



PUBLIC COPY

Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 21 APRIL 2021

*A prosperous and progressive
community we proudly call home*





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14 April 2021

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
21 APRIL 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 Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

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

In order to comply with Government guidelines on social distancing, up to 25 members of the public will be permitted into the Council Chambers. Due to the cap on attendees, if there are more than 25 people, the last to arrive will not be permitted entry.

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

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 17 March 2021

Council Decision:

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

3.2 Minutes of Extraordinary Meeting held on 26 March 2021

Council Decision:

That the Minutes of the Extraordinary Meeting held on 26 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
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 Unmaintained and Unformed Roads Policy Review

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON

TO 21 APRIL 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 have a huge amount of traffic but not many houses along the road, due to some residence having a number of vehicles per home.

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.

6.2 Rylstone Showground Lighting

NOTICE OF MOTION LISTED BY CR PETER SHELLEY
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, P1622111, A0100035

MOTION

That Council investigate price for purchase and install of appropriate LED stadium lighting for the arena at the Rylstone Showground and report back to Council.

Background

The purpose of this motion, and request, is to support future community events. The current lighting is not adequate for events such as Bullarama or concerts etc. The first step is to get this report for discussion. I expect the Rylstone – Kandos Show Committee will also have input.

Officer's comments

Council staff will investigate a full costing to convert the existing lighting to LED lighting at the Rylstone Showground.

6.3 Land for Abattoir

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0100035; GOV400022

MOTION

That Council consider purchasing appropriate land so it is available if people want to start up an abattoir.

Background

The old abattoir used to contribute over \$50 million into the local economy and employed around 400 people directly, without counting the indirect employment. We need to do something now to create opportunity for a different workforce.

Officer's comments

This is currently not in the Community Plan.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0203/2021 - Hotel or Motel Accommodation - 38 Perry Street and 82 Gladstone Street, Mudgee

REPORT BY THE PLANNING COORDINATOR
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, DA0203/2021

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator regarding Development Application DA0203/2021 - Hotel or Motel Accommodation - 38 Perry Street and 82 Gladstone Street, Mudgee;
- B. approve the removal of the street tree in front of the ingress driveway to the proposed development; and
- C. approve DA0203/2021 - Hotel or Motel Accommodation - 38 Perry Street and 82 Gladstone Street, Mudgee subject to the following conditions and Statement of Reasons:

CONDITIONS

PART 1 – DEFERRED COMMENCEMENT CONDITIONS

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) The Applicant must provide to Council detailed design and documentation for the proposed re-alignment of the existing sewer and demonstrate that the proposed modification is capable of meeting Council's minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure.
 - b) Amended Plans for the development must be submitted to and approved by Council, detailing how the re-aligned sewer main will be protected and made accessible for Council maintenance at all times. The amended plans may incorporate any of the following design solutions (but not limited to):
 - (i) Provision of a 3m wide easement over the sewer mains line. This will require amendments to Units 1 to 3 in terms of width, such that these units will be set back from the boundary by 3m; or

- (ii) **Securing an easement (on Title) to allow the re-routing of the sewer mains line through the adjoining property/s to the west at Lot 12 DP1217725 and Lot 10 DP1217725. The easements will need to be registered with the NSW Land Registry Services, to satisfy the deferred commencement condition; or**
- (iii) **Encasement of the sewer mains line in concrete, allowing the existing design to be maintained.**

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty-four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979*.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.

The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

PART 2 – CONDITIONS OF CONSENT

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Existing and Proposed Site Plan	31758-A01	D	15/03/21	Barnson
Overall Floor Plan	31758-A02	D	15/03/21	Barnson
Floor Plans – Bedroom Layouts	31758-A03	B	15/12/20	Barnson
Elevations and Section	31758-A04	B	15/12/20	Barnson
Erosion and Sediment Control	31758-A05	C	01/02/21	Barnson

Notes				
Existing House (Unit 12) Floor Plan and Elevations	31758-A06	A	01/02/21	Barnson
Proposed Site Plan	31758-C02	C	09/02/21	Barnson
Pavement Plan	31758-C03	B	09/02/21	Barnson
Stormwater Management Plan	31758-C04	C	09/02/21	Barnson
Roof Drainage Plan	31758-C05	A	09/02/21	Barnson
Stormwater Notes and Details	31758-C06	A	22/12/20	Barnson
Sewer Reticulation Plan	31758-C07	B	09/02/21	Barnson
Sewer Notes and Details	31758-C08	A	22/12/20	Barnson
Water Reticulation Plan	31758-C09	B	09/02/21	Barnson
Water Notes and Details	31758-C10	A	22/12/20	Barnson
Fire Hydrant Coverage Plan	31758-C11	B	09/02/21	Barnson

The plans approved in accordance with Part 1 – Deferred Commencement Conditions, shall supersede the above-mentioned plans to the extent of any inconsistency.

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.
3. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.
4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
5. This approval includes approval for:
 - a) Demolition of the existing dongas (12 rooms) located on the northern side of the site.
 - b) Demolition of the existing garage on Lot 1.

- c) Construction of 11 hotel rooms, comprising nine (9) one-bedroom apartments and two (2) two-bedroom apartments (subject to changes approved by the Deferred Commencement conditions).
- d) Refurbishment of the existing dwelling to a three-bedroom hotel suite.
- e) The construction of on-site car parking spaces.
- f) Construction of a 9m wide access from Gladstone Street to serve as the vehicle entrance into the site.
- g) Upgrading the existing 5.2m wide access to Gladstone Street to serve as the vehicle exit for the site.
- h) Connection of water, sewer and stormwater services to the development.
- i) Removal of the street tree located in front of the ingress driveway for the proposed development.

GENERAL

- 6. All building works, earthworks and pavement works must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning and Assessment Act 1979* and Regulations and all relevant Australian Standards.
- 7. All building work is to comply with the requirements of the Access to Premises Standard.
- 8. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
- 9. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres (or a lesser distance if approved by Council) from any water and sewer mains in accordance with Council Policy.
- 10. If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

Note – this is a prescribed condition pursuant to clause 98E of the *Environmental Planning and Assessment Regulation 2000* and Council requirement to preserve the stability of adjoining roads/public places

- 11. All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.
- 12. The number of car parking spaces to be provided within the site of the development must be no less than the number of Hotel or Motel rooms to be constructed. The car parking spaces must:

- a) **Comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements;**
 - b) **Each parking space is to have minimum dimensions of 5.4m x 2.5m;**
 - c) **The disabled car parking spaces and associated shared area are to be in accordance with the provisions of AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities;**
 - d) **Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard;**
 - e) **Off-street visitor parking is to be encouraged by the placement of prominent signs indicating the availability of visitor parking; and**
 - f) **All car parking spaces are to be line-marked and provided with a sealed concrete or bitumen surface and must be maintained in a satisfactory condition at all times.**
13. **Internal driveways are to be constructed and configured to ensure that:**
- a) **Loading and unloading facilities (to be contained within the site and to be able to cater for largest design vehicle).**
 - b) **Safe on-site manoeuvring area for the largest design vehicle.**
 - c) **Vehicle movement areas are to be sealed with a bitumen or concrete pavement to address environmental impacts.**
 - d) **All vehicles must be able to enter and leave in a forward direction. Signage to this effect is to be appropriately located within the site.**
 - e) **The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.**
 - f) **Driveways must be provided in accordance with AS2890.1 Parking Facilities.**
 - g) **The loading area is to be provided behind the building line at the side or rear of the building.**
14. **All external plant, such as air-conditioning units, is to be screened from view of the street or adjoining residential properties.**
15. **In accordance with *Mid-Western Regional Development Control Plan 2013*, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage:**
- a) **Erection of permanent structures;**
 - b) **Cut or fill of land;**
 - c) **The planting of trees; or**
 - d) **Concrete structures.**
16. **Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on existing or proposed infrastructure.**
17. **Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*.**
18. **The only waste derived fill material that may be received at the development site must be:**

- a) **Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and**
 - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.**
19. **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.**
 20. **All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.**
 21. **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.**
 22. **Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.**
 23. **Where required, the Developer must provide for the construction, and obtain a Construction Certificate Approval for a mains extension necessary to provide a suitably located and metered hydrant for fire-fighting purposes sufficient to meet Building Code of Australia requirements.**
 24. **Where main extension or alteration of services is required, the Developer must meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage works are required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply authority under the *Local Government Act 1993*) and in accordance with the *National Specification – Water and Sewerage Codes of Australia*.**

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

25. **Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.**
26. **Consent from Council must be obtained for all works within the road reserve, including removal of the street tree, pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.**
27. **Prior to the issue of a Construction Certificate, the following heritage related items are to be submitted to and approved by Council:**

- a) Amended plans and elevations replacing decorative barge boards and fascias with simple rectangular section boards;
 - b) Details of the joinery used in the doors and windows of the new building. The joinery is to be timber and simply detailed;
 - c) Details of the metal fence to be erected along the front of the new building. Details at a scale of 1:5 or larger should be included. The metal fence is to be without traditional cast spear points; and
 - d) A schedule of external colours and finishes is to be submitted. "Windspray" is the preferred colour for corrugated steel roofing. The schedule shall include work proposed on the existing dwelling.
28. Prior to the issue of a Construction Certificate, the following fencing details are to be submitted to and approved by Council:
- a) Provision of a screen fence with a minimum height of 1.8m along the western and northern boundaries of the site (please note, the existing fence may be used to satisfy this condition where it is 1.8m in height); and
 - b) Provision of a 1.8m high timber screen fence along the eastern boundary of the property, where the property adjoins other residential properties. No gates are to be provided in this fence.
29. Prior to the issue of a Construction Certificate, details shall be submitted to the Principal Certifier demonstrating that any earthworks, including any structural support/s, for the purposes of the development will not cause damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
30. Prior to the issue of a Construction Certificate, amended plans must be submitted to and approved by Council demonstrating that structures are located at least 1500 mm away from the centreline of any sewer pipe (or a lesser distance as approved by Council), and such that the structures do not encroach into an easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence to ensure no additional loading is placed on the sewer pipe.
31. Prior to the issue of a Construction Certificate, the developer must arrange for a detailed drainage design, supported by calculations, that demonstrates that all stormwater runoff from the site can be captured in a suitably sized temporary storage tank. Stormwater runoff captured in the tank must then be pumped using a dual / redundancy pump arrangement to discharge stormwater runoff to the gutter in Gladstone Street or other approved discharge point. A Music modelling report is to be submitted to ensure that the stormwater discharge to Council's drainage system complies with quality requirements as specified in the *Mid-Western Regional Development Control Plan 2013*. The design must be prepared by a suitably qualified consultant and submitted to Council for approval.
32. Drainage design must also include a plinth or footing with a minimum height of 100mm along western, northern and eastern boundary fencing to ensure no surface runoff discharges over adjoining properties. All impervious surfaces must be graded to ensure that all runoff is directed to the drainage pit for temporary storage prior to pump out to the Gladstone Street kerb and channel.
33. A detailed Engineering Design of Sewer Extensions is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The Engineering

Design is to comply with *Mid-Western Regional Development Control Plan 2013, Guidelines and Standards.*

Note - the existing concrete sewer lid within the proposed parking area has to be replaced with a trafficable lid. Please contact Council's Water and Sewer department in relation to this matter.

- 34. All documentation supporting the application for the Construction Certificate (for alteration of sewer mains) must be submitted in electronic format with a hard copy covering letter and a completed Construction Certificate Application Form to Council. A fee payable at this juncture shall only be for a Construction Certificate in accordance with Council's current Fees and Charges.**
- 35. A Traffic Management Plan (TMP) completed by a certified person for implementation during the works is to be submitted to Council for assessment and approval by Council prior to the issue of the Construction Certificate.**
- 36. Prior to the issue of a Construction Certificate, a Survey Plan for consolidation of the Lots must be submitted to Council for approval. The consolidation shall consolidate Lot 1 DP730123 and Lot 2 DP730123 into a single allotment. The Plan of Consolidation must be accompanied by all relevant section 88B documentation and the easement is to be vested in Council's favour free of charge. All costs associated with the preparation the plan and documentation and the registration of documents are to be borne by the Applicant. The Plan of Consolidation is to be registered with the NSW Land Registry Services. The Plan of Consolidation is to include the following:
 - a) Easements over the sewer mains line diversion, within the boundaries of the subject site, to be constructed as part of the approved development. The easement is to have a minimum width of 3 metres, unless otherwise agreed to by Council.**
 - b) A Restrictive Covenant, or similar instrument, to provide for the ongoing operation and maintenance of the pumps required for the proposed stormwater infrastructure on site.****
- 37. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

Note - the amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

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

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

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

39. In accordance with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019*, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Section 2.9 and the procedure outlined in Section 4.3 of the Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

Note – based on the proposed cost of works being \$1,357,000, it is estimated that the contribution amount will be \$13,570.

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

41. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
42. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (ie. Council or the Principal Certifier), prior to the commencement of works.
43. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;

- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) the sign shall be removed when the erection or demolition of the building has been completed.

44. If the work involved in the erection/demolition of the building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b) building involves the enclosure of a public place; then

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

45. The street tree located on Gladstone Street and directly in front of the ingress driveway for the Hotel or Motel Accommodation development is to be removed at the developer's cost, in accordance with the following requirements:

- a) Following removal of the tree, the remaining stump and roots are to be ground down to a depth of no less than 300mm below existing pavement and all pavement material and exposed roots are to be excavated for an area no less than 3 metres x 3 metres and depth of 300mm.
- b) The road pavement is to be replaced by a stabilised base material compacted on layers not greater than 150mm thick and achieve a minimum 98% MDD as defined in AS1289.5.4.1 – 1993. When pavement has been constructed to match existing surface levels and grades, a two-coat bitumen flush seal 14/7mm (double double) is to be applied. Seal must extend no less than 500mm beyond the extent of new pavement to ensure overlap preventing water penetration.

Note – prior to the commencement of the above work, the Developer must obtain separate approval under Section 138 of the *Roads Act 1993*.

46. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

47. Prior to the commencement of any construction, appropriate erosion control, dust control and silt collection measures must be put in place. These controls must be to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and be maintained to the satisfaction of Council for the duration of the construction period.

48. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

DURING CONSTRUCTION

49. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

50. All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority are to be notified by the developer (providing no less than 24 hours' notice) and carried out during the relevant stage of construction.
51. 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
 - b) No construction work noise is permitted on Sundays or Public Holidays.
52. The strength of the concrete used for the reinforced concrete components must be a minimum 25Mpa.
53. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
54. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors.
55. 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.
56. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
57. 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.
58. If historical archaeological remains are found during works, works should immediately cease and the Heritage Branch of the OEH should be contacted for further advice, as required under Section 146 of the *Heritage Act 1977*.
59. All construction related traffic shall utilise the existing access to Gladstone Street. No construction traffic is to traverse via Lot 1 SP50014 (ie. 36 Perry Street) to Perry Street to access the site.
60. The developer is to grant unrestricted access to the site at all times to enable inspections or testing of the works.

61. Following completion of any infrastructure works to be vested in Council, work-as-executed plans (WAE) are to be submitted to Council following the completion of the 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.
62. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

63. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
64. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the Fire and Rescue NSW and a copy is to be prominently displayed in the building.
65. Prior to the issue of an Occupation Certificate, the following works in relation to access, car parking and associated manoeuvring areas are to be completed:
 - a) Internal car parking spaces and associated manoeuvring areas are to be provided with a sealed concrete or bitumen surface.
 - b) The car parking area must be set out and clearly delineated in accordance with the requirements of AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking.
 - c) 'Entry only' and 'exit only' signs are to be placed near each respective access into the development. Signage must be provided in accordance with the standards and requirements set out in *AS 1742.1 – 2014 Manual of uniform traffic control devices Part 1: General introduction and index of signs*.
 - d) A sign is to be located at the internal approach to the exit warning of pedestrians.
 - e) Pavement marking indicating direction of flow is to be provided.
66. Prior to the issue of an Occupation Certificate, all stormwater drainage works must be completed to Council's satisfaction. The proposed stormwater pit must be fitted with dual / redundancy pumps to pump water to the kerb in Gladstone Street.
67. Prior to the issue of an Occupation Certificate, the external finishes of the development must be completed and matching to the approved schedule of external colours and finishes.
68. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.

OPERATIONAL/ ONGOING CONDITIONS

69. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
70. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
71. All vehicles are required to enter and leave the site in a forward direction, at all times.
72. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
73. All loading and unloading in connection with the premises shall be carried out wholly within the site.
74. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use, at all times.
75. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
76. Garbage storage areas are to be adequately screened from public view.
77. The development is to be maintained in a clean and tidy manner, at all times.

