE DEPOT CAPITAL WORKS	10	0	10	10	99%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RYLSTONE DEPOT WASHBAY	156	0	156	38	25%	103	Final works
SOLAR FARM INITIATIVE	848	0	848	108	13%	360	Design
REPLACE DEPOT FUEL BOWSERS	36	0	36	36	100%	0	Complete
RYLSTONE DEPOT SEALING	40	0	40	38	95%	0	Complete
WORKSHOP FIRE EXIT	1	0	1	1	98%	0	Complete
WORKSHOP CONCRETE WORKS	25	0	25	0	0%	7	Project Scope
STORE WATER PIPE SHED	30	0	30	8	25%	0	Construction
Total	9,973	0	9,973	1,311	13%	4,115	

Total Capital Works Program 66,682 69 66,752 25,839 39% 17,229

Status	Description
Consultation	Engaging with stakeholders for ideas and to determine viability and direction for the project.
Project Scope	Initial concept, business case and project plan development.
Design	Initial and detailed design.
Procurement	Tendering, sourcing quotes or suppliers.
Initial works	Early stages of project delivery.
Construction	Major project activities are in progress.

Final works	Project is in final stages of completion or awaiting minor items.
Complete, awaiting invoices	Project work is complete. Waiting on invoices from suppliers for financial completion.
Complete	Project work is complete and all costs have been allocated.
Deferred/Cancelled	Project is no longer in current year's program
Budget only	Project for budget purposes only. Fully allocated out to projects.

9.4 Refinance of Sewer Fund Loan

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0140322

RECOMMENDATION

That Council:

1. **receive the report by the Accountant Reporting and Analysis on the Refinance of Sewer Fund Loan; and**
2. **authorise the General Manager to refinance the Sewer loan with National Australia Bank for another 10 years at a forward starting fixed rate subject to the rate supplied being no more than of 2.9%.**

Executive summary

The Sewer loan has a 10 year fixed rate which is due to expire as at 27 October 2021 and requires refinancing. The National Australia Bank (NAB) has provided 3 options on refinancing for this loan. Option 2 is considered the better option as it means that there is no break cost to pay and a fixed rate will ensure certainty of cash flows. This option involves refinancing for another 10 years at a forward starting fixed rate that is agreed in March but commences on 27 October 2021 when the current fixed rate leg matures. On 4 March 2021 Council received a revised indicative fixed rate for Option 2 of 2.74%.

Disclosure of Interest

Nil.

Detailed report

The Mudgee Sewer Augmentation project loan which commenced in 2011/12, for \$10 million, is budgeted for 20 year repayments. Due to the global financial instability at the time, a 10 year fixed interest rate loan with the option to refinance after 10 years was entered into as the rates were lower than that of a 20 year loan. This 10 year fixed rate is due to expire on 27 October 2021 and revert back to a floating rate and thus NAB has provided us with options on refinancing the loan.

In July 2020 NAB suggested the following options in regards to the sewer loan:

Option 1 – terminate now and incur the break cost of \$357,000 and embed it back into a fixed rate leg for the remaining term out to December 2031.

Fixed amount - \$7,663,573

Fixed Term - October 2020 to December 2031, semi-annual rolls

The indicative fixed rate for the term - 3.17% all up with margin of 0.36% and break cost embedded

The indicative semi-annual P&I payment - \$399,960

Option 2 – consider a forward starting fixed rate leg that is agreed today to commence on Oct 27 2021 (in 1 year) when the current fixed rate leg matures, no break cost to pay.

Fixed amount - \$7,317,300

Fixed Term - October 2021 to December 2031, semi-annual rolls

The indicative fixed rate for the term – 2.54% all up with margin of 0.36% and break cost embedded

The indicative semi-annual P&I payment - \$399,070

Option 3 – *do nothing and wait for the fixed leg to mature and allow it to go back to the floating rate (currently 2.07%) on October 2021.*

A move from a fixed rate of 6.53% to an indicative floating rate of 2.07% will be beneficial to cash flow, on \$7,500,000 that is a saving of \$334k/year. However it does leave exposure to a rise in the floating rate over the remaining term of the loan while a fixed rate of 2.54% would be set for the life of the loan.

Option 2 is recommended as it would mean that there is no break cost to pay and a fixed rate will ensure certainty of cash flows. The fixed rate has been requested to 2.74% on 4 March 2021 and the loan should only be entered into if the rate offered does not exceed 2.85%.

As loan interest rates have increased slightly since January it is recommended to enter into a forward starting fixed rate now rather than risk exposure to a further rise in rates between now and October 2021.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies

Not applicable.

Council Policies

The Council's Borrowing Policy, adopted on the 15 April 2020, allows that:

- Council may borrow at any time for any purpose permitted under the Local Government Act 1993, and
- Any borrowings shall be considered as a mechanism to assist in achieving the goals Council as set out in the adopted Management Plan and Strategy Plan
- Council is committed to maintaining a Debt Service Ratio of less than 15% for General Fund

The recommendation complies with the Council's Policy, including maintaining a satisfactory level of Debt Service Ratio.

Legislation

Council may borrow at any time for any purpose allowed under the Local Government Act 1993 (LG Act S 621).

The Local Government (General) Regulation 2005 allows that the repayment of money borrowed by a council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the council (LG Regulation 229). The Deemed Charge over Council Rates complies with this regulation by securing the loan over council income.

The Local Government Ministerial Borrowing Order limits council not to borrow from any source outside the Commonwealth of Australia nor in any other currency other than the Australian currency.

The recommendation complies with statutory requirements.

Financial implications

The estimated semi-annual principal and interest repayments for the loan over 10 years at 2.74% are:

Current loan Repayments	Estimated loan repayments	Savings
420,525	403,210	17,315

Should the recommendation be approved Council staff will account for these repayment changes when preparing the draft Operational Plan 21/22.

Associated Risks

Refinancing into a fixed interest rate loan has risks that the Council will not be able to benefit from falling interest rates, however it also means that the Council will be protected if the interest rates increase.

Entering into a fixed rate loan also has risks that if amounts are drawn down or early repayments are made then economic costs may incur to compensate NAB.

The interest rate markets over January and February 2021 have seen some aggressive increases and volatility. We are advised this is due to the possibility of higher inflation in developed economies. This has settled somewhat which may give Council the opportunity to lock in better rates than recently quoted. The recommendation to this report will allow Council staff some flexibility to assess these movements and aim to achieve a better result, whilst also setting an upper limit rate of 2.9%. A further report would be presented if staff cannot secure rate under the upper limit.

AMANDA COVER
ACCOUNTANT REPORTING & ANALYSIS

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

16 February 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Naming of a new road in a subdivision off Adams Lead Road Gulgong.

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, P25207 R0790041

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a new road in a subdivision off Adams Lead Road Gulgong; and**
2. **formally approve the name of Peru Road for this new road.**

Executive summary

Formal approval is requested to name the new road in a subdivision off Adams Lead Road in the locality of Gulgong, Peru Road.

Disclosure of Interest

Nil

Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads. Following the approval of a subdivision off Adams Lead Road in the locality of Gulgong, Council went through the road naming process and approved the name of Joinery Lane at their 19 February 2015 meeting. However, the road has not yet been built and the developer requested the road be re-named to commemorate Mr Peru Perumal. Council wrote to the neighbours of the subdivision on 28 August 2020 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 28 August 2020 Mudgee Guardian and on Council's website.

Five additional submissions were received, all in support of Peru Road. Two other names were previously submitted for the original naming of this road. From these names Council provisionally approved the name of Peru Road at their 21 October 2020 meeting.

Peru relates to Peru Peramul (20/9/1941-26/5/2020). Peru was a highly regarded Sydney architect who first came to Gulgong in the early 1970s, as a member of the National Trust's Urban Conservation Committee, to carry out an investigation into the town's then, current and future conservation needs. Gulgong became Peru's second home and he made a huge contribution to saving Gulgong's unique architectural character. He was an inspiration for, an active participant in, and a major influence on the conservation, enhancement and promotion of the historic precincts of Gulgong and Mudgee.

The Geographical Names Board was advised of this possible road name but are unable to approve it at this stage due to the requirement that a person is to have been deceased for at least 12 months before an application to commemoratively name a road after them is deemed acceptable.

Aside from the time limit there are no other obstructions to approving the name. This will not preclude Council from formally approving this name at this meeting. After which staff will place the naming process on hold until the end of May and resume the application to the GNB after the 12 month period has passed. The developer is aware of the situation and has received temporary addressing based on Adams Lead Road pending the gazettal of the new road name.

Once the application is resumed with the GNB notices of the new road name will be served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association via the NSW Online Place and Road Naming Proposal system.

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 street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A road authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months’ notice of the proposed name.”

In accordance with Council’s Road, Bridge & Place Naming Policy, should Council formally endorse the naming of this new 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 name will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Roads and Maritime Services.