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) Suitable conditions are imposed requiring fencing along the eastern boundary.
 - b) The proposed development will not have an adverse impact on the retaining wall along the western boundary.
 - c) It is considered that the fence on the western boundary is in reasonable condition and does not require replacement.

OTHER APPROVALS

Not applicable.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate.

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

Please be advised that as a precondition to the granting of a Compliance Certificate, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

Section 64 Contributions			
Hotel or Motel Accommodation (credit for existing development)			
	<i>ET</i>	<i>Value/ET</i>	<i>12 Hotel Units</i>
Water Headworks	0.1	\$8,689.00	\$868.90
Sewer Headworks	0.125	\$3,967.00	\$495.88
Total Headworks			\$1,364.78

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

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

Essential Energy

7. Prior to any demolition works commencing, any service line/s to the property must be disconnected.
8. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available for the Hotel or Motel Accommodation in accordance with NSW Service and Installation Rules. The Applicant's Level 2 Electrician will be able to advise on these requirements. Further, any work to the existing service line to the property will need to be completed by a suitably qualified Level 2 Accredited Service Provider (Electrician) to comply with the NSW Service and Installation Rules.
9. Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. 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 with Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
10. 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)*.
11. 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 Line* and *Code of Practice – Work near Underground Assets*.

Executive summary

OWNER/S	Woolpack Mudgee Hotel Pty Ltd
APPLICANT:	Mr Jamie Fitzgerald
PROPERTY DESCRIPTION	38 Perry Street and 82 Gladstone Street, Mudgee (Lots 1 & 2 DP730123)
PROPOSED DEVELOPMENT	Hotel or Motel Accommodation
ESTIMATED COST OF DEVELOPMENT:	\$1,357,000
REASON FOR REPORTING TO COUNCIL:	Development is on land owned by a Councillor
PUBLIC SUBMISSIONS:	Two

Council is in receipt of Development Application DA0203/2021 that seeks approval for Hotel or Motel Accommodation, located at 38 Perry Street and 82 Gladstone Street, Mudgee (Lots 1 & 2 DP730123), received by Council on 23 December 2021.

The application has been placed on public exhibition in accordance with Council's *Community Participation Plan 2019*. The exhibition period ended on 5 February 2021 and two (2) submissions were received.

As the proposal involves land that is owned by a Councillor, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

Background

SUBJECT SITE

The subject site is located at the corner of Perry Street and Gladstone Street in Mudgee. The site comprises two lots with a combined area of 3,189 m². The Paragon Hotel occupies the south-east corner of Lot 2 DP730123. The Paragon Hotel is listed as a local heritage item. At the rear of Lot 2 are 12 dongas used for short term accommodation. There is an existing dwelling located on Lot 1 DP730123. This dwelling will be incorporated into the proposed Hotel or Motel Accommodation development.

The site is located on the boundary of a commercial and residential zone (Figure 1). Part of the site is zoned R3 Medium Density Residential and part of the site is zoned B3 Commercial Core. Development to the north, west and south of the site is generally used for residential purposes. Kanandah Retirement Village is located to the north-west of the site. Mudgee Soldiers Club is located to the north-east of the subject site. The uses to the east of the site are predominantly commercial.



Figure 1: Subject site

PROPOSED DEVELOPMENT

The proposed development involves:

- Demolition of the existing dongas (12 rooms) located to the rear of the site;
- Removal of existing vegetation, consisting of small trees, shrubs and grasslands;
- Demolition of the existing garage on Lot 1;
- Construction of 11 hotel rooms, comprising nine (9) one-bedroom apartments and two (2) two-bedroom apartments. The hotel rooms are designed similar to row or terrace housing. The hotel rooms will be constructed using concrete floor slabs, rendered brick walls and Colorbond roof sheeting. Each hotel room will have landscaping within the front courtyard;
- Refurbishment of the existing dwelling to a three-bedroom hotel suite;
- Reception for the proposed Hotel or Motel Accommodation shall be managed by the Paragon Hotel staff. Prospective guests will pick up keys from the Paragon Hotel and arrange check-in/departure with the Hotel facility. Cleaners currently employed by the Paragon Hotel will also service the rooms;
- Provision of 12 on-site parking spaces, two (2) of which will be dedicated as disabled spaces, along with asphaltic concrete manoeuvring areas with a turning bay at the northern end;
- Construction of a 9 metre wide concrete access driveway from Gladstone Street to act as the vehicle entry into the hotel development;
- Upgrading the existing 5.2 metre wide access from Gladstone Street to function as a vehicle exit for the proposed hotel development;
- Provision of landscaping throughout the new development. A landscaping plan will be submitted to Council for approval prior to the issue of a Construction Certificate;
- The existing sewer line traversing through the site shall be re-routed to suit the proposed development;
- Stormwater shall be managed via a proposed pump out pit and rising main that will be directed to Gladstone Street;
- Provision of fencing throughout to suit the site development; and
- Consolidation of lots.

It is noted that the consolidation of lots is required to enable construction of the row of 11 hotel rooms, which traverse the existing boundary. A condition requiring consolidation of the lots prior to issue of the Construction Certificate is included in the recommendation.

The proposed development has been assessed in accordance with *Mid-Western Regional Development Control Plan 2013* and *Mid-Western Regional Local Environmental Plan 2012*. The proposed development is considered generally consistent with Council's planning controls.

Disclosure of Interest

Nil.

Detailed report

LEGISLATIVE REQUIREMENTS

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

Designated Development

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

Integrated Development

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

Biodiversity Conservation Act 2016

The proposed development involves clearing of a small group of trees located near the eastern boundary and centre of the property. The area of these trees is 200m². The area clearing threshold is 2,500 m² or more. No part of the site is marked as having biodiversity values on the Biodiversity Values Map. Consequently, the need for a Biodiversity Development Assessment Report is not triggered by this application.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

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

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

State Environmental Planning Policy No 55 – Remediation of Land

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Electricity transmission network

The proposed development involves works carried out within 5m of an exposed electricity line and triggers this clause. This clause requires that the application be referred to Essential Energy and Council to take into consideration any comments made by Essential Energy. Essential Energy provided the following comments in relation to the proposed development:

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy has also provided general comments. The relevant general comments have been incorporated into the Advisory Notes section of the recommendation.

Other Clauses

Not applicable.

It is noted that the proposed development:

- Is not located near a rail line or classified road; and
- Will not trigger the Traffic Generating Development thresholds.

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

The need for a BASIX certificate is applicable to Building Code of Australia (BCA) Class 1 and 2 developments. The proposed Hotel or Motel Accommodation is Class 3 in accordance with the BCA. Accordingly, BASIX certificates are not required for the proposed development.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This Policy was gazetted on 25 August 2017 and has been considered in the assessment of the subject application.

Authority to clear vegetation under this Policy is not required. The vegetation to be removed is not declared by a Development Control Plan to be vegetation that Part 3 applies, and the vegetation to be removed does not exceed the biodiversity scheme thresholds.

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

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

1.2 Aims of Plan

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

1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a:

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

- (a) Comprises rooms or self-contained suites, and
- (b) May provide meals to guests or the general public and facilities for parking of guests' vehicles,

But does not include backpacker's accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

2.2 Zoning of Land to Which Plan Applies

The land is zoned B3 – Commercial Core and R3 – Medium Density Residential and is therefore subject to the Plan.

2.3 Zone objectives and Land Use Table

Part of the site is zoned B3 – Commercial Core. Hotel or Motel Accommodation is permissible with the consent of Council in Zone B3. The remainder of the site is zoned R3 – Medium Density Residential. Hotel or Motel Accommodation is prohibited in Zone R3. The majority of the proposed Hotel development is located on that part of the site zoned R3. Regardless, Clause 5.3 of MWRLEP 2012 allows Council to consider uses that are permissible in an adjacent zone, where the development occurs within 50m of the zone boundary.

The objectives of Zone B3 Commercial Core, along with a comment demonstrating how the proposal satisfies these objectives, is provided below:

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

Comment: The proposal contributes to the range of land uses available within the downtown area.

2. *To encourage appropriate employment opportunities on accessible locations.*

Comment: The proposal will provide for additional employment opportunities in the downtown area.

3. *To maximise public transport patronage and encourage walking and cycling.*

Comment: The proposal adds to the consolidation of commercial enterprises in the downtown area, which is expected to encourage walking and cycling and the use of public transport to a central location.

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Region.*

Comment: The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity.

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

Comment: The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity.

6. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

Comment: The proposed development will contribute positively to the heritage streetscape in the immediate vicinity. Refer to comments under clause 5.10 below.

7. *To ensure that the form and layout of new development is designed to encourage the free pedestrian movement and connectivity within the commercial core.*

Comment: The proposal provides for the continued free pedestrian movement throughout the CBD.

The objectives of Zone R3 Medium Density Residential, along with a comment demonstrating how the proposal satisfies these objectives, is provided below:

1. *To provide for the housing needs of the community within a medium density residential environment.*

Comment: It is considered that the proposed development is not inconsistent or incompatible with housing development within the neighbourhood.

2. *To provide a variety of housing types within a medium density residential environment.*

Comment: It is considered that the proposed development is not incompatible with the provisioning of a variety of housing types in the neighbourhood, appearing as single

storey terrace houses, located behind existing development – not readily visible from the street.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The proposal is not expected to hinder other possible permissible land uses within the immediate area.

4. *To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.*

Comment: The proposed development is not inconsistent with this objective as it is compatible with the existing character of the Mudgee Heritage Conservation Area.

2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of the existing dongas and the garage near the existing dwelling.

4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5m above existing ground level. The development is proposed at a height of 5.445m and therefore complies.

4.6 Exceptions to development standards

Not applicable.

5.3 Development near zone boundaries

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. By subclause (2), the clause applies to so much of any land that is within the relevant distance of a boundary between any two zones, the relevant distance being 50m.

In this instance the proposed Hotel or Motel Accommodation development is located in the R3 zone and is prohibited. However, the location of the development is wholly within 50m of the zone boundary with the adjacent B3 zone and therefore can be considered under this clause.

Clause 5.3(4) prescribes a pre-condition to Council exercising its power to grant development consent. Council must be satisfied that:

- (a) *The development is not inconsistent with the objectives of the development in both zones, and*
- (b) *The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of the land.*

Both (a) and (b) must be satisfied.

In considering (a) it is considered that the term ‘not inconsistent with’ should be given a similar interpretation to the phrase “consistent with”. The phrase “consistent with” has generally been

interpreted by the Court as meaning not antipathetic, nor incompatible or inconsistent with (Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21 ('Schaffer') and Hospital Action Group Association Inc v Hastings Municipal Council (1993) 80 LGERA 190).

As such, for Council to be satisfied that the development is not inconsistent with the zone objectives, it is not necessary for the Applicant to demonstrate that the development promotes or is ancillary to the objectives of both zones, nor even that it is compatible: Schaffer.

When applying the test of compatibility, on balance, it is considered that the development is not inconsistent with the zone objectives, which generally indicate the need for residential development in a medium density environment. While the Development may not meet or promote the R3 Medium Density zone objectives, this is not the test. It is not antipathetic to the zone objectives.

In considering (b) it is considered that the proposed Hotel or Motel Accommodation is compatible with the neighbouring residential uses and fits in as an appropriate side business to the Paragon Hotel. The infrastructure within the neighbourhood has the capacity to accommodate the proposed development. It is considered that the proposed development is an efficient and timely development of the land to the rear of the Paragon Hotel. There are serviced apartments and Hotel or Motel Accommodation developments within close proximity to the site.

Following on from the above, considering the zone objectives, the objectives of this clause and the general expected impact of the proposal it is considered warranted to allow the permissibility of the Hotel or Motel Accommodation utilising clause 5.3.

5.10 Heritage Conservation

Clause 5.10(2) requires development consent for:

- Demolishing a building within the heritage conservation area; and
- Erecting a building on land within the heritage conservation area.

Clause 5.10(4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.

Demolition

The proposal involves the demolition of a modern garage at 82 Gladstone Street, associated with the existing dwelling and the removal of 12 dongas from the rear of the site.

The garage and the dongas do not contribute to the heritage significance of the Paragon Hotel, and there is no objection to their removal.

Hotel or Motel Accommodation

Council's Heritage Advisor provided the following comments in relation to the proposed Hotel or Motel Accommodation development:

The alterations to the house are acceptable, as is its use as part of the complex.

The new building is located away from the hotel, is of one storey, is well articulated and well proportioned, and is broadly acceptable. The main concern is the use of traditional details on a 21st century building: an approach that can be termed "mock replication." The result is that either the detailing looks incongruous or that it is confusing, or could be in the future when the age of the land and new building could be uncertain. The arches over the doors and windows work well visually and may be retained but other details need to be simplified.

... It is recommended that the drawings also be revised as follows:

1. *The decorative barge boards and fascias should be changed to simple rectangular section boards.*
2. *The doors, windows and associated joinery should be timber, but simply detailed.*
3. *The metal fence should be simply detailed without traditional cast spearpoints. Details at a scale of 1:5 or larger should be included.*
4. *A schedule of external colours and finishes should be submitted, noting that "Windspray" is the preferred colour for the corrugated steel roofing. The schedule should include work proposed on the existing house.*

Council's Heritage Advisor is satisfied that the general form of the Hotel or Motel Accommodation development is compatible with the character of the Heritage Conservation Area, subject to further details (outlined above) being approved by Council prior to the issue of a Construction Certificate. These matters have been addressed by conditions.

Removal of Street Tree

There is an existing street tree located in front of the existing driveway for the existing dwelling facing Gladstone Street. This tree is the same species as the other street trees in the near vicinity and forms one tree in a line of street trees along the street. The tree is an important part of the streetscape in the Heritage Conservation Area. However, the tree is located in an impractical location directly in front of an existing double driveway. The tree removal is required to mitigate against traffic safety issues resulting from the proposed Hotel or Motel Accommodation development.

This matter has been discussed with Council's Parks Technical Officer who concedes that while the tree forms an important part of the streetscape, it is not practical to retain the tree in this location. A condition will be included in the recommendation to address removal of the street tree to ensure appropriate rectification works to the road pavement are undertaken.

It is considered that the effect of the proposed development on the adjoining heritage item and heritage conservation area is satisfactory.

6.1 Salinity

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

Additionally, as the proposal involves a concrete slab, a condition of consent has been included requiring the slab to be designed appropriately to minimise the impacts of salts in the ground on the building.

6.3 Earthworks

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

6.4 Groundwater Vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the

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

6.8 Airspace operations – Mudgee Airport

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

6.9 Essential Services

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

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the land to which the Development Application relates.

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

Mid-Western Regional Development Control Plan 2013 (the DCP)

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
Building setback from the street – no minimum	Yes. The proposed Hotel or Motel Accommodation is set well back from the street.
Side and rear setbacks must comply with BCA	Yes. The proposed Units 1 to 11 are set back 1.031m from the boundary, in compliance with BCA requirements.
Signage	
Signage complies with relevant provisions in section 4.4 DCP 2013	Not applicable.
Design	
Buildings interact with the street	Not applicable. New building located within rear part of site. No changes to the façade of the existing dwelling or pub.
On active street frontages, ground level of building used for business or retail premises	Not applicable.
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes.
Heritage inclusions	Yes. Heritage impact assessment provided.
External plant to be screened from public	Yes. Condition of consent.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Development on a corner – includes architectural features to address both streets	Not applicable.
Landscape buffers to other zones	Landscaping provided.
Scale form and height	
Complies with LEP height controls – 8.5m maximum height	Yes. Proposed height of 5.445m.
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes.
Mortimer and Church Street, Mudgee	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable.
Provides variance particularly on upper floor levels, every 20-25m	Not applicable.
Articulation and Façade Composition	
Breaks visual bulk with fenestration or change in materials etc	Extensive fenestration provided.
No excessive blank walls in front façade	Yes.
Where blank walls are proposed (side or rear), minimise impacts with landscaping, patterning of façade, signage, public art	Not applicable.
Residential–Commercial interface	
Landscape buffer to residential boundaries	Landscaping and fencing provided to boundary of adjoining residences.
Ground and first floor do not overlook residential properties	Yes.
Maintain acoustic privacy through the use of acoustic fencing where vehicle movements adjoin property boundaries	Noise report states that no noise attenuation measures are required.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Yes. Sufficient separation to the adjacent residence.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Yes.
Utilities and Services	
Building and structures located clear of infrastructure	Generally yes. Deferred commencement conditions recommended to address the design of the sewer main extension and buildings.
Able to be serviced by water, sewer and waste disposal	Yes.
Trade waste application required?	Not applicable.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes.
All vehicle movement paths are sealed	Yes. Condition.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes.
All loading facilities located within the site	Yes.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
All loading facilities designed to comply with Australian Standards	Yes.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes.
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Not applicable.
Convenient and safe access through parking areas	Yes.
Convenient and safe disabled access through parking areas, focus on improving existing retail links with	Access to disabled parking spaces is considered to be safe.
Parking	
Discussed elsewhere in report	Yes.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Landscape areas shown on site plan. Condition for landscaping plan.
Landscaping to comprise low maintenance, drought and frost resistant species	Can be conditioned.