Council received written permission from Mr Perumal’s daughter on 13 October 2020 for the use of photos of Mr Perumal in Council’s Reports in relation to the naming of this road.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road, Bridge & Place Naming Policy.

Legislation

Roads Act 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

Geographical Names Board of NSW Address Policy and User Manual, October 2019.

Financial implications

The cost of and installation of streets signs will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

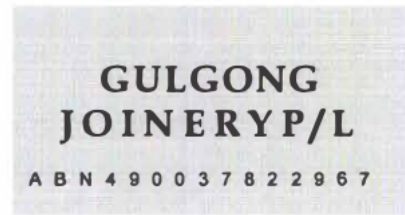
LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 February 2021

Attachments: 1. Submission.
2. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



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



3 August 2020

Dear Brad,

**RE: ROAD NAMING REQUEST: FORMAL SUBMISSION
GULGONG JOINERY P/L SUBDIVISION 103 ADAMS LEAD ROAD GULGONG
DA 0146/2020 LOT 3 DP1244767**

Further to my letter to you of 9 July 2020 which you kindly passed on for me to the relevant Council department, I have been advised by personnel from that department that I should now submit a formal Road Naming Request to have the name Joinery Road changed to PERU ROAD. The road is yet to be built but it is a condition of the DA (DA0146/2020) Consent received by me on 24 June 2020 for my company's subdivision.

I, therefore, now formally request that the road into the subdivision be renamed Peru Road. As advised by Council staff, I submit the obituary written about Peru and 2 photos of him as documentary evidence to support my submission. As is evident from the obituary, Peru made an enormous contribution to Gulgong, Mudgee and to the MWRC area generally and to have this road named after him would be a fitting acknowledgement of his very significant legacy. Peru worked tirelessly to conserve, enhance and promote the unique heritage of the entire Mid Western Council region for many years from 1975 up until the mid 2000s when he had an input into the master plan for Gulgong's Red Hill Precinct. In that he was able to mobilise an entire community, thus enabling people to 'see' and to appreciate the unique heritage of Gulgong and the MWRC area, is testament to his commitment and the very positive impact his work, much of which was voluntary, had.

Not only has Peru's family give their permission for me to submit this formal request but they also expressed their gratitude in the hope that Peru could be remembered in this way. The family also asked that his Christian name (Peru) and not his surname (Perumal) be used to name the road. Indeed, throughout his highly successful professional career as a prominent Sydney architect, he was always referred to as Peru and it is by his first name that those of us who were privileged to know and work with him still fondly remember him.

It would be very much appreciated therefore if you could forward my letter with your endorsement to your relevant Council department to progress this formal request.

Yours faithfully,

David Warner

GULGONG JOINERY P/L ACN 003 782 296
Postal Address: MUDGEES NSW 2850 AUSTRALIA
MOBILE: EMAIL:

GULGONG SAYS THANK YOU PERU

PERU PERUMAL (20 September, 1941– 26 May, 2020)

Gulgong, and indeed the whole shire, has recently lost a good friend. Many current residents would be unaware of the early days to save Gulgong's unique architectural character. Peru's contribution towards this is an important part of the town's history, and of its development and presentation as a townscape of rare quality evolved from important historic and social events of Australia's past. Indeed, Peru Perumal, a highly regarded and much respected Sydney architect, was an inspiration for, an active participant in, and a major influence on the conservation, enhancement and promotion of the historic precincts of the Mid-Western Regional Council (formerly Cudgegong and Mudgee Shire Councils) for over 40 years.

TIMELY INTERVENTION

In the early 1970's, the National Trust (NSW) was very much aware of Gulgong's special architectural and historic significance. It was also fearful for its future if measures were not taken to arrest trends that were current at the time. And so it was, into this atmosphere of uncertainty, that Peru (along with Tony Strachan) came to Gulgong, in a voluntary capacity, as a member of the National Trust's Urban Conservation Committee to carry out a preliminary investigation into the town's then current and future conservation needs.

A report, *Gulgong: Proposed Conservation Area – Classified and Recorded* was produced by Peru and presented to a well-attended public meeting in the Prince of Wales Opera House on Friday 12 September, 1975. Prior to its presentation, an editorial in the Mudgee Guardian referring to this heritage conservation study stated that this plan:

“ ... is perhaps the most important document to be tabled in Gulgong, and one that should attract the attention firstly of local citizens, and with continued Shire backing, the State Government itself. Gulgong is singularly fortunate that two dedicated experts should give their time to produce a plan aimed at “stopping the rot”, and—preserving what is acknowledged as Gulgong's greatest asset and certainly its greatest tourist attraction the historic character of the town.”

(15 July 1975)

MOBILISING THE COMMUNITY

The release of the report was followed by a series of further public meetings which were held to inform local residents of the national significance of their town, the process whereby its conservation and enhancement could be ensured, and the life style and commercial benefits that would ensue. An outcome of the very first public meeting was the formation of *The Gulgong Conservation Society* which played an active role in the promotion of the conservation ideal. With significant input from Peru, a system of bi-annual awards was implemented. This was a joint venture between the Conservation Society and Mudgee Shire Council. These awards, with a judging panel which included representatives from the Royal Australian Institute of Architects, the National Trust (NSW), and The Heritage Council of NSW, recognised local residents, architects and tradespeople in the areas of building restoration and new building work (including additions) within the town's designated conservation area. Peru also presented a series of articles in the local media which sought to further explain the concept of conservation, how it applied to the towns, and how best it could be implemented.

THE FORMAL HERITAGE STUDY

Further to his preliminary report for the National Trust, Peru was commissioned by the Mudgee Shire Council and the Heritage Council of NSW to prepare a formal study of the town. This report, *The Gulgong Environmental Study* presented in 1981, was adopted by both authorities and formed the basis of Mudgee Shire Council's LEP No. 10 which set about formalising and then implementing its recommendations. To assist in this regard, Peru was appointed Mudgee Shire Council's Heritage Advisor, a position he held for almost 10 years. Although the position was funded for only 2 days per month, Peru spent countless additional days, at his own expense, liaising with and advising Council and the people of the Shire in conservation matters.

THE GULGONG DESIGN AND REVIEW COMMITTEE

As part of this process Peru established *The Gulgong Design and Review Committee* which was made up of members of the local community and councillors. Its purpose was to review and advise on building conservation issues submitted by the public prior to them being forwarded to Council for approval. This achieved two important outcomes: most issues were resolved before they became problematic; and the conservation of the town was being guided by the local community itself rather than being imposed from above by some external authority. As a consequence, the people themselves adopted the need to conserve the town's historic architectural character. This, together with a new found pride in its uniqueness, still continues today.

OTHER AREAS OF INFLUENCE

As the heritage conservation work being done in Mudgee and Gulgong became well-known Peru, along with other members of the community working with him, were invited to speak at a number of historic centres, e.g. Bathurst and Glen Innes, which were also developing conservation programs at the time.

During his time as Heritage Advisor, Peru also played an important educative role. He was an important mentor and consultant for 2 significant town initiatives. Firstly, *The Gulgong Town Trail*, an instructional walking tour which led participants on a self-guided tour of the town's unique historic buildings and elements within the designated conservation area. His expertise was also drawn on for the 1984 submission to the NSW Education Department to establish an Historic Urban Field Studies Centre (the very first in Australia) at the disused Red Hill School site. This became a reality in the mid-nineties and now flourishes as The Red Hill Environmental Education Centre.

Red Hill was the site of the first gold discovery in 1870 which led to the founding of the town of Gulgong. Until recently, Peru had been the voluntary advisor for the Red Hill Project, a local community initiative in partnership with Mid-Western Regional Council. Peru developed a master plan for the project and although funding was initially limited, a number of significant works have since been undertaken resulting in the establishment of the *Gulgong Gold Experience* which, through educative signage, displays and information, details the early days of mining on Red Hill and the town itself.

A HANDS-ON APPROACH

Peru was also involved with the restoration and enhancement of existing buildings along with the construction of sympathetic additions and new buildings throughout the shire. Examples of the restoration work included: the Mudgee and Gulgong Police Stations, the original Gulgong Town Hall and the "Lawson House" in Gulgong. New buildings included St Matthews School in Mudgee, major additions to All Hallows School in Gulgong and to the (former) Ulan Electric Building – to mention but a few. He also advised on the initial beautification of the Mudgee CBD. The façade on the former Gulgong WESTPAC Bank

building was also one of Peru's initiatives so that, being in such a prominent position in Mayne Street, it would better blend in with the historic streetscape.

Peru always referred to Gulgong as his second home. Indeed, his warmth, genuineness and enthusiasm for the town and its people endeared him very much to those who knew him and who were privileged to partner with him in the important task of conserving the town for the benefit of present and future generations. By example, he brought the need to conserve our historic precincts to the consciousness of the people of Gulgong, Mudgee and district. His work over many years saw him advise, educate, enthuse and participate in all matters of urban conservation. Far from being a theorist, Peru was very much a hands-on practitioner and willingly provided all manner of practical advice and guidance to those wishing to undertake restoration and/or sympathetic new building work or who just required a traditional colour scheme.

THE LAWSON HOUSE

The "Lawson House" in Medley Street is an excellent example of his approach. Built by Henry Lawson's father in the late 1800's this derelict building had a demolition order placed on it in the 1970's. Peru put together a syndicate of 5 local people and set about the task of restoring this historically significant building. Not only did he draw up the plans for the building's conservation but he also organised working-bees in which he was very much involved, and often with his young family accompanying him. Local builders too were involved and guided through the restoration process. More recently, he had input into the restoration of Dolly's in Medley Street (an early example of a miner's cottage) and The Old Belmore Hotel in Herbert Street (a remnant from Gulgong's *Roaring Days*).

PERU'S LEGACY

Conservation worked in Gulgong because Peru, through his expertise, his compassion, his personable approach, and his vision, enabled local people to 'see' those things that make the town unique and special. The community was, therefore, enabled to internalise the need for this to happen. Through his efforts and encouragement the town has flourished and has become a unique regional tourist destination and an important educational resource and facility.

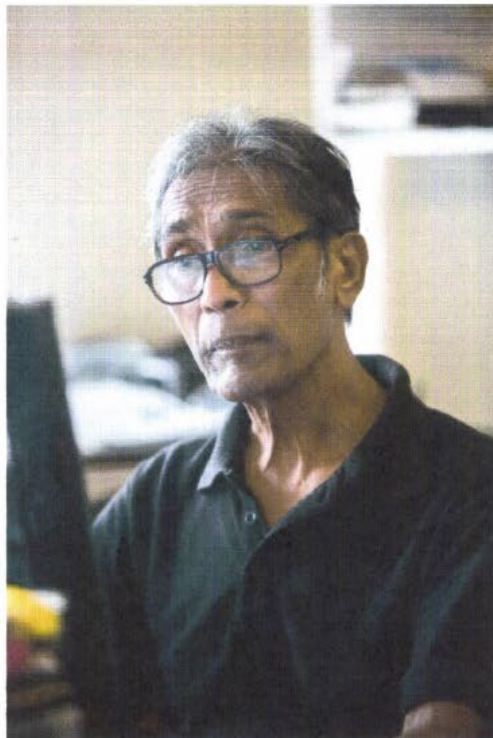
Peru was a valuable friend and mentor who was able to empower, motivate and mobilise a whole community. Without his timely intervention in 1975, Gulgong could very well have gone the way of other historic towns which did succumb to the ravages of time, neglect and disinterest. For this we are all indebted to him for his drive, initiative, foresight and guidance without which our region's historic precincts would be the poorer. As such, his legacy cannot be overstated and should not be forgotten.

David Warner
3 June 2020

PERU PERUMAL (20 September 1941 – 26 May 2020)



Peru when he came to Gulgong in 1975 to conduct the town's first Heritage Conservation Study.



Peru Perumal in 2014 when he was still Providing advice on the Red Hill Mining precinct and museum in Gulgong.



Item 10: Operations

10.1 Mudgee Flood Study - Adoption

REPORT BY THE DIRECTOR OPERATIONS

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, SEW200053

RECOMMENDATION

That Council:

1. **receive the report by the Director Operations on the Mudgee Flood Study - Adoption;**
2. **adopt the Mudgee Flood Study;**
3. **note the proposed interim arrangements prior to completion of the Flood Risk Management Study;**
4. **accept \$6,250 in additional grant funding from NSW State Government, if successful, for the development of an interim flood study and to undertake additional community engagement; and**
5. **amend the 2020/21 Budget by increasing the expenditure budget by \$9,375 funded by NSW Government grant \$6,250 and Council funding of \$3,125 from unrestricted cash.**

Executive summary

The draft Mudgee Flood Study was placed on exhibition during March and April 2020. Only one submission was received.

Council commissioned WMA Water Pty Ltd to undertake the preparation of the Mudgee Flood Study. The primary objective of this Flood Study is to develop a robust hydrologic and hydraulic modelling that defines flood behaviour for the study area for a range of design flood events.

This report recommends the adoption of the Mudgee Flood Study and note the proposed interim arrangements including further engagement with the community regarding overland flow and the introduction of an interim flood policy.

Disclosure of Interest

Nil

Detailed report

The draft Mudgee Flood Study was considered by Council at the March 2020 meeting. It was placed on public exhibition and only one submission was received. The submission requested more detailed flood information in the Saleyard Lane area. This information will be available during future stages of the process following completion of the Flood Risk Management Study.

The NSW State Government's Flood Prone Land Policy provides a framework to ensure the sustainable use of floodplain environments. The Policy is specifically structured to provide solutions to existing flooding problems in rural and urban areas. In addition, the Policy provides a means of ensuring that any new development is compatible with the flood hazard and does not create additional flooding problems in other areas.

The Policy provides for technical and financial support by the Government through five sequential stages:

1. Data Collection: Compilation of existing data and collection of additional data.
2. Flood Study: Determine the nature and extent of the flood problem.
3. Floodplain Risk Management Study: Evaluates management options for the floodplain in respect of both existing and proposed development.
4. Floodplain Risk Management Plan: Involves formal adoption by Council of a plan of management for the floodplain.
5. Implementation of the Plan: Construction of flood mitigation works to protect existing development, use of Local Environmental Plans to ensure new development is compatible with the flood hazard.

Council received financial support from Office of Environment and Heritage (OEH) to undertake Stages 1 and 2 above. Council has commissioned WMA Water Pty Ltd to undertake the preparation of the Mudgee Flood Study. The primary objective of this Flood Study is to develop a robust hydrologic and hydraulic modelling that defines flood behaviour for the study area for a range of design flood events.

Under the Policy, the management of flood liable land remains the responsibility of local government. The State Government subsidises flood mitigation works to alleviate existing problems and provides specialist technical advice to assist Councils in the discharge of their floodplain management responsibilities.

The work by WMA involved data collection and review, topographic survey, flood modelling development, hydrologic analysis, hydraulic modelling and highlighting the consequences of flooding to the community based on their findings.

Based on the analysis undertaken the following has been identified:

- In a 1% AEP riverine flood event there is significant flood impacts present both within the township and on the roadways connecting the town to the surrounding region. During a riverine flood only the Castlereagh Highway running south is flood free. In this event all other routes out of the town have the potential to be closed in excess of 24 hours;
- During a local (flash flood) 1% AEP storm event due to overland flow there is a high likelihood that property flooding and damage will occur. With the exception of Redbank Creek most other overland flow paths through the township do not have sufficient capacity to safely contain flow through the township;
- Sensitivity analysis shows that in general the floodplain is not sensitive to changes in hydrologic or hydraulic modelling parameters which would still be in accordance with best practice. The catchment is sensitive to increases in rainfall intensity due to climate change however, with level increases in the 1% AEP event in excess of 0.50 m in the 1% AEP event within the Cudgegong River. These increased levels increases the risk of flooding on property and further reduces the evacuation capacity of the township.

This flood study has been provided to enable review and discussion of the findings of the analysis. In addition, this report provides preliminary advice to support decisions on activities in the floodplain. This has been provided as interim guidance in advance of a future Flood Risk Management Study (FRMS). The FRMS should review all work completed and build upon the outcomes using the additional information developed and gathered as part of the project.

Due to the identification of the overland flow flood risk, interim measures are proposed prior to undertaking the Flood Risk Management study. They include;

- Adoption of the Flood Study
- Additional Community engagement which will consist of the development of an information pack to help the community to understand the overland flow findings
- Development of an interim flood policy, incorporating a Flood Investigation area as part of the Planning process

Following completion of the Flood Risk Management Study the LEP and DCP will be updated in line with the findings and recommendations of the study.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Identify and implement innovative water conservation and sustainable water usage management practices

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

NSW State Government Flood Prone Land Policy, under this policy the management of flood liable lands remains the responsibility of Local Government.

Financial implications

This Study is funded under the NSW Floodplain Risk Management Program with contributions from Council's adopted budget.

The development of the interim flood policy and the community engagement is not covered under the existing agreement and will be treated as a variation. The estimated cost for this additional work is \$9,375. It is anticipated this will be funded by 2:3 NSW Office of Environment and Heritage and 1:3 Mid-Western Regional Council.