Part 4.7 Tree Preservation Order

The trees on the site are not listed in the tree register included in this chapter. The consent of Council is not required, under the DCP, to remove any trees not identified in the register.

Part 5.1 Car Parking

The DCP car parking rate for Hotel and Motel Accommodation is 1 space per unit, plus 2 spaces per 3 employees. Calculation of car parking is provided in the table below.

Use	Provision	Measure/Gross	PARKING
Rooms	1 space / 1 room	12 rooms	12
Staff	2 spaces / 3 staff	3 staff * assumed	2
		TOTAL	14

Table 1: DCP Parking Provision Calculation

The applicant, in compliance with the DCP, has provided a total of 14 spaces, comprising 12 spaces on-site, and is allocated 2 frontage credits directly out the front of 82 Gladstone Street – for staff, in accordance with the DCP.

Notwithstanding compliance with the DCP, the applicant has indicated that cleaning staff will arrive after check-out and before check-in times and can therefore utilise the unit's vacant space for the short-term period of stay – and will unlikely need to use the street frontage credits.

In considering car parking, it is important to note, there are 12 dongas used for short-term accommodation to be demolished as part of the proposed development. These dongas were approved under Development Consent DA0066/2014. The approved plans indicated the provision of 12 car parking spaces for the dongas (no parking available/ or dedicated to the Pub). The proposed Hotel or Motel Accommodation development will replace the existing development, with the same number of accommodation units, and the same number of on-site car parking spaces, resulting in essentially the same amount of traffic loadings/movements, as existing/approved.

In relation to the Pub, there is no specific car parking rate for pubs in the DCP. Where the pub is located within the B3 Commercial Core zone, a car parking study is required. A Traffic and Parking Assessment Report (the Report) was submitted with the application, to ensure adequate car parking is available. The Report describes car parking surveys that were conducted between 5pm and 9pm on a Friday and Saturday in November 2020. The car parking survey counted the number of car parking spaces that were used on the subject site and also on-street parking spaces within 200m of the subject site.

The Report provided a count of on-street parking spaces available within 200m of the site (ie within one block from the site) and demonstrated that there is ample on-street parking to accommodate the peak usage periods of the Pub. More specifically, it was shown that there are approximately 180 to 185 spare on-street parking spaces, after parking has been taken up by the Pub patrons and other uses in the vicinity.

As demonstrated by the Report, it is considered that there is ample on-street parking spaces to cater for the needs of the existing Pub and on-site spaces for the proposed Hotel or Motel Accommodation development are in accordance with Councils DCP. Accordingly, car-parking provisioning is considered acceptable.

Part 5.3 Stormwater Management

A Stormwater Concept Plan has been provided with the application. Stormwater is proposed to be directed to a pump out pit located in the northern part of the site to be pumped out to Gladstone Street. The application demonstrates that stormwater may be appropriately managed, in accordance with the requirements of this section of the DCP. Conditions have been imposed requiring the submission and approval of a detailed stormwater management plan. The proposed pump-out arrangement has been supported by Council's Development Engineer.

Part 5.4 Environmental Controls

The considerations listed in this part are not applicable to the proposed development.

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

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

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

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

Context and Setting & Site Design and Internal Design

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

Access, transport and traffic

Traffic generation from the development is not expected to have an adverse impact on peak hour traffic or the functioning, capacity and safety of intersections in the local road networks.

The proposed accesses into the site appear to comply with the relevant Australian Standards and will cater for the size of vehicles expected to use the site.

There are a sufficient number of off-street parking spaces to service the needs of the proposed Hotel or Motel Accommodation. There are a sufficient number of on-street parking spaces to service the needs of the existing Pub.

Utilities

The proposed development is to be constructed in a built-up area and will have access to water, reticulated sewerage, electricity and stormwater infrastructure available to the site.

Heritage

The site is located in a heritage conservation area and the Paragon Hotel is listed as a heritage item. The demolition of an existing garage and the dongas to the rear of the site will have no impact on the significance of the heritage conservation area. The proposed Hotel or Motel Accommodation units are generally compatible with the heritage conservation area and Paragon Hotel. Further details, such as a schedule of external colours and finishes, will be approved as part of a Construction Certificate application.

Council's Heritage Advisor has advised:

The site has not been assessed as having archaeological potential requiring an excavation permit. However, it is a requirement under s.146 of the *Heritage Act 1977* that if any relics are encountered during excavation, the Heritage Council must be notified. A reminder to this effect should be included in the conditions.

A condition addressing this matter is included in the recommendation.

Other land resources

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

Water

The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

Soils

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

Air and Microclimate

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

Flora and Fauna

There are no significant impacts associated with the removal of trees on the site and one street tree.

Waste

Waste service available.

Energy

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

Noise and vibration.

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

A noise assessment report was submitted with the application. The noise assessment examined the noise impacts from the Paragon Hotel to the proposed hotel units and from the hotel units to nearby residential receivers. The conclusion of the Noise Assessment Report includes the following:

The results of the assessment demonstrate that noise emissions from the project to the nearby sensitive receivers are predicted to achieve the relevant NPI criteria for all assessment periods at each assessed receiver location.

An assessment of maximum noise levels demonstrated that noise emissions from the proposal are predicted to remain below the EPA trigger levels for sleep disturbance at all receiver locations.

The results of the noise intrusion assessment to the proposed serviced apartments from the Paragon Hotel demonstrates that internal noise levels are predicted to achieve the recommended design noise levels within each of the units.

Based on the noise assessment results, there are no noise related issues which would prevent the approval of the project. The results of the assessment show compliance with the relevant operational criteria and internal design noise levels without ameliorative measures being required.

Natural Hazards

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

Technological Hazards

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

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic and Social impact in the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

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

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

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

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

Public submissions

The application was advertised and notified in accordance with the provisions of *Mid-Western Regional Community Participation Plan 2019*. The submission period ended on 5 February 2021. Two (2) submissions were received.

The issues raised in the submissions are summarised and addressed as follows:

Fencing adjacent to residential unit development to the east

Comment: The submission requests that a 1.8 metre high timber fence be erected along the eastern boundary of the subject site and that this fence be erected prior to the commencement of construction works. No access is to be available from Perry Street as they do not want passing traffic affecting the adjoining residential units. No pedestrian gate should be provided in the fence. A condition may be applied requiring the provision of a 1.8 metre high timber fence along the eastern boundary. This will not affect the proposed vehicle movement through the proposed development.

Impact on retaining wall along the western boundary of the site

Comment: The submission from the adjoining aged care facility requests that Council consider the impacts of the proposed development on the retaining wall near the western boundary of the site. The proposed development will appropriately manage stormwater and direct stormwater discharge to Gladstone Street – thereby minimising any stormwater impacts on the existing retaining wall. In relation to the structural loads on the retaining wall, a condition may be applied requiring engineering design of the footing of the main hotel building to be submitted to and approved by Council, prior to the issue of a Construction Certificate.

Replacement of fence along western boundary

Comment: The submission requests that replacement of the fence along the western boundary be considered. A site inspection of the property revealed that the existing Colorbond fence is in reasonable condition and is of an adequate height to preserve the privacy of development on either side of the fence. Accordingly, it is considered unreasonable to mandate the replacement of the fence.

The applicant lodged amended plans/details during the assessment process. 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.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

There are no matters that would be considered to be contrary to the public interest.

CONSULTATIONS

Development Engineer

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

Council's Development Engineer has raised concerns with the minimum information provided in relation to the design of the sewer and recommends that a deferred commencement consent be issued.

Health and Building Surveyor

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

Heritage Advisor

Council's Heritage Advisor has provided comments to the effect that in general, the heritage impact of the proposal is acceptable. Conditions are recommended to address detailed heritage matters.

DEVELOPER CONTRIBUTIONS

Section 7.12 Contributions

Pursuant to the *Mid-Western Regional Contributions Plan 2019*, the development is proposing Hotel or Motel Accommodation and has a proposed cost of development of \$1,357,000. The Section 7.12 contribution payable is 1.0% of the cost of development (ie. \$13,570). A condition will be applied requiring the payment of the relevant contribution.

Section 64 Contributions – Water and Sewer Headworks

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of headworks charges for water and sewer. An advisory note will be applied identifying the amount of these headworks charges. Council's Senior Water and Sewer Engineer has calculated the applicable developer charges and applied credits for the existing approved development on site.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Servicing Plan
Mid-Western Regional Contributions Plan 2019
Mid-Western Community Participation Plan 2019

Council Policies

Not applicable.

Legislation

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

Financial implications

Section 7.12 developer contributions will be collected 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.

ILIJA SUSNJA
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER, PLANNING

30 March 2021

- Attachments:*
1. Architectural Plans. (separately attached)
 2. DA0203-2021 Photo of Street Tree. (separately attached)
 3. DA0203-2021 Submission 1. (separately attached)
 4. DA0203-2021 Submission 2. (separately attached)
 5. 200553.01FC - Traffic and Parking Impact Assessment - February 2021. (separately attached)
 6. MAC201164-01RP1V1 - Noise report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 DA0271/2021 - Change of Use - Yoga Studio to Shop - 15-17 Byron Place, Mudgee

REPORT BY THE PLANNING COORDINATOR
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, DA0271/2021

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator regarding Development Application DA0271/2021 - Change of Use - Yoga Studio to Shop - 15-17 Byron Place, Mudgee; and
- B. approve DA0271/2021 - Change of Use - Yoga Studio to Shop - 15-17 Byron Place, Mudgee subject to the following conditions and Statement of Reasons:

CONDITIONS

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Floor Plan	-	-	Undated	-

2. For clarity, this development consent provides approval for a change of use to shop, on the upper level of the building only. No building works are approved as part of this development consent.
3. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

4. Under Clause 93 of the *Environmental Planning and Assessment Regulations 2000*, the fire protection measures in the building are to be improved and be brought into conformity with respect to Category 1 fire safety provisions. In this regard, the building shall comply with:
 - a) Performance Requirement DP4 'Exits' of NCC 2019, BCA Volume 1 (amendment 1), in relation to all required Exits within the building including barrier protection at the discharge Exit points and contrasting slip-resistant treads;
 - b) Performance Requirement DP6 'Path of travel to exits' of NCC 2019, BCA Volume 1 (amendment 1), in relation to the path of travel to all required Exits within the building;

- c) Performance Requirement EP2.2 'Safe evacuation routes' of NCC 2019, BCA Volume 1 (amendment 1);
- d) Performance Requirement EP4.1 'Visibility in an emergency' of NCC 2019, BCA Volume 1 (amendment 1), in relation to emergency lighting throughout the building; and
- e) Performance Requirement EP4.2 'Identification of exits' of NCC 2019, BCA Volume 1 (amendment 1), in relation to all directional and required Exit signage throughout the building.

Plans and specifications for the installation of the required fire safety measures must be submitted to and approved by Council prior to installing.

Certification from a suitably qualified *Building Code of Australia* person stating compliance with the above performance requirements and for the installation of the required measures is to be provided to Mid-Western Regional Council prior to the final inspection and prior to use of the building.

- 5. The list of measures contained in the fire safety schedule attached to the Development Consent are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
- 6. Once all fire safety measures have been installed and commissioned, a final inspection is to be arranged with Council.

Note – payment of the applicable fee pursuant to Council's adopted fees and charges is to be made prior to Council conducting a final inspection.

- 7. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
- 8. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of Fire & Rescue NSW and a copy is to be prominently displayed in the building.

OPERATIONAL/ ONGOING

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

- 9. For every 12 month period after the issue of the final Fire Safety Certificate the owner/agent of the building must provide Mid-Western Regional Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.

10. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
11. All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
12. Garbage areas are to be adequately screened from public. All waste must be secured in enclosed containers.
13. The hours of operation of the development are limited to the following:
 - a) 7am to 6pm, Monday to Friday; and
 - b) 7am to 2pm, Saturday; and
 - c) No activities are to be undertaken on Sundays and public holidays.
14. Despite other conditions of consent that limit hours of operation, VIP events may be held for a single day, twice per year. The hours of the VIP events are confined to 9am to 8pm.
15. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
16. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
17. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
18. The development is to be maintained in a clean and tidy manner, at all times.

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*.

OTHER APPROVALS

Not applicable.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".

2. **The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
3. **Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.**
4. **If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).**
5. **To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**

Executive summary

OWNER/S	Woolpack Mudgee Hotel Pty Ltd
APPLICANT:	Ms Belinda A Barbera
PROPERTY DESCRIPTION	15-17 Byron Place, Mudgee (Lot 111 DP1136686)
PROPOSED DEVELOPMENT	Change of Use – Yoga Studio to Shop
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	A Councillor is the owner of the subject land
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a development application that seeks approval to change the use of the upper level of 15-17 Byron Place, Mudgee (Lot 111 DP1136686) from a yoga studio to a shop.

No building works are associated with the proposed change of use.

The prospective tenant, the Vape Wizard, seeks to install their logo and name onto existing signs. These signs include awning fascia signs and a top hamper sign.

The application was not required to be notified or advertised in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

As the proposal involves land that is owned by a Councillor, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

Disclosure of Interest

Nil

Background

SUBJECT SITE

The subject site is located at 15-17 Byron Place, Mudgee. The site has an area of 346 m². The site contains a two-storey commercial building. The upper level of the building is currently vacant but was most recently used as a yoga studio. The upper level is accessed via a stairway which is accessed from an entrance leading onto Byron Place. The lower level is currently occupied by Sureway Employment Agency.

The building is not listed as a Heritage Item, but is located in the Mudgee Heritage Conservation Area.

There are no on-site car parking spaces available for the proposed use.

The eastern part of the site is affected by a right-of-carriageway providing access to the rear of the Woolpack Hotel.

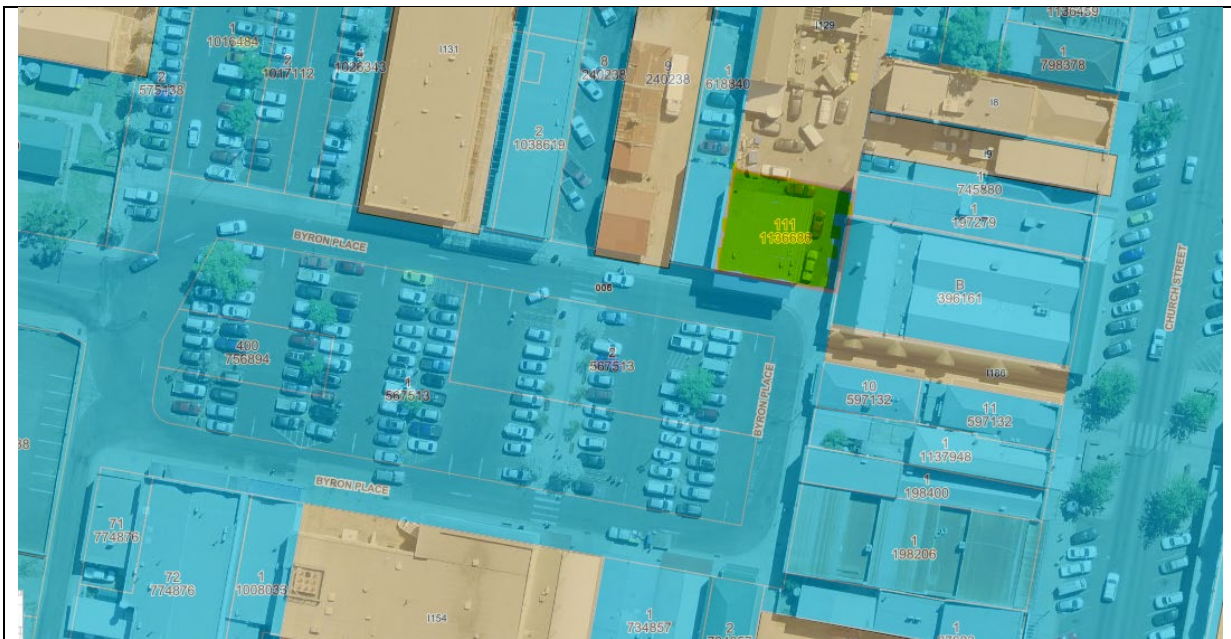


Figure 1: Subject site

PROPOSED DEVELOPMENT

Council has received a development application for a change of use (yoga studio to shop) at 15-17 Byron Place, Mudgee. The change of use relates to the upper level of the building only.