Associated Risks

Nil

GARRY HEMSWORTH
DIRECTOR OPERATIONS

3 March 2021

Attachments: 1. Mudgee Flood Study - Final Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 RFT 2020/99 Goulburn River Bridge

REPORT BY THE SENIOR WORKS ENGINEER
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, COR400389

RECOMMENDATION

That Council:

1. **receive the report by the Senior Works Engineer on the RFT 2020/99 Goulburn River Bridge;**
2. **note the details provided in the attached confidential report and accept the tender submission for the Design and Construct of Goulburn River Bridge in accordance with Clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$XXX excluding GST;**
3. **authorise the General Manager to finalise and execute the contract on behalf of Council with Kenpass Pty Ltd for Design and Construct RFT 2020/99 Goulburn River Bridge replacement;**
4. **grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 10% of the original contract sum; and**
5. **notify other tenderers that their tenders were unsuccessful.**

Executive summary

The bridge over the Goulburn River on the Ulan Road is critical to the transport route from the Hunter Valley to the Mid-Western Region and in particular the to the coal mines at Ulan.

The bridge was constructed in 1930. Council engaged a structural engineer to assess the load rating. The resulting report identifies deficiencies in the structure. The bridge is currently speed restricted as recommended in the report by Bridge Design, and no over-mass vehicles or larger heavy combination vehicles are permitted to use the bridge.

Currently, those loads are required to travel an additional 90km via Gulgong to make the journey.

A tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising of representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the Design and construction of bridge works.

Disclosure of Interest

All panel members signed a declaration prior to tender review indicating no disclosure of interest.

Detailed report

Advertised

Open to the Market: 27 November 2020

Closed: 13 January 2021

47 days in total

The above tender was advertised in the:

- Mudgee Guardian
- Council's e-Tendering portal – VendorPanel
- Sydney daily newspaper(in Tuesday Local government section
- Information regarding this tender was also published on Council's website

Tenders Received

Six (6) companies submitted tenders;

1. Bridge and Marine Engineering
2. Kenpass Pty Ltd
3. Saunders Civil Build
4. SC Structural and Geotechnical Engineers Pty Ltd
5. Tobco
6. Waeger Construction

Late Tenders

No late submissions were received.

Conforming Tenders

One tender was deemed non-conforming due to a lack of submission documents as below;

- **SC Structural and Geotechnical Engineers Pty:** No returnable schedule was received.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best outcome for Council, in a rational and defensible way that is fair to all tenderers. The evaluation criteria was identified in the Request for Tender documentation.

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan and in compliance with the provision of the Local Government Act 1993 and Local Government (General) Regulation 2005.

Assessment Panel

Rob Saghafi	Senior Works Engineer
Andrew Kearins	Manager Works
Peter Crawley	Procurement Officer

Tenderers were assessed against a pre-determined evaluation criteria with the following weighting;

Evaluation criteria	weighting
Price	40%
Experience and Capacity	30%
Understanding of Project Requirements	15%
Ability to meet the Project Program	10%
Management System	5%

Evaluation Findings

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Scoresheet (Confidential Attachment), to determine the Total Weighted Score. The application of the Local Preference Policy was not applicable in the evaluation.

Evaluation of tenderers against the specified evaluation criteria indicated the following tenderer has submitted the most superior tender, representing the best value to Council for the Design and construction of Goulburn River bridge replacement;

1. Kenpass Pty Ltd

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

Roads Asset Management Plan

Council Policies

Procurement Policy

Legislation

Local Government Act

Local Government (General) Regulations 2005

Financial implications

The anticipated cost of works has been assessed, and the recommended tenderer is currently budget compliant.

Associated Risks

Council is managing the procurements risks through the detailed tender process that included reference checking of the successful tenderer and a detailed financial review.

ROB SAGHAFI
SENIOR WORKS ENGINEER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

4 March 2021

Attachments: 1. RFT 2020/99 Goulburn River Bridge Tender Evaluation. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Mudgee Regional Art Gallery Logo

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, REC800038

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mudgee Regional Art Gallery Logo; and**
2. **endorse the logo for the Mudgee Regional Art Gallery as recommended by the Cultural Development Committee.**

Executive summary

Council endorsed the name of the Mudgee Regional Art Gallery at its meeting in September 2020. In order to progress with promotions and brand recognition, a logo for the facility must also be developed and endorsed.

Disclosure of Interest

Nil.

Detailed report

In consultation with Council's Cultural Development Committee, staff have completed an exercise in logo development for the new Mudgee Regional Art Gallery. The project has resulted in a single acronym-based logo that is able to be manipulated slightly for use at the gallery site itself and also for the workshop spaces to be constructed at 2-6 Douro Street (the site to the immediate north of the gallery site).

The logo developed is distinctive and will represent the gallery's brand well into the future. The contemporary design also pays homage to the design of the new building.

The logo utilises the abbreviated acronym 'MUDRAG'. 'MRAG' was avoided as this would duplicate the branding utilised by Maitland Regional Art Gallery, a well-established gallery operating since 2003.

Use of acronyms is common for art galleries and museums worldwide. Examples include MONA (Museum of Old and New Art – Hobart), MoMA (Museum of Modern Art, New York), BRAG (Bathurst Regional Art Gallery), QAGOMA (Queensland Art Gallery and Gallery of Modern Art - Brisbane) and V&A (Victoria & Albert Museum – London). The acronym 'MUDRAG' also replaces the wordy title 'Mudgee Regional Art Gallery' and will be immediately recognisable as the home of

arts and culture for the Mid-Western Region. Utilising the logo with accompanying wording will also counterbalance the logo and acronym where appropriate.

The proposed primary logo is a black and white monochrome design which is in line with international gallery branding. It is considered timeless and does not detract from any artworks or collections being exhibited at any one stage. It also lends itself to opportunities to add colour to the pallet for specific events (such as Pink Up Mudgee, or when a specific exhibition leans towards a particular colour).

Fonts for gallery assets will also be developed to compliment the endorsed logo design.

Images of the logo for endorsement are illustrated in the attachment 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 arts and cultural development across the Region

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

25 February 2021

Attachments: 1. Gallery logo presentation.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

MUDGEE REGIONAL ART GALLERY

Logo Development



EXAMPLES OF OTHER LOGOS

International, National and locally significant art spaces

USE OF ACRONYM



Museum of Modern Art - New York



Queensland Art Gallery and Gallery of Modern Art



USE OF MONOCHROME PALLET



National Gallery of Victoria



MUDGEE REGIONAL ART GALLERY
Logo Development



PRIMARY LOGO

Contemporary, modern, memorable, clean, curves reflect the traditional arched windows and contrasts with the sharp angular architectural lines of the new building.



Mudgee
Regional
Art
Gallery

MUDGEE REGIONAL ART GALLERY
Logo Development



SECONDARY LOGO - CREATIVE CULTURAL SPACE

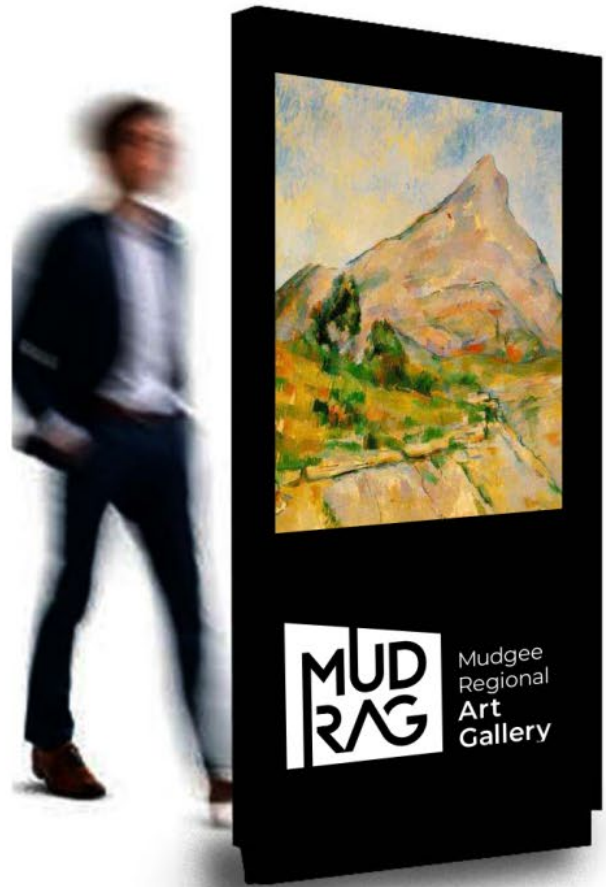
References the artists practice, making your mark, pottery - historical art practice within the region.