No building works are associated with the proposed change of use.

The prospective tenant, the Vape Wizard seeks to install their logo and name onto existing signs. These proposed signs are summarised as follows:

- Replacement of the awning fascia sign facing the west (side) of the building;
- Replacement of the awning fascia sign facing Byron Place; and
- Replacement of the top hamper sign, above the entry door into the tenancy, facing Byron Place.

The shop will sell vaping products, including the electronic vaping units and the liquids to go with them. A total of 3 staff will be associated with the shop. The proposed hours of operation are:

- 9am to 6pm – Monday to Friday;
- 10am to 2pm – Saturday;
- Closed – Sunday; and
- 9am to 8pm – extended hours for VIP events two times per year.

Detailed report

LEGISLATIVE REQUIREMENTS

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

Designated Development

Not applicable.

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

Integrated Development

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

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

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

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

State Environmental Planning Policy No 55 – Remediation of Land

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

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

The proposed change of use of the commercial premises cannot be exempt development as the most recent use of the tenancy was a yoga studio. Consequently, the proposed use requires development consent from Council.

The replacement of the two awning fascia signs (one facing the side and one facing Byron Place) comply with the exempt requirements for "fascia signs" and no development consent is required for the replacement of these signs.

The replacement of the top hamper sign above the doorway at ground level complies with the exempt requirements for "top hamper signs" and no development consent is required for the replacement of this sign.

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

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

1.2 Aims of Plan

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

1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a:

shop means premises that sells merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note— Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

2.3 Zone objectives and Land Use Table

The land is zoned B3 – Commercial Core pursuant to MWRLEP 2012. The proposal, being a shop, 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:

B3 Commercial Core

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

Comment The proposal contributes to the range of land uses available within the downtown area.

2. *To encourage appropriate employment opportunities in accessible locations.*

Comment The proposal will provide for additional employment opportunities in the downtown area.

3. *To maximise public transport patronage and encourage walking and cycling.*

Comment The proposal adds to the consolidation of commercial enterprises in the downtown area, which is expected to encourage walking and cycling and the use of public transport to a central location.

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

Comment The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity.

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

Comment The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity.

6. To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.

Comment The proposed use does not involve any significant building additions or alterations that would impact upon the heritage streetscape.

7. To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.

Comment The proposal provides for the continued free pedestrian movement throughout the CBD.

4.6 Exceptions to development standards

Not applicable.

5.10 Heritage Conservation

The subject site is not listed as a Heritage Item but is located in the Mudgee Heritage Conservation Area. No physical building works are proposed as part of this application. The proposed change of use will involve replacement of existing awning fascia signs and a top hamper sign to refer to the new shop's business name and logo. The replacement of signs will not have a significant impact on the character of the Mudgee Heritage Conservation Area.

6.2 Flood planning

Not applicable. The land is not subject to any known flooding.

6.7 Active Street Frontages

The subject site is located within the area mapped as 'Active Street Frontage' pursuant to the LEP mapping. The proposal will result in all premises on the ground floor facing Byron Place having a use for employment agency which is included in the group definition of a business premises. Accordingly, the proposal is considered to satisfy this clause.

6.9 Essential Services

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

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the land to which the Development Application relates.

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

Mid-Western Regional Development Control Plan 2013 (the DCP)

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
Building setback from the street – no minimum	Complies.
Side and rear setbacks must comply with BCA	Complies.
Signage	

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Signage complies with relevant provisions in section 4.4 DCP 2013	Yes. Refer to relevant section of report.
Design	
Buildings interact with the street	Yes. Windows incorporated.
On active street frontages, ground level of building used for business or retail premises	Yes.
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes. Existing building façade is articulated with windows and a stepped parapet.
Heritage inclusions	Yes. Exterior of building to be retained.
External plant to be screened from public	No external plant proposed.
Development on a corner – includes architectural features to address both streets	Not applicable.
Landscape buffers to other zones	Not applicable.
Scale form and height	
Complies with LEP height controls – 8.5m maximum height	Yes.
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes.
Mortimer and Church Street, Mudgee	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable.
Provides variance particularly on upper floor levels, every 20-25m	Not applicable.
Articulation and Façade Composition	
Breaks visual bulk with fenestration or change in materials etc	Extensive fenestration provided.
No excessive blank walls in front façade	Yes.
Where blank walls are proposed (side or rear) ,minimise impacts with landscaping, patterning of façade, signage, public art	Not applicable.
Residential–Commercial interface	
Landscape buffer to residential boundaries	Not applicable.
Ground and first floor do not overlook residential properties	Yes.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Not applicable.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Not applicable.
Utilities and Services	
Building and structures located clear of infrastructure	Yes.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Able to be serviced by water, sewer and waste disposal	Yes.
Trade waste application required?	Not applicable.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Not applicable. No on-site vehicle access.
All vehicle movement paths are sealed	Not applicable.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Not applicable.
All loading facilities located within the site	Not applicable.
All loading facilities designed to comply with Australian Standards	Not applicable.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Not applicable.
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Covered access retained.
Convenient and safe access through parking areas	Not applicable.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered.
Parking	
Discussed elsewhere in report	Yes.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Not applicable.
Landscaping to comprise low maintenance, drought and frost resistant species	Not applicable.

Part 5.1 Car Parking

For a change of use of premises, this part of the DCP sets out the methodology of determining car parking requirements as follows:

- (i) Determine parking requirement of previous approved use.

The previous uses of the upper level of the building and the associated car parking rates are summarised as follows:

- Office – 1/30m² GFA.
- Night Club – no specified rate.
- Indoor recreation facility – no specified rate. The *RTA Guide to Traffic Generating Development* specifies a parking rate of 3 spaces per 100m² GFA for indoor recreation facilities.
- Restaurant – 1/7m² GFA

- (ii) Determine parking requirements of proposed development.

Shop – 1/30m² GFA

- (iii) Subtract the number of spaces required by (i) and (ii) above. The difference calculated represents the total car parking spaces to be provided.

The previous approved uses provide car parking credits of various amounts. The previous use with the highest parking rate is the restaurant. As the parking rate for the restaurant is higher than the parking rate for a shop, the proposed change of use does not require the provision of additional parking spaces. It is noted that the previous uses relied on the parking in Byron Place to support the proposed uses.

Part 5.3 Stormwater Management

No changes are proposed to the existing stormwater management measures.

Part 5.4 Environmental Controls

The considerations listed in this part are not applicable to the proposed change of use.

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

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

Clause 93(2) and (3) requires Council to consider fire safety measures and structural capacity when assessing a development application for a change of use where no alterations or extensions to the building are proposed. The proposal is seeking a change of use with no alterations or extensions to the building. Accordingly, Council's Manager Health and Building Surveying has provided the following comments:

Clause 93 requires the consent authority to be satisfied on the following:

- 1. The fire protection and structural capacity of the building are appropriate to the new use. The Environmental Planning and Assessment Regulation 2000 definition is:*

Fire protection and structural capacity of a building means-

- (a) The structural strength and load-bearing capacity of the building, and*
- (b) The measures to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and*
- (c) The measures to restrict the spread of fire from the building to other buildings nearby.*

1(a) and 1(c) are considered satisfactory as the use is not expected to increase the load nor risk of fire spread. However, a condition is included in consideration of 1(b).

- 2. The category 1 fire safety provisions comply.*

Category 1 fire safety provision means the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP2.3 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

EP2.2 'Safe Evacuation Routes' is considered appropriate and identified as relevant. Condition including requiring partial upgrade.

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

Context and Setting & Site Design and Internal Design

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

Access, transport and traffic

The proposed development will rely on existing access and parking facilities within Byron Place. The traffic generation from the proposed change of use will not exceed the capacity of the local road network.

Utilities

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

Heritage

The subject site is not affected by any items of European or Aboriginal heritage. The re-use of the upper floor of the existing building will have no impact on the character of the Heritage Conservation Area.

Other land resources

The approved development will not impact on other land resources.

Water

No significant impact expected.

Soils

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

Air and Microclimate

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

Flora and Fauna

Not applicable.

Waste

Waste service available.

Energy

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

Noise and vibration.

The proposal is not a use that will generate significant noise.

Natural Hazards

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

Technological Hazards

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

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic and Social impact in the locality

Generally positive.

Construction

Not applicable. No construction works are proposed.

Cumulative impacts

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

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

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

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

Public submissions

The application was not required to be advertised and notified in accordance with the provisions of *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

There are no matters that would be considered to be contrary to the public interest.

CONSULTATIONS

Health & Building

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

Development Engineer

Council's Development Engineer has advised that no engineering conditions are required.

DEVELOPER CONTRIBUTIONS

Section 7.11 (formerly s94) Contributions

The proposed development is for a commercial use. There are no works involved in the proposed change of use and consequently the cost of works is nil. Clause 2.7 of *Mid-Western Regional Contributions Plan 2019* states that development that is exempt from the provisions of the plan includes *any work or change from one use to another that does not result in any increase in GFA on the land*. There is no increase in Gross Floor Area (GFA) associated with the proposed change of use. Accordingly, developer contributions are not applicable to the proposed development.

Section 64 Contributions – Water and Sewer Headworks

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

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Servicing Plan
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Community Participation Plan 2019

Council Policies

Not applicable.

Legislation

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

Financial implications

Nil

Associated Risks

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

ILIJA SUSNJA
PLANNING COORDINATOR

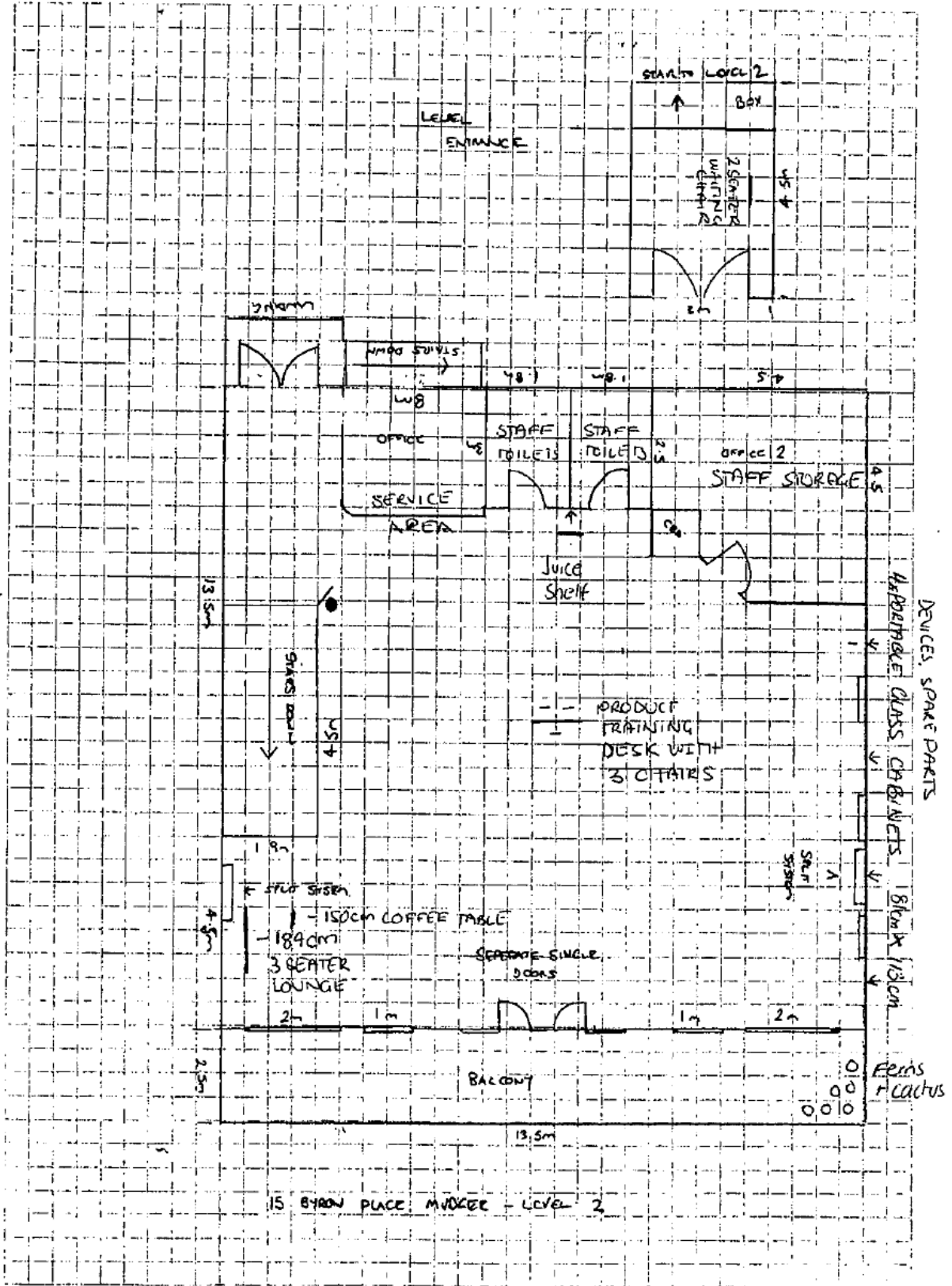
LINDSAY DUNSTAN
MANAGER, PLANNING

8 April 2021

Attachments: 1. Proposed Floor Plan.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



8.3 Review of DCP Open Space Requirements

REPORT BY THE DIRECTOR DEVELOPMENT

TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0420143

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Review of DCP Open Space Requirements; and**
2. **maintain the existing Open Space provisions for Urban Subdivision as set out in Section 7.1 of the Mid-Western Development Control Plan 2013 Amendment No. 5.**

Executive summary

The purpose of this report is to review the existing Open Space requirements for Urban Subdivision in the Mid-Western Development Control Plan 2013 Amendment No. 5 and consider whether any changes are required.

The recommendation of staff is to maintain the existing provisions at this time. The existing provisions continue to provide developers with guidance as to Council's expected standards for Open Space, whilst also allowing flexibility in applying the provisions based on the individual merit of the application being considered.

Disclosure of Interest

Nil

Detailed report

Council has considered a number of applications for Urban Subdivisions with more than 20 lots proposed in the last 2 years. This has generated discussion regarding the existing Open Space requirements for Urban Subdivision in the Mid-Western Development Control Plan 2013 Amendment No. 5 (Mid-Western DCP 2013).

The existing Open Space requirements for Urban Subdivision in the Mid-Western DCP 2013 are set out under Section 7.1 and apply to land zoned R1, R2 and R3 (not R5). The provisions are as follows:

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

There are two main points arising from Council discussions. Firstly, whether the distance of 400m should be further specified as either 400m walking distance or 400m radius. Secondly, confirming the ongoing inclusion of passive open space to satisfy the provisions.

Under the existing provisions, staff apply a 400m radius (not walking distance) when assessing proposed Urban Subdivisions of more than 20 lots. When assessing applications, passive open space is accepted to include public reserves, detention basins, community gardens, informal lawns and green walking corridors.

The above approach is informed by the NSW Department of Planning's publication Recreation and Open Space Planning Guidelines for Local Government. These guidelines were prepared following extensive consultation with local government, industry and state agencies and are intended as a resource for councils to develop their own recreational and open space strategies and policies. It recognises the challenges for councils in balancing the needs of the community and resourcing open space and recreational facilities. Council is not bound to follow these guidelines and can use them selectively in the formulation of Council policies, such as Development Control Plans.

Should Council wish to amend the existing Open Space provisions for Urban Subdivision of more than 20 lots to apply a 400m walking distance and/or limit the use of passive open space, this is likely to increase the number of pocket parks and playgrounds across the region for Council to operate and maintain. This decision should therefore be informed by Council's relevant plans and strategies (including the Open Space and Recreational Asset Management Plan, Recreation Strategy and Resourcing Strategy).

The recommendation of staff is not to change the existing provisions for Open Space at this time. The existing provisions continue to work effectively, as they provide developers with guidance as to Council's expected standards for Open Space, whilst also allowing Council to apply flexibility in the assessment process based on the individual merit of the application being considered.

Under existing delegations, all subdivisions of more than 20 lots must be determined by the full Council. Therefore, Council has the ability to vary the applicable provisions in the Mid-Western DCP 2013 as appropriate based on the merits of a proposal.

It is important to recognise that Council receives developer contributions for Recreation and Open Space infrastructure in accordance with the Mid-Western Regional Contributions Plan 2019.

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

Towards 2030 Mid-Western Region Community Plan

Council Policies

Mid-Western Development Control Plan 2013

Financial implications

Although there are no immediate financial implications for Council, any decision to increase Open Space assets would have future budgetary impacts.

Associated Risks

There is a risk that changes to policies which increase the requirements of developers for Urban Subdivision may discourage future development activity and investment in the Region.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

1 April 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Acceptance of Grant Funding - Regional NSW Planning Portal Grants

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, GRA600046

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding - Regional NSW Planning Portal Grants;**
2. **if successful, accept \$50,000 in grant funding from the NSW Government Regional NSW Planning Portal Grant Fund;**
3. **if successful, amend the 2020/21 Budget to include grant funding received of \$50,000 and set project expenditure of \$50,000; and**
4. **if successful, authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

Executive summary

Council have been invited to apply for grant funding from the Regional NSW Planning Portal Grants fund. The intention of this grant is to support regional councils who are already using the portal and those still to transition to it.

The funding will help Council to improve its digital infrastructure and provide the resources needed to support the compulsory transition to the NSW Planning Portal by 1 July 2021.

Disclosure of Interest

Nil

Detailed report

In November 2019 the NSW Premier mandated that ePlanning Digital Services (NSW Planning Portal) would become mandatory for councils to process all their planning applications by 1 July 2021.

The NSW Planning Portal aims to maximise efficiencies by replacing the paper-based system to enable the instant flow of development application data between the Department of Planning, Industry and Environment (the Department), council, industry, other government agencies and the community anywhere and anytime.

Council was invited to apply for a one-off grant payment of \$50,000 to support the transition to the portal. If successful, funding will be utilised to purchase necessary computer equipment, software integration and staff expenses related to the roll out of this program.

It is recommended, that if Council is successful in its application for funding, that it accept the grant funding towards the implementation of the eplanning Digital Services, authorise the General Manager to sign the funding agreement, amend Council's Budget for 2020-21, by increasing grant

funding by \$50,000 and allocating an additional \$50,000 expenditure towards the implementation of ePlanning Digital Services.

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

Not Applicable

Council Policies

Not Applicable

Legislation

In November 2019 the NSW Premier mandated that ePlanning Digital Services (NSW Planning Portal) would become mandatory for councils to process all their planning applications by 1 July 2021.

Financial implications

This grant will positively impact Council's own source revenue.

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

Associated Risks

Should Council not effectively deliver the introduction of the NSW Planning Portal to residents, a range of planning applications may be delayed and service delivery interrupted to the community.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

12 April 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

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 March 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.
- Variations to the Mid-Western DCP.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

01 March 2021

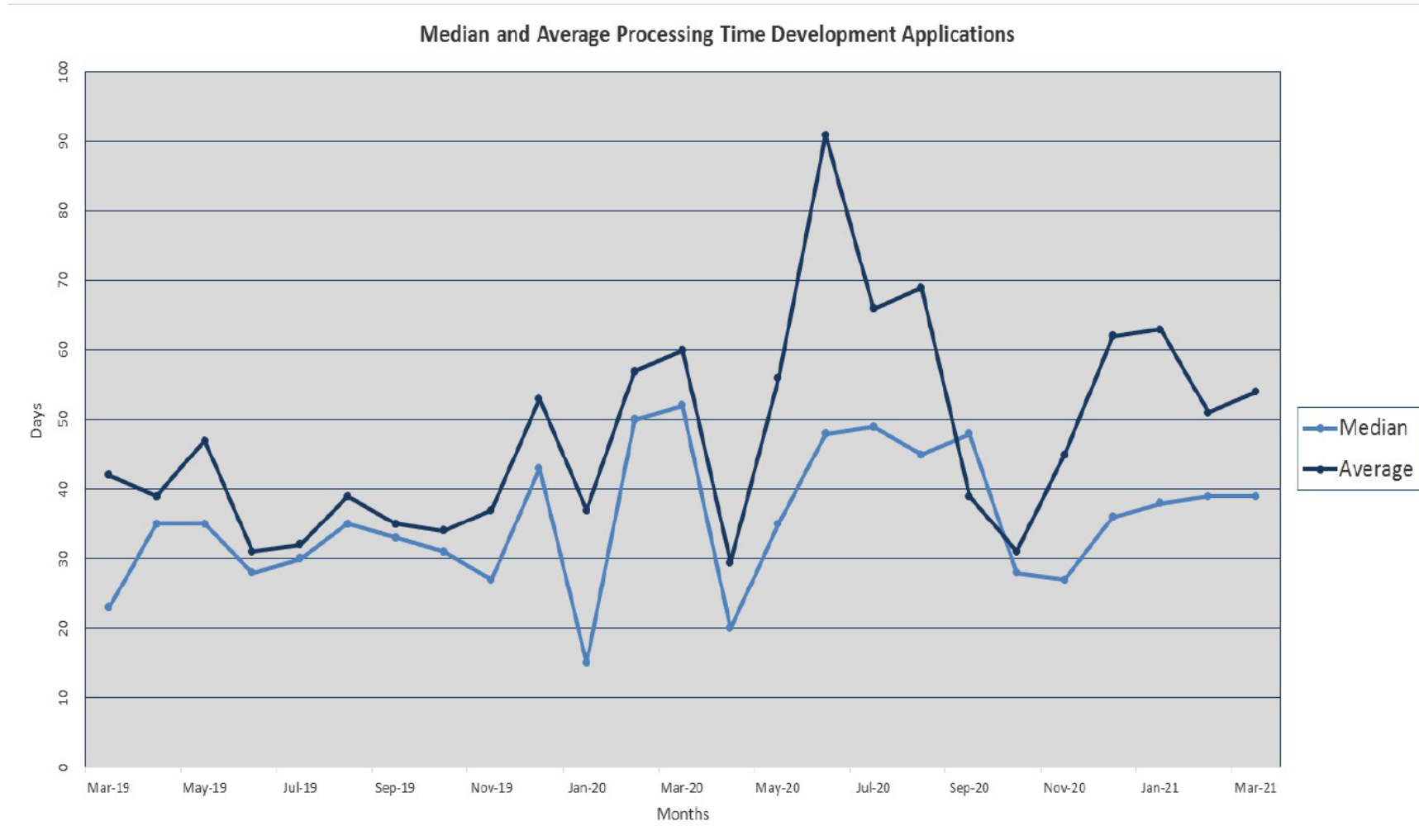
Attachments: 1. Monthly Development Applications Processing and Determined - March 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

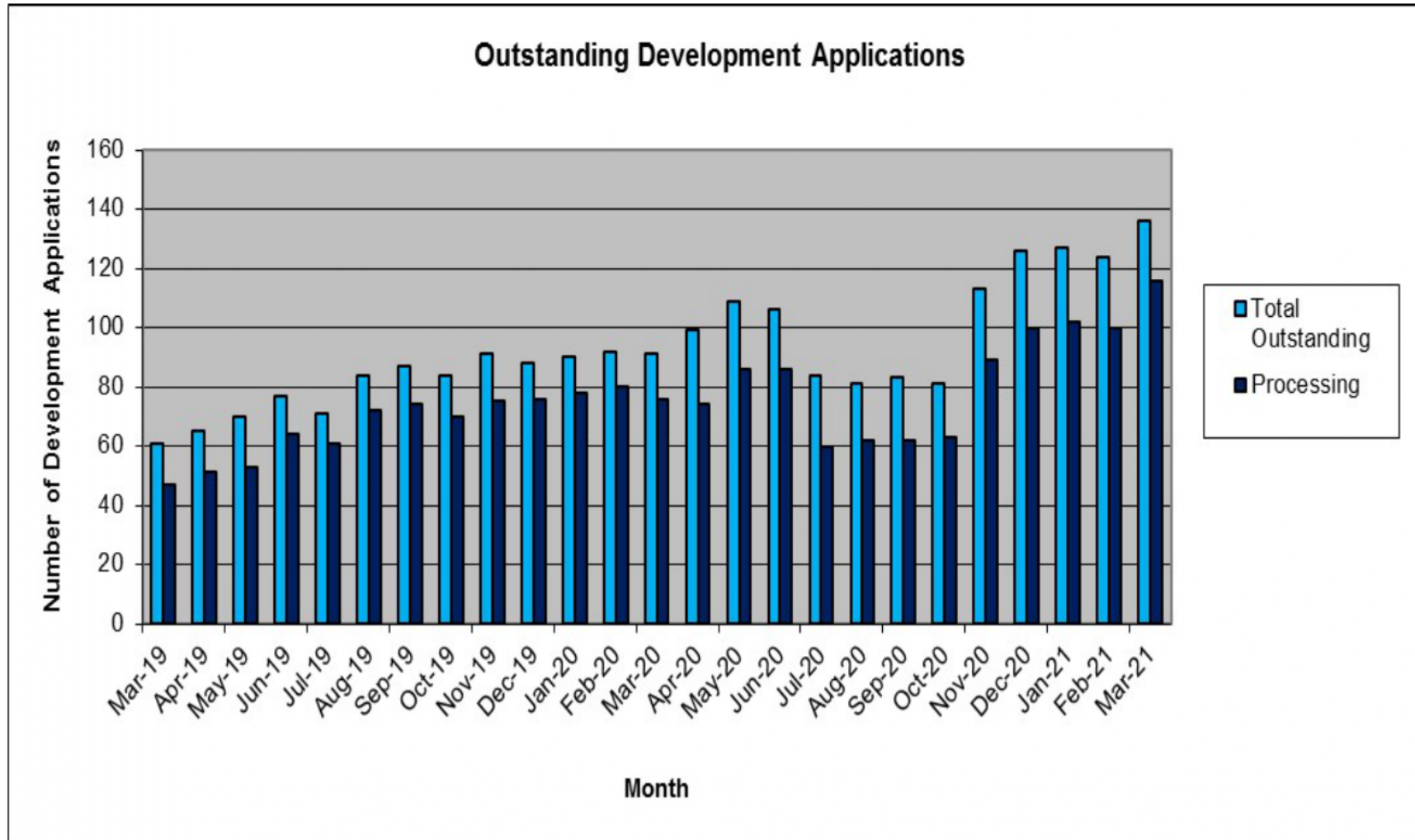
Monthly Development Application Processing Report – March 2021

This report covers the period for the month of March 2021. Graph 1 indicates the processing times up to 31 March 2021 with the month of March having an average of 54 days and a median time of 39 days.



Monthly Development Application Processing Report – March 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 – March 2021

The Planning and Development Department determined 32 Development Applications either by Council or under delegation during March 2021.

Development Applications Determined – March 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0274/2020	Camping Ground	701	Coricudgy Road	KELGOOLA
DA0085/2021	Alterations & Additions	16	Gladstone Street	MUDGEES
DA0099/2021	Home Industry	713	Black Springs Road	BUDGEES BUDGEES
DA0100/2021	Community Facility	35	Ilford Hall Road	ILFORD
DA0102/2021	Boundary Adjustment	21	Robertson Street	MUDGEES
DA0114/2021	Motel	21	Horatio Street	MUDGEES
DA0129/2021	Dwelling House	338	Black Springs Road	EURUNDEREE
DA0150/2021	Boundary Adjustment	5817	Ilford Sofala Road	SOFALA
DA0151/2021	Boundary Adjustment	5964	Castlereagh Highway	RUNNING STREAM
DA0185/2021	Dwelling House	487	Black Springs Road	BUDGEES BUDGEES
DA0194/2021	Carport	14	Wenonah Street	GULGONG
DA0202/2021	Dwelling House	485	Cypress Drive	YARRAWONGA
DA0210/2021	Dwelling House	1	Lovett Court	SPRING FLAT
DA0213/2021	Alterations & Additions	50	Nicholson Street	MUDGEES
DA0214/2021	Alterations & Additions	29	Robert Huddle Grove	BOMBIRA
DA0216/2021	Residential Shed	31	Denison Street	MUDGEES
DA0218/2021	Change of use - Shed to Serviced Apartments	463	Queens Pinch Road	SPRING FLAT
DA0221/2021	Dwelling House	74	Carwell Street	RYLSTONE
DA0222/2021	Dwelling House	20	Kilkenny Avenue	MUDGEES
DA0226/2021	Serviced Apartment	92	Douro Street	MUDGEES
DA0229/2021	Dual Occupancy	90	Sawpit Road	MUDGEES
DA0235/2021	Dual Occupancy	769	Black Springs Road	BUDGEES BUDGEES
DA0237/2021	Residential Shed	140	Lesters Lane	PIAMBONG
DA0238/2021	Dual Occupancy	24	Saleyards Lane	MUDGEES
DA0240/2021	Residential Shed	7	Steel Drive	SPRING FLAT
DA0242/2021	Secondary Dwelling	2787	Henry Lawson Drive	GULGONG
DA0247/2021	Dwelling House	147	Bruce Road	MUDGEES
DA0248/2021	Garage	30	Carwell Street	RYLSTONE
DA0256/2021	Commercial Alterations/Additions	1	Sydney Road	MUDGEES
DA0260/2021	Shed >150m ²	41	Henry Lawson Drive	BOMBIRA

Monthly Development Application Processing Report – March 2021

DA0263/2021	Carport	14	Wentworth Avenue	MUDGEES
DA0267/2021	Dwelling House	140	Lowes Peak Road	ST FILLANS
DA0268/2021	Retaining Wall	10	Kilkenny Avenue	MUDGEES
DA0274/2021	Dwelling House	13	Hone Creek Drive	CAERLEON
DA0277/2021	Swimming Pool	16	Sturt Street	KANDOS
DA0281/2021	Dwelling House	12	Stirling Court	MUDGEES

***NOTE – five Development Applications were approved with a variation to the DCP as listed below:**

- **DA0216/2021 (>10%)**
- **DA0194/2021 (>10%)**
- **DA0085/2021 (>10%)**
- **DA0129/2021 (>10%)**
- **DA0102/2021 (Policy amendment not %)**

Monthly Development Application Processing Report – March 2021

Development Applications currently being processed – March 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEE
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0025/2021	Caravan Park	196	Rocky Waterhole Road	MOUNT FROME
DA0053/2021	Change of use - Concrete Workshop to Fabrication Workshop	22	Industrial Avenue	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE
DA0126/2021	Dwelling House	111	Mount Pleasant Lane	BUCKAROO
DA0132/2021	Dual Occupancy	591	Wollar Road	CROSS ROADS
DA0141/2021	Dwelling House	329	New Olivers Road	RUNNING STREAM
DA0147/2021	Subdivision - Torrens Title	13	Belmore Street	GULGONG
DA0155/2021	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0157/2021	Farm Stay Accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0160/2021	Subdivision - Torrens Title	473	Burrundulla Road	BURRUNDULLA
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0165/2021	Dual Occupancy	8	Stan Boal Court	MUDGEE
DA0166/2021	Water Storage Facility	51	Oaklands Road	MOUNT FROME

Monthly Development Application Processing Report – March 2021

DA0178/2021	Dwelling House	55	Byrnes Lane	BURRUNDULLA
DA0186/2021	Tourist and Visitor Accommodation	109	Tinja Lane	EURUNDEREE
DA0189/2021	Subdivision - Torrens Title	283	Erudgere Lane	ERUDGERE
DA0191/2021	Subdivision - Torrens Title	209	Robertson Road	SPRING FLAT
DA0195/2021	Dwelling House	931	Castlereagh Highway	MULLAMUDDY
DA0196/2021	Industrial Building	10	Industrial Avenue	MUDGEE
DA0199/2021	Change of use - Serviced Apartments	1	Sydney Road	MUDGEE
DA0204/2021	Function Centre	345	Spring Flat Road	SPRING FLAT
DA0205/2021	Dwelling House	60	Dangar Street	KANDOS
DA0207/2021	Dwelling House	206	Lesters Lane	PIAMBONG
DA0211/2021	Eco-Tourist Facility	1245	Coxs Creek Road	COXS CREEK
DA0220/2021	Subdivision - Torrens Title	107	Bellevue Road	MUDGEE
DA0225/2021	Camping Ground	1372	Hill End Road	GRATTAI
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE
DA0232/2021	Tourist and Visitor Accommodation	2976	Goolma Road	GOOLMA
DA0234/2021	Alterations & Additions	7	Fitzgerald Street	RYLSTONE
DA0239/2021	Dwelling House	1403	Blue Springs Road	BUNGABA
DA0243/2021	Alterations & Additions	33	Coolcalwin Street	OLINDA
DA0250/2021	Alterations & Additions	162	Eurunderee Lane	EURUNDEREE
DA0251/2021	Change of use - Retail/Light Industrial	18	Sydney Road	MUDGEE
DA0253/2021	Dwelling House	3	Kilkenny Avenue	MUDGEE
DA0255/2021	Dual Occupancy	48	Saleyards Road	MUDGEE
DA0259/2021	Commercial Premises	21	Sydney Road	MUDGEE
DA0261/2021	Residential Shed	163	Denison Street	MUDGEE
DA0262/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0264/2021	Pergola	25	Stockmans Drive	PUTTA BUCCA
DA0265/2021	Moveable Dwelling	1532	Castlereagh Highway	APPLE TREE FLAT
DA0266/2021	Change of use - Mechanic to Gym	11	Wilkins Crescent	MUDGEE
DA0270/2021	Dwelling House	2	Oakfield Close	MUDGEE
DA0272/2021	Pergola	11	Ricahrds Street	MUDGEE
DA0273/2021	Change of use - Serviced Apartments	857	Spring Ridge Road	BERYL
DA0275/2021	Dwelling House	3	Joseph Place	BOMBIRA
DA0276/2021	Alterations & Additions	48	Mudgee Street	RYLSTONE