Mudgee
Regional
Art
Gallery

MUDGEE REGIONAL ART GALLERY
Logo Development





MUDGEE REGIONAL ART GALLERY
Logo Development





MUDGEE REGIONAL ART GALLERY
Logo Development



ALONGSIDE MWRC

Gallery logo shown alongside the MWRC logo



MUDGEE REGIONAL ART GALLERY
Logo Development



11.2 Regional Arts Development Organisation Representation

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, REC800019

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community and Cultural Services on the Regional Arts Development Organisation Representation;**
2. **accept the Mid-Western Regional Council Cultural Development Committee's recommendation that it replace Orana Arts as its Regional Arts Development Organisation with an Arts OutWest membership;**
3. **authorise the General Manager to finalise arrangements to replace Council's Orana Arts membership with one for Arts OutWest from 1 July 2021; and**
4. **amend the 2021/2022 Budget to increase Community Services Administration Donations and Contributions by \$16,000 (funded from unrestricted cash) to meet the financial obligations of Arts OutWest annual membership.**

Executive summary

Mid-Western Regional Council traditionally seeks representation on its own behalf and on behalf of the Mid-Western community for arts representation; creating and advocating for opportunities for artists and cultural institutions and to increase arts and cultural participation across the community; both as recreational pursuits and commercial enterprise opportunities. Strong Regional Arts Development Organisation representation for Council is particularly relevant as it approaches completion of construction of, and commencement of operations for, the Mudgee Regional Art Gallery. The Cultural Development Committee has considered and assessed the performance and future potential offerings of Orana Arts and Arts OutWest, respectively, and now recommend to Council that stronger representation is able to be provided by the latter.

Disclosure of Interest

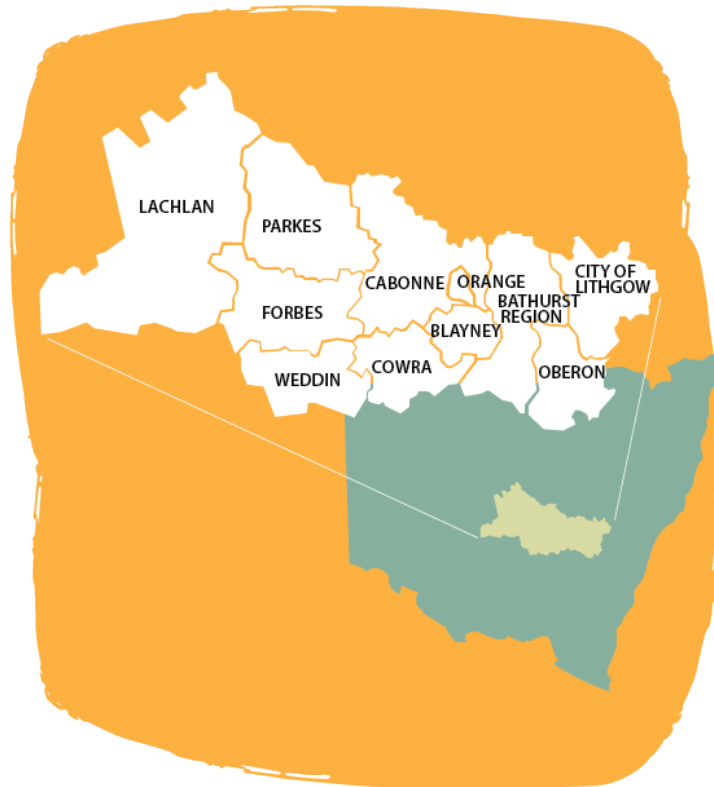
Nil.

Detailed report

Throughout the past year, Council's Cultural Development Committee has assessed that the opportunities being offered by Orana Arts as not being as rich and productive as those potentially available through Arts OutWest. Only three Councils (including Mid-Western) remain with Orana Arts and it appears that its future focus does not take into account Councils' interests.

Arts OutWest's Strategic Plan 2021-2024 (draft attached to this report) provides tangible outcomes and good vision in terms of gallery operations and community engagement for Council going forward. Further, it is anticipated that Arts OutWest is a stronger organisation for service delivery based upon its greater geographical footprint and larger Council membership, lending to increased opportunities for inter-Council partnerships (see below).

Current Arts OutWest membership Councils:



Services currently being offered by Arts OutWest include:

- Arts event promotion support
- Networking
- Funding application support
- Information and resources
- Research
- Small grants
- Arts Outwest Cultural Fund
- Project auspices or funding management (not relevant for Council, but relevant for artists and small local arts organisations)
- Contacts and connections
- Professional development
- Advice and support
- Regional events calendar
- Cultural and strategic planning
- Advocacy
- Project and partnership development

In the event that the recommendations in this report are endorsed by Council, staff will make arrangements to cease its membership with Orana Arts and join with Arts OutWest from 1 July 2021.

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

Council staff are commencing a revision of the now-outdated Cultural Plan; the revision of which will have more relevance to a community with a regional art gallery. It is anticipated that membership to a proactive regional arts development organisation will be a key theme in stakeholder development and strategies within the new Plan.

Council's Public Art Plan recognises the benefits of a range of partnerships to contribute to arts and cultural development, including those with regional arts bodies, such as Orana Arts (or Arts OutWest). Further, the Public Art Plan notes that the Cultural Development Committee will advise Council on its relationship with Orana Arts or any other peak regional arts body as applicable from time to time.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Whilst Orana Arts has varying levels of membership investment required by Council over the past decade (more recently up to \$14,000 per annum), it is anticipated that membership with Arts OutWest will cost Council approximately \$18,000 annually (calculated on population numbers). This is because Arts OutWest is a larger arts development organisation with a greater geographical footprint (and greater Council memberships) and then Orana Arts, and its service delivery has a wider scope. The increase in Council contribution, however, is expected to result to increased service delivery to the Mudgee Regional Art Gallery and the region's arts and culture community. The increased budget can be funded from Council's unrestricted cash.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	✘	-	-
Future Years	✘	-	-

Associated Risks

In the event that Council fails to endorse the decision to change Regional Arts Development organisations, there is a risk that Council will continue to pay for an Orana Arts membership that fails to deliver value-for-money, tangible services to the Mudgee Regional Art Gallery, as well as unknown, potentially limited, services to the Mid-Western arts community. The difficulty in assessing this risk lies in the failure by Orana Arts to disclose to Council its Strategic Plan (and, historically, its draft Strategic Plan) as at the date of drafting this report.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

25 February 2021

Attachments: 1. Arts OutWest Strategic Plan 2021-2024 (Draft). (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Offer of Donation of Art - Gallery Forecourt Sculpture

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, REC800010, REC800003, REC800021

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Offer of Donation of Art - Gallery Forecourt Sculpture; and**
2. **accept the offer of the donation of the sculpture, 'Encounter' by John Fitzmaurice.**

Executive summary

This report seeks to inform Council of an offer of a donation of a sculpture that has been made to Council. The offer of donation from works exhibited at the 2020 Sculptures in the Garden event held annually is made by Gerald and Kay Norton-Knight on behalf of Sculptures in the Garden Inc and Rosby Wines. The intent is that the work be installed at the forecourt of the new Mudgee Regional Art Gallery alongside the Market Street entrance.

Disclosure of Interest

Nil.

Detailed report

In late January 2021, an approach was made to Council in relation to the donation of a large outdoor sculpture, 'Encounter' by Central Coast sculptor, John Fitzmaurice from Gerald and Kay Norton-Knight on behalf of Rosby Wines. Images of the proposed gift are attached to this report. Mr and Mrs Norton-Knight indicated that it was their preference that the work be installed as a statement piece at the Mudgee Regional Art Gallery.

Over recent years, Rosby Wines have partnered with Council for the major acquisition prize from the annual Sculptures in the Garden event. These works are commonly installed along the Lawson Park Sculpture Walk which is now intended on being directed from Lawson Park, alongside Walkers Oval and then up to the Regional Gallery at 90 Market Street.

The offer of the sculpture is a generous one. The sale price at the 2020 exhibition listed the work for sale at \$48,000. The offer has also been discussed with Council's Cultural Development Committee who are supportive of acceptance of the donation. There was, however, discussion about whether the gift was strictly conditional on being installed within the forecourt site, or whether Council could use its discretion to locate the sculpture where it deems fit, both immediately and in the long term (if relocation is considered). In accordance with Council's Art Collection Policy, gifts of art are discouraged if they are made conditionally. That policy, however, is limited to works displayed or stored indoors. There is no such explicit stipulation within the Public Art Policy, although there is also no wording to imply otherwise. In the circumstances, however, the Cultural Development Committee recommends that the gift only be accepted unconditionally.

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

Council's Public Art Plan discusses a public art plan that engages with the community and adds value to infrastructure and attractions.

Council Policies

Council's Art Collection Policy (for works displayed or stored indoors) states that conditional gifts are to be discouraged. There is no such stipulation within Council's Public Art Policy (relating to works displayed or installed at external locations) although logic would have it that a similar stipulation is implicit within that document. The Public Art Policy will be reviewed and updated shortly and this will be one of the recommended amendments.

Legislation

Not Applicable.

Financial implications

There will be some costs associated with transporting the artwork from Strikes Lane to Mudgee, as well as installation costs. These items can be covered through the current Sculpture budget. Further costs will be associated with the cleaning and maintenance of the work and this can be covered by the Building Maintenance and Sculpture Maintenance budgets, respectively.