Monthly Development Application Processing Report – March 2021

DA0278/2021	Residential Shed	66	Banjo Paterson Avenue	MUDGEE
DA0279/2021	Secondary Dwelling	517	Yarrabin Road	YARRABIN
DA0282/2021	Carport	10	Spring Road	MUDGEE
DA0283/2021	Commercial Premises	3	Sydney Road	BURRUNDULLA
DA0284/2021	Residential Shed	23	Buchanan Street	KANDOS
DA0285/2021	Dwelling House	221	Stubbo Road	STUBBO
DA0286/2021	Residential Shed	1335	Pyramul Road	PYRAMUL
DA0287/2021	Dual Occupancy	50	Saleyards Lane	MUDGEE
DA0288/2021	Retaining Wall	36	Banjo Paterson Avenue	MUDGEE
DA0289/2021	Commercial Alterations/Additions	56	Sydney Road	MUDGEE
DA0290/2021	Dual Occupancy	78	Crossings Road	MENAH
DA0292/2021	Dwelling House	146	Tuckermans Road	MENAH
DA0293/2021	Dwelling House	2	Lovett Court	SPRING FLAT
DA0294/2021	Residential Shed	162	Bruce Road	MUDGEE
DA0295/2021	Dwelling House	42	Pindari Road	COLLINGWOOD
DA0298/2021	Screen Enclosure	71	Peppercorn Lane	BUCKAROO
DA0299/2021	Function Centre	833	Goolma Road	GUNTAWANG
DA0300/2021	Carport	19	Redbank Road	MUDGEE
DA0302/2021	Cafe	24	Cox Street	LUE
DA0303/2021	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0304/2021	Residential Shed	50	Spring Road	MUDGEE
DA0305/2021	Residential Shed	243	Robertson Road	SPRING FLAT
DA0307/2021	Dwelling House	33	Wurth Drive	BOMBIRA
DA0308/2021	Pergola	88	White Circle	MUDGEE
DA0310/2021	Moveable Dwelling	3	Tallawang Road	GULGONG
DA0311/2021	Residential Shed	4	Lahy Court	MUDGEE
DA0313/2021	Swimming Pool	4	Albens Lane	MUDGEE
DA0314/2021	Dwelling House	274	Frog Rock Road	FROG ROCK
DA0316/2021	Garage	10	Short Street	RYLSTONE
DA0317/2021	Dwelling House	3739	Lue Road	MONIVAE
DA0318/2021	Residential Shed	48	Norris Lane	GALAMBINE
DA0319/2021	Carport	191	Gladstone Street	MUDGEE
DA0320/2021	Carport	93	Williams Road	GULGONG

Monthly Development Application Processing Report – March 2021

DA0321/2021	Residential Shed	33	Wurth Drive	BOMBIRA
DA0322/2021	Commercial Alterations/Additions	433	Ulan Road	EURUNDEREE
DA0323/2021	Dwelling House	218	Castlereagh Highway	GULGONG
DA0324/2021	Commercial Alterations/Additions	548	Hill End Road	ERUDGERE
DA0325/2021	Residential Shed	4	Lahy Court	MUDGEE
DA0326/2021	Dwelling House	13	Hosking Street	CAERLEON
DA0327/2021	Residential Shed	354	Yarrowonga Road	YARRAWONGA
DA0328/2021	Residential Shed	96	Spring View Lane	BUDGEE BUDGEE
DA0330/2021	Shed >150m2	192	Buckaroo Road	BUCKAROO
DA0331/2021	Industrial Building	35	Depot Road	MUDGEE
DA0332/2021	Dwelling House	10	Butler Circle	BOMBIRA
DA0333/2021	Residential Shed	151	Robertson Street	MUDGEE
DA0334/2021	Shed >150m2	166	Lesters Lane	PIAMBONG

Monthly Development Application Processing Report – March 2021

Heritage Development Applications currently being processed – March 2021.

Appl/Proc ID	Description	House No	Street Name	Locality
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
DA0032/2021	Multi Dwelling Housing	68	Mortimer Street	MUDGEE
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	information and education facility	49	White Street	GULGONG
DA0188/2021	Multi Dwelling Housing	47	Lewis Street	MUDGEE
DA0197/2021	Alterations & Additions	35	Louee Street	RYLSTONE
DA0198/2021	Change of use - Serviced Apartments	110	Church Street	MUDGEE
DA0201/2021	Change of use - Bakery	131	Church Street	MUDGEE
DA0203/2021	Serviced Apartment	38	Perry Street	MUDGEE
DA0215/2021	Residential Shed	42	Court 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
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
DA0280/2021	Alterations & Additions	29	Short Street	MUDGEE
DA0291/2021	Café	88	Mayne Street	GULGONG
DA0296/2021	Dual Occupancy	61	Denison Street	MUDGEE
DA0297/2021	Demolition	118	Medley Street	GULGONG
DA0301/2021	Alterations & Additions	64	Mortimer Street	MUDGEE
DA0309/2021	Restaurant	91	Horatio Street	MUDGEE
DA0312/2021	Swimming Pool	44	Horatio Street	MUDGEE
DA0329/2021	Commercial Alterations/Additions	93	Church Street	MUDGEE

Item 9: Finance

9.1 RFT 2020/78 Billy Dunn Amenities Building

REPORT BY THE PROCUREMENT OFFICER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, COR400368

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Officer on the RFT 2020/78 Billy Dunn Amenities Building;**
2. **amend the Operational Plan 2020/21 to increase the budget for the Billy Dunn Amenities Building by \$70,000 funded from Unrestricted Cash to ensure budget provides adequate funds to proceed with project;**
3. **accept Adaptive Pty Ltd ITF Adaptive Trust (t/a Dezign) for tender RFT 2020/78 Billy Dunn Amenities Building – structural design and construction in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 Tendering for the price of \$XXX;**
4. **delegate authority to the Director Community to approve variations to an accumulative total of +/-10% of the finalised contract sum; and**
5. **authorise Council staff to notify all respondents of the outcome of their tender.**

Executive summary

The Billy Dunn sporting facility is located in Nandoura Street Gulgong adjacent to the Gulgong pool and is a MWRC managed facility catering for a variety of sports and events.

To accompany the Grandstand and Canteen facilities Council approved a grant fund to build an additional women's amenities change room building adjacent to the Grandstand.

Council sought tenders from organisations that can offer professional design, engineering and construction resources in the delivery of an amenities building. As a result a tendering process was initiated, a Procurement Plan and Tender Evaluation Plan were developed.

A Tender Evaluation Panel was formed, comprising of representatives from the most relevant departments within Council. Members of the Tender Evaluation Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the design and construction of the Amenities building.

As such, the tender evaluation panel found that the tendered amounts were over our current budget.

The original budget adopted allowed for the major projects department to project manage this build however, due to staff movement and loss of the Major Projects Manager and the increase of expense seen across the building construction industry, has left the current budget inadequate and requiring more funding to complete the project

Without further financial commitment it is likely that this project, identified in Council's Operational Plan 2021 is unlikely to proceed.

Disclosure of Interest

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

Detailed report

Advertised

Open to the Market 10 February 2021

Closed: 3 March 2021

Extended to 10 March 2021

29 days in total

The above tender was advertised in the:

- Mudgee Guardian
- Council's e-Tendering portal – VendorPanel
- Sydney Morning Herald
- Information regarding this tender was also published on Council's website

Tenders Received

Five (5) companies submitted tenders;

1. **Cumnock Constructions Sustainability Pty Ltd**
2. **Adaptive Pty Ltd ITF Adaptive Trust (ta Dezin)**
3. **Fordy's Plastering Trading (ta FPS Constructions)**
4. **MAAS Constructions (Dubbo) Pty Ltd**
5. **Moodie Outdoor Products Pty Ltd**

Late Tenders

No late tenders were received;

Conforming Tenders

Four out of five tenderers failed to meet some measures of the mandatory requirements.

Adaptive Pty Ltd (ta Dezin) consistently meet the evaluation criteria

Where other failures were deemed minor, Council opted to work with the suppliers to ensure that an appropriate pool of competitive submissions were available for evaluation.

The following tenders were however, deemed non-conforming as they did not meet the project requirements.

- Fordy's Plastering Trading (ta FPS Constructions) was removed from evaluation based on a non-compliant tender
- Moodie Outdoor Products Pty Ltd was removed from evaluation based on a non-compliant tender

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best outcome for Council, a rational and defensible way which 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

Alison Cameron	Procurement Officer
Scott Jackson	Project Building Officer (SME)
Karli Anshaw	Building Services Coordinator

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

Evaluation criteria	weighting
Price	50%
Experience and Capacity	30%
Understanding of Project Requirements	10%
Ability to meet the Project Program	10%

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 the Gulgong - Billy Dunn Amenities Building

1. Adaptive Pty Ltd ITF Adaptive Trust (ta Dezign)

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Procurement Policy

Legislation

Local Government Act
Local Government (General) Regulations 2005

Financial implications

The design and construction of Gulgong - Billy Dunn Amenities Building has a budget allocation of \$262,200.00. The anticipated cost of works has been assessed and the recommended tenderer is currently not budget compliant.

Closing the tender and seeking further negotiations with any company would not yield a more favourable result for Council, it is expected that Council will need to amend the Operational Plan for 2020/21, commit further funding towards this project and notify the funding body for approval to extend which may not be approved.

Associated Risks

Council will be unable to deliver the approved construction at Billy Dunn as per the Operational Plan if further commitment is not provided, which may lead to the removed grant funding and the project will not proceed.

ALISON CAMERON
PROCUREMENT OFFICER

KRISTIE WARD
MANAGER PROCUREMENT AND FLEET

30 March 2021

Attachments: 1. Tender evaluation scoring. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

SIMON JONES
DIRECTOR COMMUNITY

9.2 Land Purchase of part Lot 35 DP 859542 & part Lot 6 DP 265664 for road realignment - Putta Bucca Road, Putta Bucca NSW

REPORT BY THE DIRECTOR COMMUNITY
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ROA100487

RECOMMENDATION

That Council:

1. **receive the report by the Director Community Land Purchase of part Lot 35 DP859542 & part Lot 6 DP265664 for road realignment – Putta Bucca Road, Putta Bucca NSW;**
2. **resolve to purchase the 6.7m² of part Lot 6 DP265664 and 8.1m² of part Lot 35 DP859542 ('Sale Land') by agreement with the Vendor for the Sale Price of NIL for the purpose of public road;**
3. **agree for Council, at its own cost, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of the road realignment, fencing and any legal costs;**
4. **authorise the General Manager, where necessary, to complete and execute all documentation necessary to effect the subdivision and land purchase;**
5. **authorise the Mayor to sign all documentation, where additionally required to do so, to effect land purchase; and**
6. **authorise the Common Seal be affixed to all documentation, where necessary, to effect the land purchase.**

Executive summary

The Putta Bucca Walk/Cycle Way project requires the purchase of private land (Sale Land) to progress re-alignment of a section of the road. It is proposed:

- The transfer of the Sale Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Putta Bucca Road, being a public road.
- In consideration of the sale of the Sale Land, Council agrees to pay, and owners of the land, (the Vendors) agree to accept, the sum of NIL ('Sale Price').

It is recommended that Council proceed with the subdivision and purchase of the Sale Land and authorise the General Manager to perform all duties necessary to finalise the land transfer.

Disclosure of Interest

Nil

Detailed report

Council has been successful with applications for 2019/20 NSW Active Transport funding providing \$200,200, Stronger Country Communities Fund providing \$207,945. MWRC have contributed \$211,901 during the 2019/20 and 2020/21 financial years. The construction of approximately 1000m of cycle way including shared pathway infrastructure. The project completes a 8km loop of shared pathway connecting Mudgee town centre around Walkers Oval, across the Cudgegong River through to Glen Willow Regional Sporting Complex, and out to the Putta Bucca residential area, the Putta Bucca Wetlands and around to the Mudgee Racecourse before returning to Mudgee's Olympic swimming pool, Lawson Park and CBD.

The proposed project is identified in Council's Community Strategic Plan "Towards 2030", Delivery Program & Operational Plan, and continues from previous works conducted by Council to create a complete 8km cycle way loop from the Mudgee CBD.

Part of the upgrade proposed for Putta Bucca Walk/Cycle Way requires realignment of the geometry of a corner to improve road safety and handling. In order to progress this element of the project the purchase of a total of 14.8m² of private land is required being part of Lot 6 DP265664 (6.7m²) and part of Lot 35 DP859542 (8.1m²).

Staff have made contact with the Vendors to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) The transfer of the Sale Land to the Council is to be carried out by way of Subdivision Plan, the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Putta Bucca Road, being a public road.
- b) In consideration of the purchase of the Sale Land, Council agrees to pay, and the Vendors agree to accept NIL ('Sale Price') compensation.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

If Council identifies land or interests in land that is required to facilitate functions of Council, but the land is not available for public sale, Council may approach the landowner and negotiate the purchase of the required land or interest in land. In this case, the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 apply irrespective of whether the acquisition is by agreement or by compulsory process. This Act requires Council to pay a fair compensation for the land or interest in land that is being acquired.

Legislation

Not applicable

Financial implications

The Putta Bucca Walk/Cycle Way upgrade project has a budget of \$200,200, with Transport for NSW funding 100%, Stronger Country Communities Fund providing \$207,945. MWRC have contributed \$211,901 during the 2019/20 and 2020/21 financial years. This will fund the compensation and all associated subdivision and administration expenses.

The budget variation is required to allocate project funds to the purchase of this portion of land for realignment, but has no net impact to the budget or ratios.

A new timber post and rail and wire fence will be erected along the new realigned boundary line of Lot 35 and Lot 6 at the cost of \$891.00.

- a) arrange for demolition of the existing fence between Lot 35 and Lot 6 and Putta Bucca Road, and relocation of the fence to the new boundary between Lot 35 and Lot 6 and Putta Bucca Road, after the Sale Land is dedicated to the Purchaser;
- b) procure the preparation, lodgement and registration of the Subdivision Plan, to give effect to the dedication of the Sale Land; and pay all and any other legal costs if necessary.
- c) arrange for the certificate of title to Lot 35 and Lot 6 to be returned to the Vendor after it has been produced for registration of the Subdivision Plan

Associated Risks

Not Applicable

SIMON JONES
DIRECTOR COMMUNITY

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 March 2021

Attachments: 1. Agreement to Compensation Road Widening - Papworth. (Confidential - separately attached)
2. Agreement to Compensation Road Widening - Watt. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Naming of new streets in a subdivision off Fairydale Lane Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER

TO 21 APRIL 2021 ORDINARY MEETING

GOV400088, R0790141 P25906 P20790 P20791

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of new streets in a subdivision off Fairydale Lane, Mudgee; and**
2. **formally approve the name of Dunnachie Street for Street 1, Goodlet Lane for Street 2 and McEwen Street for Street 3.**

Executive summary

Formal approval is requested to name the new streets in a subdivision off Wurth Drive in the town of Mudgee, Dunnachie Street, Goodlet Lane and McEwen Street.

Please note a correction in the spelling of McEwen from McEwan as provided in the 17 February 2021 preliminary street naming report.

Disclosure of Interest

Nil.

Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads. Following the approval of a new subdivision off Fairydale Lane in the town of Mudgee, Council wrote to the neighbours of the subdivision on 9th December 2020 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 4 December 2020 Mudgee Guardian and on Council's website.

No submissions were received, however, a previously approved name for a new street in the Bombira Estate subdivision became available due to changes to that subdivision plan. This name was approved by Council as were two other names which were listed in Council's pre-approved names list. Council provisionally approved the names of Dunnachie Street, Goodlet Lane and McEwen Street for the streets in this subdivision at their 17 February 2021 meeting.