Associated Risks

Council's Art Collection Policy (for works displayed or stored indoors) states that conditional gifts are to be discouraged. There is no such stipulation within Council's Public Art Policy (relating to works displayed or installed at external locations) although logic would have it that a similar stipulation is implicit within that document. The Public Art Policy will be reviewed and updated shortly and this will be one of the recommended amendments.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

26 February 2021

Attachments: 1. Images - Encounter by John Fitzmaurice - Proposed gift to gallery - January 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





Item 12: Reports from Committees

12.1 Cultural Development Committee

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, REC800019

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Cultural Development Committee; and**
2. **note the minutes of the Cultural Development Committee meeting convened on 15 February 2021.**

Executive summary

The Cultural Development Committee meets regularly to discuss and provide advice to Council on matters concerning arts and culture across the region, including the commissioning, selection, maintenance and deaccessioning of items forming Council's art collection. The Committee is also the primary point of public consultation for the Mudgee Regional Art Gallery.

Disclosure of Interest

Nil.

Detailed report

The Cultural Development Committee is Council's current primary point of consultation regarding the Mudgee Regional Art Gallery, and it is being updated as to progress with construction and programming. At its February 2021 meeting, the Committee also discussed Council's Regional Arts Development Organisation representation (dealt with separately in a stand alone report within this Business Paper), Council's public arts program, and introduced Council's new Cultural Officer.

Further detail of the matters discussed above are contained within the minutes attached to this report.

The next meeting of the Cultural Development Committee is due to be convened on 15 March 2021.

Community Plan implications

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

Strategic implications

Council Strategies

Council's Public Art Plan guides how the Cultural Development Committee works with Council to develop a public art program to enrich the life of public spaces, reveal new public spaces and inspire communal activities of all kinds.

Council Policies

Council's Public Art Policy sets out Council's commitment to developing a public art program that reflects our natural and cultural heritage, engages with our community and adds value to our infrastructure, attractions and public amenity.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

1 March 2021

Attachments: 1. Minutes - Cultural Development Committee - 15 February 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

MID-WESTERN REGIONAL COUNCIL

MEETING OF THE CULTURAL DEVELOPMENT COMMITTEE

Date: Monday, 15 February 2021
Commencing at 4.30pm
Venue: Council Chambers, 86 Market Street

MINUTES

1. WELCOME

Present: Scott Etherington (Chair), Deputy Mayor Sam Paine, Melanie Trethowan, Portia Lindsay, Simon Jones, Lizzy Galloway, Andrew Robards, Fiona Shearman (Minutes)

2. APOLOGIES

Robyn Andrews, Virginia Handmer

3. REGIONAL ARTS DEVELOPMENT ORGANISATION REPRESENTATION (S JONES)

Council's Regional Arts Development Organisation (Orana Arts versus Arts OutWest) has been considered by this committee for some time now.

Only three Councils remain with Orana Arts and we believe they are now considering a different model that does not include Councils. Arts OutWest, on the other hand, have continued dialogue with Council and appear are still keen for us to re-join them. The draft Arts OutWest Strategic Plan provides good vision for Council going forward.

Motion: *That the Committee make recommendation to Council to change Regional Arts Development Organisations from Orana Arts to Arts OutWest (A report will be prepared to Council requesting that an appropriate budget be instated in order to meet membership fees).*

Moved: M Trethowan **Seconded:** P Lindsay **Carried**

The recommendation within a report will go to the March Council meeting. If the resolution is passed, we will look to commence with Arts OutWest from 1 July. Staff will write to both RADOs advising of change.

4. GALLERY CONSTRUCTION UPDATE (S JONES)

Going well. Few walk throughs – good feedback.

Few issues with sewer line on Western side of site. Caused some time delays. Still plenty of work to do. Tracking towards completion around 2 July and opening in first week of August (6 August).

Potential for walk through for committee members on 15 March prior to meeting (F Shearman to confirm).

5. GALLERY LOGO DEVELOPMENT (L GALLOWAY)

Design brief pitched internally. Going for a logo around 'Mudrag' (term may not be popular with Councillors and general public). Want to differentiate from Maitland.

Presentation attached to these minutes.

Separate report will be prepared for Council.

6. INTRODUCTION – ANDREW ROBARDS

Welcome to Andrew. Will be doing a lot community and volunteer engagement.

Background in digital and design. Most recent employment history as Sessional Lecturer, The University of Sydney, Sydney College of the Arts.

Currently based in Carmel Croan Building but will move to Gallery once construction is completed.

7. SCULPTURES IN THE GARDEN 2020 ACQUISITIONS UPDATE (F SHEARMAN)

Confirmation of sites selected by sub-committee for 2020 Sculptures in the Garden acquisitions. Stephen King's *Balancing the Books* is to go somewhere on the gallery site but unable to be installed until construction completed. In the meantime, Building Services will relocate David Doyle's *Travelling Australia* from the Glen Willow Arboretum to the site at the rear of the Loy Avenue houses (S Paine to assist with curation).

8. PROPOSED SCULPTURE DONATION (F SHEARMAN)

Rosby have offered John Fitzmaurice's *Encounter* work from the 2020 Sculptures in the Garden event for installation in the forecourt of the new gallery. In accordance with Council's Art Collection Policy, the gift is discouraged from being conditional (meaning Council has the option of relocating it in the future if a better suited work is identified for the site).

Motion: *That the Committee recommend to Council that it accept Rosby's gift unconditionally in line with Council's Art Collection policy.*

Moved: S Paine **Seconded:** P Lindsay **Carried.**

9. AOB

L Galloway: Guy Maestri asking Ben Quilty to officially open the gallery.
Formal invitation to follow.

Next meeting of Cultural Development Committee 4:00pm on 15 March 2020.
Venue: Council Chambers.

F Shearman to arrange walk through of gallery site from 3:30pm on 15 March 2021
(TBC).

Meeting closed: 5:15pm

**CULTURAL DEVELOPMENT COMMITTEE
MEETING DATES 2021**

15 February 2021 at 4:30pm	Council Chambers
15 March 2021 at 4:00pm	Council Chambers
19 April 2021 at 4:00pm	Council Chambers
17 May 2021 at 4:00pm	Council Chambers
21 June 2021 at 4:00pm	Council Chambers
19 July 2021 at 4:00pm	Council Chambers

12.2 Gulgong Sports Council Meeting Minutes 8 December 2020

REPORT BY THE MANAGER - RECREATION SERVICES

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, A0360003

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Recreation Services on the Gulgong Sports Council Meeting Minutes 8 December 2020; and**
2. **note the minutes of the Gulgong Sports Council Meeting held 8 December 2020.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council meeting held 8 December 2020.

Disclosure of Interest

Nil

Detailed report

The Gulgong Sports Council received an updated Works Request and Matters In Progress report together with updated financial details each month prior to their meetings.

Community Plan implications

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

Strategic implications

Council Strategies

Nil

Council Policies

Nil

Legislation

The Gulgong 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

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

18 February 2021

Attachments: 1. Gulgong Sports Council Meeting Minutes 8 December 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 8th December, 2020 @ Gulgong Bowling Club.

Meeting Opened; 6.00pm

Apologies; P.Doran, S.Palmer, M.Gaudry, S.Ellis.

Moved; A.doran 2nd P.Thompson Carried

Present; B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, Peter Raines MWRC, T.Papworth Little A's, A.Doran Gulgong Dogs, C. Forrester Gulgong Dogs, Peter Doran Gulgong Dogs, P Thompson MWRC, B & C.Rae, D.Thompson

Minutes; Minutes from November 2020 Meeting to be accepted.

Moved B. Gudgeon 2nd M.Freestone Carried

Council Business;

1. Amenities block at Billy Dunn Oval update; awaiting on final design.
2. Safety issue at Victoria Park with new fence, more openings required for access to retrieve ball when playing cricket. Fence too high for juniors, gates to be installed also locks required, locks may not be required with gates, shutters and inside painting of kiosk needs attention. Inspection by P.Raines MWRC, Building services to attend to modifications.
3. Road around Billy Dunn Oval to be updated when will work commence? Work has been allocated for update as well as new car park behind swimming pool.
4. Billy Dunn Oval has drainage problems on main oval this will discussed at onsite meeting stated in section 6, Inspection by P.Raines MWRC.
5. Discus and shot put concrete needs to be looked at as they are becoming a safety concern, Inspection by P.Raines MWRC, Friday 13th November.
6. Vic Park Gulgong; lights awaiting on Essential Energy to complete works. Please update.
7. Road works around Billy Dunn Oval works construction to start February 2021.
8. Cricket Kiosk at Billy Dunn Oval Needs attention after vandals have destroyed locks and doors also electrical wiring, work is in progress to fix damages, security cameras could be installed to deter the vandalism.
9. Put and Discus safety nets to be updated after inspection.

Finance;

Expenditure; Brian Gudgeon \$324.50 Reimbursement for sports Council Christmas Party

Balance; \$7478.71

Motion that Finance Report be accepted also expenditure to be paid.

Moved C.Holden 2nd A.Doran Carried



General Business;

1. New BBQ to be purchased for Victoria Park Gulgong as the existing BBQ is unsafe and very old. The Gulgong Sports Council please have an order number to purchase a new BBQ from Bunnings at a cost of \$298.00 this will be paid for out of Gulgong Sports Council funds.
Moved C.Holden 2nd B.Gudgeon Carried
2. The Gulgong sports Council would like to request a new storage shed at Victoria Park for the Cricket Club. Further updates will be required. **Council will consider.**
3. Road into Victoria Park needs to be sealed as dust is creating issues for the people who live on the northern side of the ground. Could be placed in management plan. **Please advise on progress of this request.**
4. A Fridge is required by Gulgong Jnr League, if anyone can help please let us know.
5. Sleeves for goal posts at Vic Park Gulgong to be installed after cricket season.

Meeting closed 7.15 pm.

Next Meeting; 9th February, 2021 Gulgong Bowling Club.

President

Craig Holden.

12.3 Mudgee Sports Council Meeting Minutes 15 February 2021

REPORT BY THE MANAGER - RECREATION SERVICES

TO 17 MARCH 2021 ORDINARY MEETING

GOV400088, A0360013

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Recreation Services on the Mudgee Sports Council Meeting Minutes 15 February 2021; and**
2. **note the minutes of the Sports Council Meeting held 15 February 2021.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meeting held 15 February 2021.

Disclosure of Interest

Nil

Detailed report

The Mudgee Sports Council receives an updated Works Request and Matters In Progress report together with updated financial details each month prior to their meetings

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

The Mudgee Sports Council is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Not applicable

Associated Risks

Nil

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

18 February 2021

Attachments: 1. Mudgee Sports Council Meeting Minutes 15.2.2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council.**Mudgee Netball Clubhouse****15-02-2021 1800**

Present: P. Mitchell, G. Robinson, P. Lawson (Touch), J. O'Neill (Councillor MWRC), P. Raines (MWRC staff), J. Martin (MWRC staff), A. Whale (Jnr Cricket), J. McCarney (Jnr League), K. Bennetts (Little Athletics), N. Richards (Hockey), K. Lang (Snr League) & J. Johnson.

Apologies: N. Cavanagh (Jnr Cricket), L. Humphries (Rugby), S. Jones (MWRC staff), K. Marshall (Netball), S. Palmer (MWRC staff). Moved A. Whale, seconded J. McCarney, apologies are accepted.

Business Arising from previous Meeting:

1. Fix date on last minutes.
2. Junior Cricket only sport to provide list of contacts, all sports are reminded they are required to provide a list of contacts.

Treasurers Report:

1. At time of meeting Mudgee Sports council has funds of \$92600:43 as presented from Council financials. Moved accepted G. Robinson seconded K. Lang carried.

Secretary Report:

1. Application for Sports assistance funding from Connor Whale. Connor was selected to play for Western Zone cricket team U/16 in Albury January 5th to 7th as part of the Country Championships, Connor seeks to apply for funding under the Special Circumstances funding, we need to promote Junior sport, MOTION: That Connor Whale be provided special circumstances funding of \$500 for attending NSW Country Championships in Albury 5th-7th January. Moved K. Lang, seconded K. Bennetts carried.

Works Request Updates:

1. Work has commenced on Light Towers at Victoria Park.
2. Fencing expected at Jubilee Oval appears ok.
3. Weather strip at Touch/Soccer amenities replaced but needs to be inspected.
4. Cricket nets at Victoria Park-work has been completed.

New Works Requests:

1. Lights out on towers on fields 3, 4, 5, & 6 at Glen Willow.
2. Glen Willow- Power surges have caused 2 PA systems to blow up plus the charger for the new line marker and ice machine.
3. Electrical check of Glen Willow amenities block in Touch/Soccer canteen also need to check power to Main Stadium prior to Charity Shield.
4. Mice in Touch/Soccer clubhouse, baiting has commenced.

General Business:

1. A member of the Sports Council attendees has complained to their sporting body and then to Councillor O’Neill that they felt intimidated. They can speak to either the President or Vice President or to Tim Johnson MWRC Governance Officer. We must abide by the Council Code of Conduct.
2. Thank you to Touch, Soccer and League for helping Hockey move to field 6 to play Twilight comp whilst Light towers are repaired.
3. Sports Council fees- are Summer Sports being held like the 19/20 Winter sports were, depending on how your sport was affected last season, may be a pro-rata system, maybe only reimbursement of GST, need to put an application into council.
4. New Line marker- the Power charger has blown due to Power surges, need line requirements for Little A’s, with the work load a second unit is required, with Councils Budget being already set funding is an issue. MWRC would like Mudgee Sports Council to see their way to provide the funding for the second unit GST exempt of cost of \$47,500. Is there an option for Council to reimburse Sports Council for the \$22500? Council staff are supervising the line marking unit, it takes about 6 weeks from ordering to arrival, who should look after the markers at moment, that is council staff, will there be a cost if out of season marking required booking would need to be for an affiliated club, otherwise a charge could be levied. MOTION: That Mudgee Sports Council provides funding for the purchase of Line Marker for the price of \$47500 excluded GST, includes 12 month subscription, and delivery. Moved K. Bennetts, seconded K. Lang carried.
5. Council staff will meet with Sports before the start of their season to check on the line marking requirements
6. MWRC staff requested feedback on the wet weather closures, at moment being emailed out to affiliated clubs, Operational goes to Josh, could Sports be mindful that if grounds appear to wet to protect the surface as best as possible.
7. BBQ at Glen Willow- comment, most sports wouldn’t provide helpers if they’re not involved in the actual fixture, there have been collaborations between Sports who have provided assistance in the past.
8. No curtain raiser for Charity Shield.

Meeting closed 1850
Next meeting 22-03- 2021
Mudgee Netball clubhouse
1800

12.4 Local Traffic Committee Meeting Minutes - February 2021

REPORT BY THE ADMINISTRATION OFFICER, OPERATIONS
TO 17 MARCH 2021 ORDINARY MEETING
GOV400088, A0100009

RECOMMENDATION

That Council:

1. receive the report by the Administration Officer, Operations on the Local Traffic Committee Meeting Minutes - February 2021 ; and
2. approve the installation of a traffic island for pedestrian crossing on Short Street in principal, with a more detailed design to be presented to the Local Traffic Committee.
3. Approve the event Mudgee ANZAC Day parade, held on Sunday 25 April 2021 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. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g) Reimbursing Council for the cost of any 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 and radio 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) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o) Traffic Control plan to be in accordance with Transport for NSW, Traffic

Control at Worksites Manual

- 4. Approve the road closure of White Crescent Kandos for the event “Fementa”, held on Saturday 13 March 2021 at Rylstone and Kandos, 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. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;**
 - f) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
 - g) Reimbursing Council for the cost of any 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 and radio 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) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.**
 - o) Traffic Control plan to be in accordance with Transport for NSW, Traffic Control at Worksites Manual**

 - 5. Note the suggested amendments to the design for the Church Street and Mears Street roundabout provided by the traffic committee.**

 - 6. Approve the event – “Mudgee Classic 2021” 2 May 2021, classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’, with the following conditions:**
 - a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;**
 - b) 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;
- c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
 - e) Reimbursing Council for the cost of damage repairs;
 - f) Complying with any of Council's Law Enforcement Officers reasonable directives;
 - g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - h) A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
 - i) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
 - k) 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;
 - l) Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;
 - m) Maintain a four-metre wide emergency vehicle lane;
 - n) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - o) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.

Additional Conditions

- p) VMS are to be positioned to not obstruct sight distance at intersections, accesses and onto traffic control devices,
- q) Traffic Control plans to be updated as per notes below.

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday 17 February 2021

Three event reports were considered:

- ANZAC DAY – Mudgee
- Fementa
- Mudgee Classic

Two traffic reports were considered:

- Short Street Pedestrian Refuge proposal
- Church Street and Meares Street Roundabout

General Business items included

- School Zones
- High Pedestrian Activity Area
- The Drip carpark
- Driver Reviver Grant
- 3T limit signage on Short Street

Full discussion notes are included in the attached report.

Community Plan implications

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

MICHELLE NEILSON
ADMINISTRATION OFFICER, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

3 March 2021

Attachments: 1. Minutes - Local Traffic Committee - February 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Local Traffic Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 February 2021.

Present	Garry Hemsworth (MWRC), Phil Blackman, Garry McGovern (NSW Police), Deanne Freeman (Transport for NSW), Samantha Cecchini (MWRC) and Don Cottee.
Apologies	Clr Alex Karavas, Mark Fehon
Secretary	Gemma Wilkins (MWRC), Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

RECOMMENDATION – THERE WAS NO MEETING IN DECEMBER SO IT WAS DISTRIBUTED VIA EMAIL. THESE COMMENTS HAVE BEEN NOTED.