Dunnachie relates to John Dunnachie (1943-2011) who, with his wife Margaret, chose Mudgee as the location of his semi-retirement to be close to the wineries and because of his love of rural life. John was a third generation master cooper and a long time participant in the Mudgee Small Farm Field Days. John also worked on restoring and repairing sloop buckets, water and storage barrels for HMB Endeavour at the National Maritime Museum in Sydney. He also handcrafted spittoons for Steins Winery; barrels for DiLusso Winery and Mudgee Winery; wine barrels for Farmer's Daughter Wines; tubs, buckets, barrels, casks and butter churns for Elizabeth Farm in Parramatta and Hyde Park Barracks in Sydney; and wine barrel tables for

hotels in Rylstone and Mudgee. His craftsmanship was highly sought after and many residents and visitors own a piece of his work.

Goodlet relates to William George Goodlet (1900-1961), who came to Mudgee to work as part of a Government Jobs scheme in the 1920s. Among other things he worked on building the weir in Lawson Park which was presented to the people of Mudgee in 1927 and completed in 1928. Mr Goodlet, his wife and infant daughter were accommodated at the Sydney Hotel (now Kellys Irish Pub) while he worked in Mudgee. Mr Goodlet's memories of the town and people were so effective that his son moved to the area nearly 40 years ago and raised his family here. Three generations of the Goodlet family have now contributed to the Mudgee area as a result of Mr Goodlet's time in the town.

Reverend Alexander McEwen (1929-1883) was the first permanent minister in Mudgee. He was born in Scotland and graduated from St Andrew's University before he travelled to Australia in 1853. He was appointed chaplain of the western goldfields with his headquarters in the village of Hargraves. He married Catherine Busby in Bathurst in 1859 and shortly afterwards was appointed to Mudgee. He served as the minister of St Paul's Presbyterian Church from 1859-1883 with a parish that extended from Hill End to south of Coonabarabran. He travelled large distances by horse or by buggy until his passing on 18/8/1883 as a well respected member of the Mudgee community.

The Geographical Names Board was advised of these possible street names and previously approved McEwen on 17 January 2013, Goodlet on 2 February 2015 and Dunnachie on 29 March 2018.

Dunnachie Street, Goodlet Lane and McEwen Street were advertised in the 26 February 2021 issue of the Mudgee Guardian and on Council's website with no additional submissions or objections received.

Notices of new street names were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association via the NSW Online Place and Road Naming Proposal System with no objections received.

Street naming is legislated under the Roads Act (1993). This Act empowers the authority in charge of the road with the rights to name it. The naming of these streets 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 these new streets, notice of the approved names will be:

1. Published in the Government Gazette, the Mudgee Guardian and on Council's website.
2. Concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road, Bridge and Place Naming Policy.

Legislation

Roads Act 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

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

Financial implications

The cost and installation of five street signs. Two for Dunnachie Street located at the intersections with Fairydale Lane and Goodlet Lane. Two for Goodlet Lane located at the intersections with Fairydale Lane and Dunnachie Street, and one for McEwen Street located at the intersection with Goodlet Lane. The costs of which will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 March 2021

Attachments:

1. GNB Letter approving Dunnachie.
2. GNB Letter approving McEwen.
3. GNB Proposal Goodlet.
4. Submission.
5. Submission.
6. Submission.
7. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Carolyn Atkins

From: Susan Fietz
Sent: Thursday, 29 March 2018 2:44 PM
To: Carolyn Atkins
Cc: SS GNB
Subject: Dunnachie Road/Street/Lane/Court
Attachments: Pre-approval Dunnachie.pdf

Dear Carolyn

Thank you for your letter notifying of the proposed road name Dunnachie Road/Street/Lane/Court.

I have evaluated the name and advise that Dunnachie has been pre-approved with the road type to be determined once the name is used.

Regards
Susan

Susan Fietz
Statutory Officer | Geographical Names Board
Spatial Services | Department of Finance, Services & Innovation



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Please consider the environment before printing this email



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

Attention: Carolyn Atkins

17th January 2013

cc: Secretary of the Geographical
Names Board of NSW

Your Ref: CA: R0790141
Our Ref: T02/0175 2013 - 007

Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 15th January 2013 which proposed the following public road names for pre-approval:

**ALEXANDER MCEWEN or MCEWEN STREET, ALFRED THOMAS STREET,
WILLIAM WILTON or WILTON STREET, CHARLES WILTON STREET, DUD MILLS
STREET, ALLAN MARSH STREET, HAROLD MARSH STREET, NICHOLAS ROWELL
or ROWELL STREET, RICHARD HUGHSON or HUGHSON STREET, THOMAS
FIASCHI or FIASCHI STREET, JAMES SPERAS or SPEARS STREET, BOLDREWOOD
STREET, RALPHS ROAD**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and while it is appreciated that Council is seeking pre-approval and as such STREET has been used as a generic road type, I would make the following comments:

ALEXANDER MCEWEN STREET – due to its similarity to **ALEXANDER STREET** at Hargraves objection would be raised unless a different road type was used.

ALFRED THOMAS STREET - due to its similarity to **ALFRED STREET** at Hargraves objection would be raised unless a different road type was used.

WILLIAM WILTON STREET - due to its similarity to **WILLIAM STREET** at Lue objection would be raised unless a different road type was used.

CHARLES WILTON STREET – due to its similarity to **WILLIAM WILTON STREET** objection is raised under guideline “Uniqueness 1.1”

DUD MILLS STREET – as this is duplicated with **DUD MILLS PLACE** proposed by Council 20th July 2011, objection is raised under guideline “Uniqueness 1.1”

ALLAN MARSH STREET - due to its similarity to **ALLAN STEWART STREET** proposed by Council 22nd august 2012, objection would be raised unless a different road type was used.

HAROLD MARSH STREET - due to its similarity to **ALLAN MARSH STREET** objection is raised under guideline “Uniqueness 1.1”

JAMES MACDONALD STREET - due to its similarity to **JAMES STREET** at Hargraves and **MCDONALD STREET** at Gulgong and Kandos objection would be raised unless a different road type was used.

RICHARD HUGHSON STREET - due to its similarity to **RICHARDS STREET** at Mudgee objection would be raised unless a different road type was used.

JAMES SPEARS STREET - due to its similarity to **JAMES STREET** at Gulgong objection would be raised unless a different road type was used.

SPEARS STREET - due to the similarity in pronunciation with to **SPUR ROAD** at Tallawang objection is raised under guideline “Uniqueness 1.1”

No objection is raised to the remaining names, however, it should be noted that none of the proposed names should apply specifically to any living persons.

It should be noted that one of the major aims of the guidelines is to provide clear and unique identification of roads and their locations for the delivery of services. This particularly applies where confusion may arise in Emergency Service situations where the full name and/or suburb may not be able to be adequately communicated given the urgency involved and the stress with which the people involved in emergencies have to cope. A copy of the guidelines is attached for your information.

Should you wish to proceed with the adoption of any of the names to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the names are valid proposals. The matter will then be put to the Board who may choose to overturn the objections.

Yours Faithfully

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

***Proposal Type**

Public Road Non-Dedicated/Private Road Road Name Pre-Approval

***Local Government Area**

MID-WESTERN REGIONAL

***Address Locality (Suburb)**

MUDGEE ✕

***Proposed Road Name**

Goodlet

***Road Type**

Lane

✓ 0 potential issues found

***Extent**

New street running south on the eastern side of a subdivision over Lot 2 DP 1264511 to terminate at an intersection with Dunnachie Street.

***Origin**

William George Goodlet came to Mudgee to work as part of a Government Jobs scheme in the 1920s. Among other things he worked on building the weir in Lawson Park which was presented to the people of Mudgee in 1927 and completed in 1928. His memories of the town and people were so effective that his son moved to the area nearly 40 years ago and raised his family here.

***Does this proposed name commemorate a person?**

No Yes

***Full Name of Person**

William George Goodlet

***Date of Birth**

2/3/1900

clear

***Date of Death**

19/7/1961

clear

***What is the person's association with this feature and their main contribution to the local community?**

Mr Goodlet was one of many who passed through Mudgee, some for a short time, others longer, but all leaving their mark on the town and the town leaving its mark on them. Mr Goodlet helped build a landmark that still stands in the weir over the Cudgong River in Lawson Park. The creation of the weir led to the area being the main swimming area in the town until the public pool was opened in 1951. Mr Goodlet's memories of the town led to his son moving here and raising his family here with his sons now making their lives here. Three generations of the Goodlet family have now contributed to the Mudgee area as a result of Mr Goodlet's time in the town.

What is the source for this information?

Mr Eric Goodlet, son of William.
Newspaper articles - The Sydney Morning Herald 16/1/1924
The Sydney Morning Herald 26/2/1927
The Land 20/4/1928

Attach supporting documentation

Click or drag file here to upload...

**Add
Files**

Does this road contain a multi-cultural dimension?

No Yes (Please specify in the 'Additional Information' field)

Does this road contain an Aboriginal dimension?

No Yes (Please specify in the 'Additional Information' field)

Additional information for this Road

Mr Goodlet's birth and death date would not save in the allocated fields. In case the fields clear again when the proposal is submitted the dates have been included here. They are:

Date of Birth - 2/3/1900 and Date of Death 19/7/1961

Supporting documentation was attached but when the proposal was saved the documentation disappeared. When trying to re-add it the field would no longer accept the documentation. The Council Report, Minute and record of newspaper articles have been added below.

***Please upload Map and Other Supporting Document**

Click or drag file here to upload...

Add Files



Map3.pdf

View File

Remove



Report_to_Council_(formal)_-_Street_Naming_-_off_Fairydale_Lane_PDF.pdf

View File

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Min_27-21_-_Council_Meeting_1702211_-_Item_9.3_Naming_of_New_Streets.docx

View File

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Goodlet_-_Articles.pdf

View File

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Cancel

Save



Margaret Dunnachie

TO WHOM IT MAY CONCERN

SUBJECT:

Naming of Reserve/Park

LOCATION:

On the corner of Eleanor Dark Court and Banjo Paterson Avenue, Mudgee

Dear Sir/Madam,

I am submitting this to you in the hope that you will consider my application to name the above mentioned reserve/park

"JOHN DUNNACHIE RESERVE"

Profile:

- ❖ A third generation cooper (barrel maker) John chose Mudgee as the location for semi retirement to be close to the wineries and because of a love of rural life
- ❖ He was a regular exhibitor at the Mudgee Small Farm Field days where he would demonstrate the art of barrel making as well as making buckets, old style colonial water canteens for the 73rd Regiment and special orders for customers
- ❖ Restoration and repairing sloop buckets, water and storage barrels for the "Endeavour" ship at Darling Harbour's National Maritime Museum, Sydney
- ❖ John worked his magic to produce handcrafted spittoons for Steins Winery, barrels for Di Lusso Winery, wine barrels for Farmers' Daughter Wines, tables made out of old wine barrels for hotels in Rylstone and in Mudgee,
- ❖ Wine coolers (*for which he was awarded prizes for Mudgee Show*), barrels for Mudgee Winery and even a custom made a birthday present for a private customer turning an old wine barrel into an entertainment unit, as well as designing a letter box recycled from an old wine barrel for a neighbour on the outskirts of Mudgee
- ❖ *Everything he did, he made with expert craftsmanship and love because it was what he excelled in and because everything he created was from his heart and soul*

TESTIMONIALS!

Mr Scott McGregor - In his very kind words upon hearing of the death of John in the Mudgee Small Farm Field Days magazine, 2011

Mr. Scott Cam - His opinions upon visiting the site at the Mudgee Small Farm Field Days.

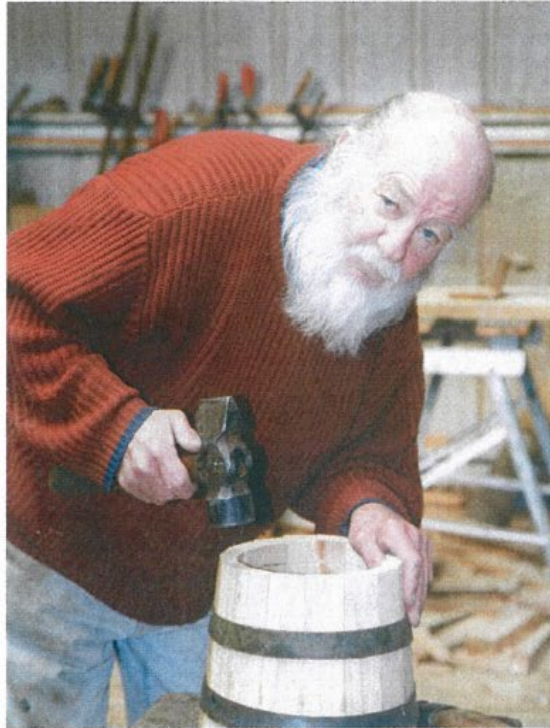
REASON FOR NOMINATION OF PARK/RESERVE: In loving memory of my soul mate and best friend and dear departed husband John Dunnachie. In remembrance of a kind, gentle soul and human being who was taken from this life far too soon.

Yours sincerely

THANK YOU VERY MUCH



ARTISAN PROFILE



THE MASTER COOPER

By Viktoria Darabi

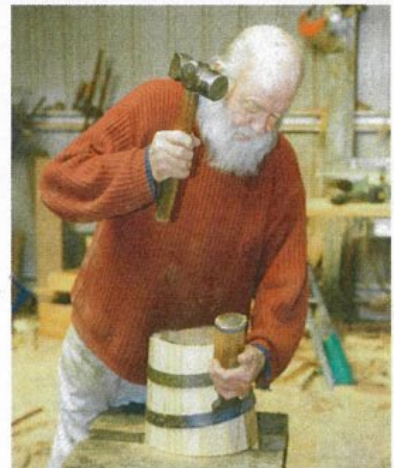
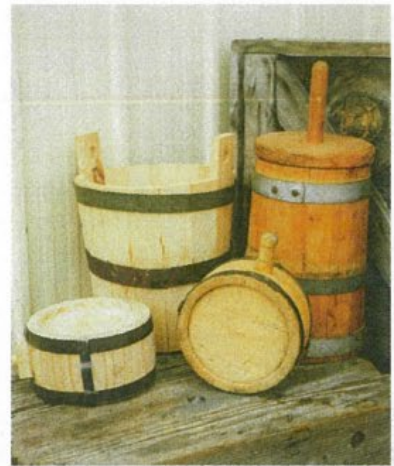
Coopering is in John Dunnachie's blood. A third-generation cooper, John is an Australian-born Scotsman to Scottish parents. His grandfather and uncle were coopers and as a young boy he was fascinated by what they did. He took on a five-year apprenticeship with his uncle in Gosford, NSW, and later at the Union Cooperage at Rozelle. "At that time a coopering apprenticeship was all 'hands on' work and you just seemed to keep on learning all the time," John says.

The barrel maker's trade, or coopering as it is known, has its roots in Roman times, however the Gauls claim to be the first coopers. The coopers' guilds in the early Middle Ages in France and England were large and powerful, receiving a royal charter in the 1500s. Barrels were ideal for Great Britain's global maritime trade in the 1700s. Huge weights in dry and wet goods could be moved about easily by rolling the barrels or casks on and off ships. By the 1750s, many hundreds of thousands of barrels were made in Britain and its colonies.

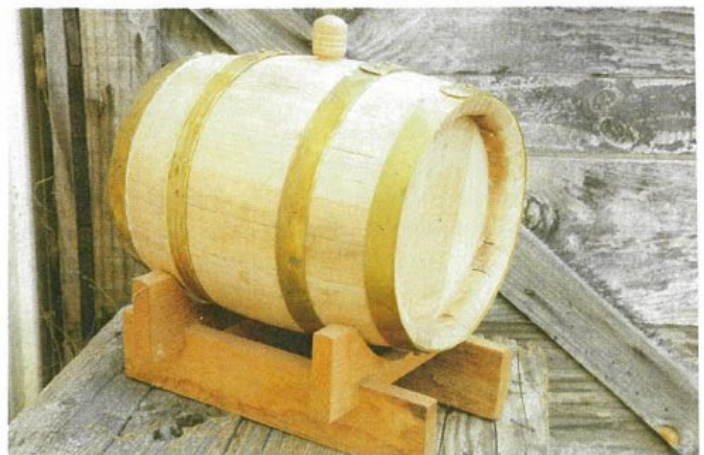
There were three main types of specialisation that developed with the craft. *Tight work* containers were for liquids; *dry tight work* casks were for fine, powdery material like flour; and *slack work* containers were for dry goods. The making of buckets and tubs was called *white work*. The oaks used for barrel making in medieval times were harvested at 80 to 100 years old. Nowadays, they are matured for eight to 15 years before harvesting.