That the Minutes of the previous Local Traffic Committee held on 18 December 2020 be taken as read and confirmed.

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2

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	Update: Approved design. Would like to consider solar power. Must be installed by 1 July 2021.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Feb 2021 Budget approved in 2021/22 budget for review, consultation and design. Construction will require a separate budget.
Traffic Management Review of Gulgong	Feb 2021		New role will be part of the Infrastructure Planning and Design team that will investigate the traffic management conditions of Gulgong
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	
CBD Parking line marking	May 2019	If not address in parking study, prepare report for line marking to be extended to Market street between Church and Lewis and Mortimer Street between Church and Lewis	Update February 2021. To be included in the implementation of HPAA (High Pedestrian Activity Area)
Denison Street and Church Street Intersection	August 2020		A traffic counter will be
Henry Bayly Drive	September 2020	Council requests for traffic counts to be installed at the section of road.	Put down traffic counters at the intersection of Henry Bayly Drive
Ulan Road and Buckaroo Road Intersection	December 2020	Further investigation to take place at this intersection s	Traffic Counters to be placed at intersection
Loading zone at Gulgong Post Officer	December 2020	Further investigation into the area	Engineer to review the request and make a recommendation

PAST EVENT DEBRIEF

EVENT	

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CALENDAR OF EVENTS

2021		
MONTH	DATE	COMMENTS
JANUARY	21-24 th January 2021	Approved – Did not go ahead
Kandos Street Machine and Hot Rod Show		
FEBRUARY	27 Feb 2020	Approved
NRL Charity Shield		
MARCH	13 March 2021	Report as per this meeting
Fementa	20 March 202	For LTC information only
Can Cruises		
APRIL	17 April 2021	
NRL Event – Manly vs Titans	18 April 2021	For LTC information only
Wings, Wine and Wheels Air show	25 April 2021	Report in this meeting
ANZAC Day Services		
MAY	2 May 2021	Report in this meeting
Mudgee Classic		
JUNE		
JULY	2 nd – 4 th July 2021	
Small Farm Field Days		
AUGUST	August 2021	
Outback Classic		
SEPTEMBER	27 September 2021	
Flavours Of Mudgee		
OCTOBER		
NOVEMBER		
DECEMBER		

Red = Unapproved

Green = Approved

21/002 SHORT STREET PEDESTRIAN REFUGE PROPOSAL

RECOMMENDATION

That Council

1. approve the installation of a traffic island for pedestrian crossing on Short Street in principal, with a more detailed design to be presented to the Local Traffic Committee.

Committee Comments

4

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 19 FEBRUARY 2021

The concept is good but the design presented needs more details as to dimensions and signage for the committee to approve. There will be parking spaces lost with the introduction of the pedestrian refuge.

LTC - Further detailed drawing to be submitted

MOTION CARRIED: Mr Phillip Blackman / Garry McGovern

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/003 ANZAC DAY MARCH – MUDGEE

RECOMMENDATION

That Council:

1. Approve the event Mudgee ANZAC Day parade, held on Sunday 25 April 2021 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. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g. Reimbursing Council for the cost of any 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 and radio 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. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o. Traffic Control plan to be in accordance with Transport for NSW, Traffic Control at Worksites Manual

Committee Comments –

Updated traffic control plan to be provided as per committee discussions. TCP MWRC 001 to have a “road closure “sign at the intersection of Church Street and Market Street and Perry and Mortimer Street

Police contact detail to be included in TCP.

Does this event require a traffic management briefing with Council?

6

MOTION CARRIED: NSW Police NSW Police Representative / Phillip Blackman

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/004 FEMENTA

RECOMMENDATION

That Council

1. Approve the road closure of White Cres for the event “Fementa”, held on Saturday 13 March 2021 at Rylstone and Kandos, 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. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g. Reimbursing Council for the cost of any 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 and radio 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. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o. Traffic Control plan to be in accordance with Transport for NSW, Traffic Control at Worksites Manual

MOTION CARRIED: NSW Police NSW Police Representative / Deanne Freeman

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/005 CHURCH STREET AND MEARES STREET ROUNDABOUT AND PEDESTRIAN REFUGE

RECOMMENDATION

That Council:

1. **note the suggested amendments to the design for the Church Street and Meares Street roundabout provided by the traffic committee.**

Committee comments

Roundabout

- a) Church Street heading south where there are 2 lanes, left lane should be designated left turn only, and the right side is to head straight
- b) Remove curved line in the middle of the roundabout.
- c) Bus zone to be marked and there is to be no timed parking.
- d) The pedestrian refuges should be a minimum of 3m length and 2m wide.
- e) Move the roundabout signs so they don't get hit and the hazard markers should be moved inwards of the lip of roundabout
- f) Remove the roundabout ahead signs.
- g) Sign post No Stopping near all exits
- h) No Stopping signs to be approximately 3m from the refuge for sight difference.
- i) Use the 2P parking sign not the one currently on the plan at the pedestrian refuge
- j) Check the width of the pedestrian path
- k) Check technical direction of the proximity of parallel parking space on Meares Street.

Pedestrian Refuge

- a) Can the trees be removed? It will help with site distance and will be provide more parking.

MOTION CARRIED: Mr Phillip Blackman / Deanne Freeman

8

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/008 MUDGEE CLASSIC

RECOMMENDATION

That Council

Approve the event – “Mudgee Classic 2021” 2 May 2021, classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’, with the following conditions:

- a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;
- b) 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;
- c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
- e) Reimbursing Council for the cost of damage repairs;
- f) Complying with any of Council’s Law Enforcement Officers reasonable directives;
- g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- h) A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;
- i) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
- j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
- k) 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;
- l) Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;
- m) Maintain a four-metre wide emergency vehicle lane;
- n) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- o) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.

Additional Conditions

- p) *VMS are to be positioned to not obstruct sight distance at intersections, accesses and onto traffic control devices,*
- q) *Traffic Control plans to be updated as per notes below.*

Note: Speed signs to be road works,

- Lue Road – check to where the 50km is on Lue Road, use the 50km already on the road and then to slow down to 40km;
- Traffic Controllers are provided for all legs that required stop and slow. E.g. TMP-03 shows only one traffic controller;
- Where there are speed reductions, ensure they are on both sides of the road not just one;
- Check permanent speed limits against temporary speed limits.

MOTION CARRIED: Transport for NSW Deanne Freeman / Garry McGovern

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/006 GENERAL BUSINESS

SCHOOL ZONES

In consultation with Mudgee Police, Council have started communications with schools regarding school areas at pick up and drop off times. There was a three car accident at the intersection of Horatio and Perry Street(s), where kids had run out onto the road. Sam has some funds from Transport for NSW for educational resources about school zone safety.

HIGH PEDESTRIAN ZONES

Update from Deanne. Met with a pub owner to discuss signage in this area. The plan is not changing and discussed the issues that he had. Believes that the owner is on board with the area. Trying to not lose parking to fit the signs in. Deanne is still developing the detailed plan of where all the signs are going and it should be finished by next week.

THE DRIP

Just an update to the NPWS issue of The Drip carpark. THE NPWS is looking to get funds to extend the carpark. The area is currently a 60km zone. Works to the nearby bridge will be commencing in May 2021 where Council will be able to monitor the area and the traffic will slow down due to road works. If NPWS engage Council as a private contractor for the extension works, Council will be able to speed up the project. Garry McGovern noted there is a slight dip at the exit/entrance of the carpark of The Drip which means cars are coming out of the carpark onto Ulan Road slowly.

DRIVER REVIVER GRANT

The federal government is offering grants up to \$150,000 to refurb and renovate the Driver Reviver spots. Looking at the site at Ilford and Mudgee at the Percy Nott Rest Stop to improve drainage. The Ilford location site needs to be reviewed. Deanne mentioned to Sam to let her know as there are other grants the Transport for NSW have that would cover all the needs.

FUTURE REPORTS

- Gulgong ANZAC Day Service
- Small Farms Field Day event

SIGNAGE 3T LIMIT ON SHORT STREET

Can these signs be looked into in residential areas so that it doesn't affect residents who have large cars or tow caravans?

10

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 19 FEBRUARY 2021

21/007 CORRESPONDENCE

CAN CRUISES – 20TH MARCH 2021

Council received an email from Can Cruisers outlining their event to be held on 20 March 2021.

OUTBACK CLASSIC

The Outback Classic event has been postponed until August 2021 due to COVID restrictions. Please see attached correspondence.

REQUEST FOR AMENDMENTS IN THE LIBRARY CARPARK

Request to make changes to the library carpark to allow the trucks to leave without hindrance. Further investigation required.

WINGS, WHEELS AND WINE AIR SHOW 2021

To be held at Mudgee Airport on Sunday 18 April 2021. Ensure there is no traffic that will affect Ulan Road.

CLOSURE

There being no further business the meeting concluded at 12.05pm.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

664

DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.

1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Opportunity to Purchase Land

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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.