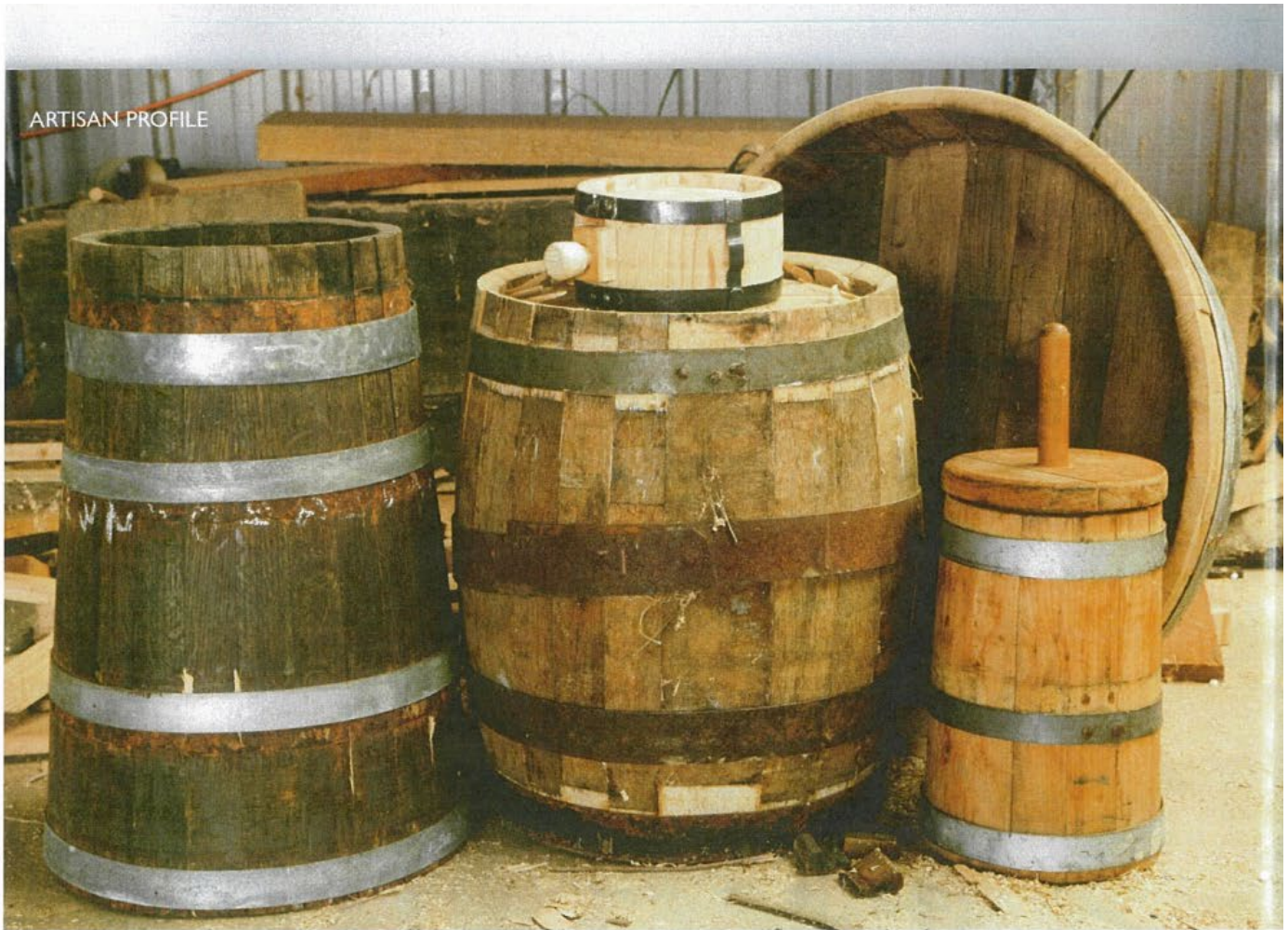
Work on a barrel would begin by the cooper selecting flat planks, called blanks, to make staves. Tight work mainly required white oak. Slack work used red oak, chestnut and yellow pine. Rough staves were cut and air dried outside for at least two years. The rough staves were then shaped, bent, fitted together and banded with a metal hoop. Round end pieces called heads were installed in each end.

The measuring to make a barrel is done by eye, which indicates the importance of experience in making a good barrel. Preparation of staves and hoops for a typical batch of 10 new timber →



Above top: John works on fitting the hoops to a barrel in progress. **Above:** A butter churn. **Left:** A letterbox John made for a neighbour. **Below left:** The much-used lathe, which is an essential part of the process. **Below right:** A superbly crafted small wine barrel. **Opposite:** The barrel nearing completion.





ARTISAN PROFILE

Some of John's larger wares in his workshop awaiting sale.

buckets takes about four days; "standing" and "hooping" each bucket takes about 40 minutes. Add more time to this if using recycled timbers — they require extra preparation.


"The tools a cooper uses today are much the same as those used hundreds of years ago," explains John. "Those tools are quite numerous — 20 or more — and include saws, axes, a variety of draw knives for tapering, hollowing and backing the staves and several planes. The croze, a type of router, is used to cut the slots in the ends of the barrel staves to house the heads. Heat from a fire for some barrel applications is used to bend the staves and later to harden them."

According to John, "Coopering is a rare trade because a lot of wooden barrels have been replaced by stainless steel for lower maintenance. The maintenance on the oak wine barrels involves shaving out the cream of tartar buildup, which would interfere with the oaking process over time. This process would gain the wine maker one more season from the barrel." Today, a new oak barrel from France would cost about A\$2000 and is used for only four to six years before being retired.

With the support of his devoted wife, Margaret, John operates his one-man cooperage in Mudgee, NSW. He specialises in making wooden buckets and recycling old wine barrels into other smaller coopered objects and employing the retired barrels in different ways. "My work today comes about largely from word of mouth, plus Margaret and I travel about doing demonstrations at Field Days and Heritage Festivals. The demand is steady, but as you would imagine, there is greater demand for Father's Day, for men's birthdays and Christmas," he explains.

John's products have come about from requests by private individuals. The esky, wine cooler and ice buckets were developed after many requests and have proven very popular at shows. John uses recycled timber as much as possible, but he is happy to make anything in a special timber you request. His favourite timber to work with is Jarrah.

The commission work he gets today is primarily for re-enactment groups and the Historic Houses Trust — places such as Elizabeth Farm in Parramatta and Hyde Park Barracks, NSW. Their needs range from large laundry tubs to buckets, as well as port barrels, water casks and butter churns.

"All my work is interesting, but I especially enjoyed a recent commission which involved the challenge of recycling old barrels into an entertainment unit and bar, with two opening doors and shelves for glasses and bottles," relates John. "I also got great joy from trying to make an historic bucket from a partial drawing. The most unusual piece I have worked on was a Birka Bucket, where I had to use triangular steel hoops." 



Classic & Wooden Boat Festival

National Maritime Museum, Darling Harbour, 8-10 October 1999

Celebrate sail and speed at this year's Classic & Wooden Boat Festival, Sydney's fun-for-everyone harbourside celebration. It's even bigger this year with more boats, displays, stalls and loads more entertainment. Some highlights:

- More than 130 superb craft afloat, from graceful yachts to streamlined speedboats.
- A large display of dinghies, dories and skiffs ashore, with a helpful Clinker Clinic.
- More than 20 entrants in the 1999 Classic Ferryboat Challenge.
- Outstanding guest speakers, including the leader of the US team seeking to identify the submerged hull of Captain Cook's Endeavour in Newport Harbour, Rhode Island.
- Maritime Marketplace, trade stands, specialty food and refreshment stalls.

The Classic & Wooden Boat Festival is staged by the Australian National Maritime Museum. Further information: Festival Co-ordinator - Diane Fenton (02) 9298 3614.



MUDGEES FIELD DAYS

Obituary

John Dunnachie 1943-2011

LONG time participant of the field days and master cooper, John Dunnachie, of Cooks Gap, has died, aged 67.

His knowledge and skill demonstrating the art of the cooper will be missed.

Friend, Scott McGregor, said of Mr Dunnachie:

"I first got to know of John's rare talents when I took time out with him in his shed.

"Decades of craftsmanship, coopering tools, templates, bits of barrels and all manner of wood craft was the backdrop to many a long chat over the finer points of tinkering with timber.

"He was most generous with his time and his knowledge built up over a lifetime involved in one of the special 'rare trades'.

"It was fascinating to watch him transform bits of kindling into



something most desirable.

"He was a part of the special breed of craftspeople who make the Mudgee region such an interesting place and his friendship, his character and creativity will be sorely missed.

"My sincerest sympathies to his wife, Margaret, friends and family."

Talk

By KIM
CHAPPELL

A WEALTH of knowledge will be on-hand of the Mudgee Field Days.

The Essential Energy and Lecture Pavilion with talks from a range of industry experts on a variety of topics from permaculture to aquaculture.

Organised by Milkwood Permaculture, of Mudgee, the day attendees a "short look at the topics on

Milkwood Permaculture owner, Nick Ritar, says the program would run from 9.30am until 5pm on Friday and Saturday, focusing on farming-specific topics and broader topics on

Speakers will include Georgiadis of SBS sh

Mudgee NSW 2850.
26/9/2014.



General Manager,
Mid-Western Regional Council,
PO Box 156,
Mudgee NSW 2850.

Nomination for Street Name – Mudgee.

I wish to propose my family name of "GOODLET" for use as a street name in the Mudgee area.

To support my nomination I would like to provide the following information:-

My wife and I have lived in Mudgee now for over 30 years. We raised our family of three here and our 2 sons have also made their life here in the Mudgee area. One son is employed in a managerial position with Western Health at the Mudgee Hospital and the other son has his own engineering business.

I worked with Australia Post serving the Mudgee community for about 25 years. 12 of those years I served as Postal Manager for Mudgee from 1994 – 2006 when I retired and have remained living in Mudgee. My wife served the community by working at Pioneer House for approximately 19 years. Over the years we have served on the committees and supported several junior and senior sporting clubs.

My wife and I have continued to serve the Mudgee community by assisting several charities such as Meals on Wheels, door knocks for Red Cross and others, and have supported our local church.

History.

My father worked on the construction of the Mudgee Weir. Although not a Mudgee resident he was one of the workers employed under the work creation programme by the then Government to construct the weir. He and my mother were brought to Mudgee and were accommodated in the Sydney hotel. According to my mother, my eldest sister who was only a toddler at that time was one of the first to walk over the completed weir. My sister is now 89 years old.

I forward this for your consideration and thank you for your time and interest.

Eric K. Goodlet.

Rev Alexander McEwen, was born in Perthshire Scotland in 1829 and graduated from St Andrew's University. He arrived in Australia in 1853. And was appointed chaplain in charge of the western gold fields, with his headquarters at Hargraves.

He married Catherine Busby, daughter of George Busby, in 1859 at Bathurst and except for a brief period spent at Hinton, was shortly afterwards appointed to Mudgee as its first permanent minister, where he laboured for twenty five years until his death in 1883.

His parish extended from Hill End on the south to Coonabarabran on the north, and he travelled regularly through that wide district for upward of a quarter of a century, mostly on horseback or by buggy, for there were no motor cars in those days, and roads were ill formed. He gained the respect of all sections of the community.

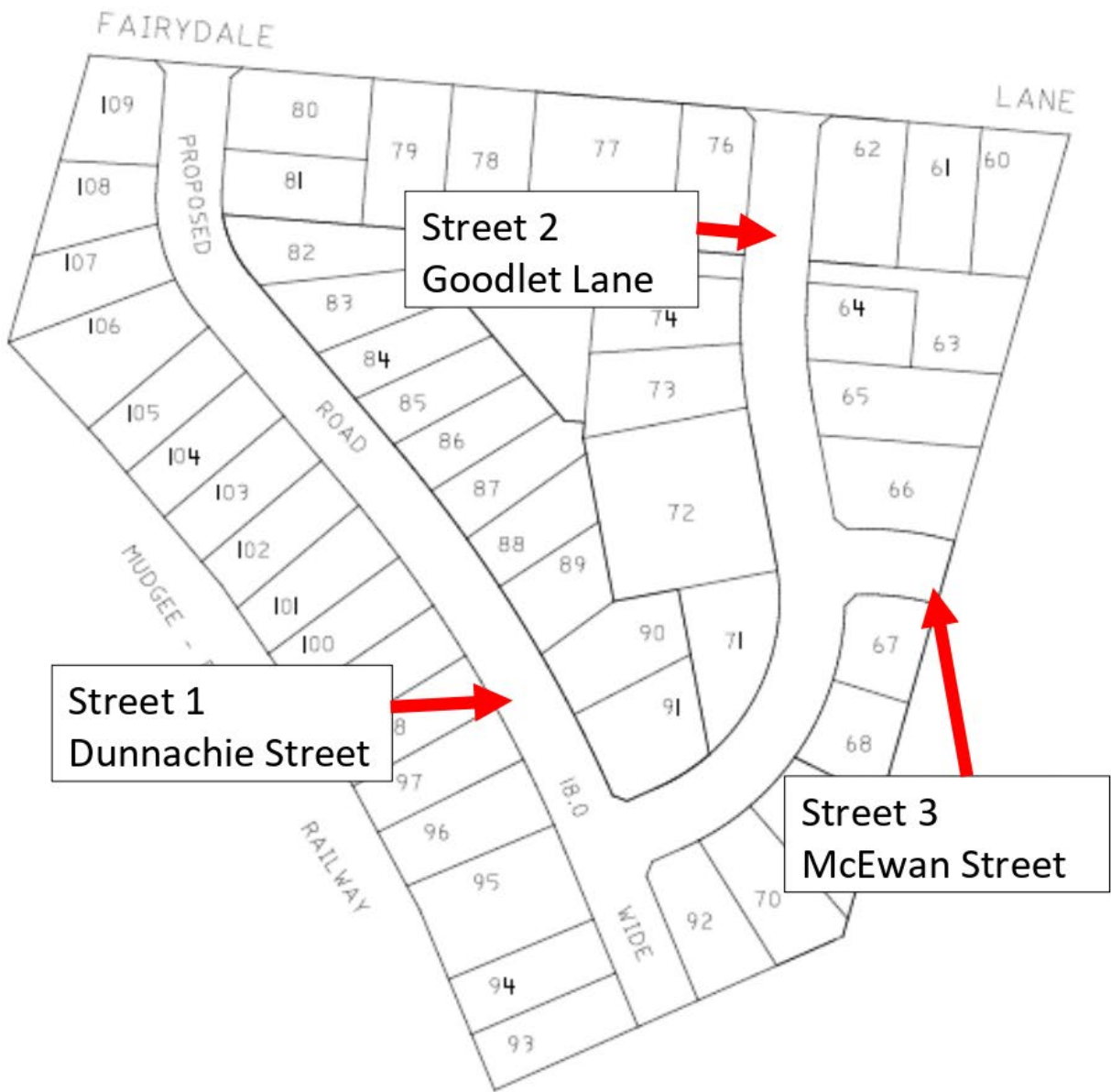
The first St Paul's Presbyterian church was erected in Mudgee in Mortimer Street at a cost of £1200. It was the same building which was used as a Sunday school until 1988 at which time it was demolished to make way for the Kanandah Hostel units for the aged. The foundation stone of the present St Paul's building was laid on 28th May 1875.

Alexander and Catherine had ten children, seven being born in Mudgee. Rev McEwen died on 18th August 1883 and is buried at Mudgee. Catherine died at Bathurst in 1887.



The Reverend A. McEwen.

Submitted by Mudgee Historical Society



9.4 Community Grants Program - April 2021

REPORT BY THE MANAGER FINANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, FIN3000159

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Community Grants Program - April 2021;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and**

Mudgee Playgroup	6,893
Mudgee & District Kennel & Obedience Club Inc	1,000
Rylstone Kandos Chamber of Commerce	71
Gulgong Memorial Hall Committee	3,000
The Australian Kidney Foundation trading as Kidney Health Australia	2,000

3. **provide relief from the \$1,000 security bond fee for Mudgee & District Kennel & Obedience Club Inc for the showground hire**

Executive summary

This report considers requests for financial assistance under Council's Community Grants Program Policy.

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan.

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Level of consultation and collaboration with other local groups
- Organisational capacity to deliver the program or project

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request. A summary of each application is shown below, together with panel recommendations.

Applicant	Project/Activity	Funding Request \$	Total Score out of 9	Recommended Amount \$
Mudgee Playgroup	Mudgee Playgroup Upgrade	6,893	7	6,893
Mudgee & District Kennel & Obedience Club Inc	Annual Dog Shows and Obedience Trials 2021	1,000 and waiver of 1,000 bond	8	1,000 and waiver of 1,000 bond
Rylstone Kandos Chamber of Commerce	AGM	71	4	71
Gulgong Memorial Hall Committee	Christmas in July 2021	3,000	7	3,000
The Australian Kidney Foundation trading as Kidney Health Australia	Rallitrax Pty Ltd Kidney Kar Rally	2,000	8	2,000
Total				12,964

Disclosure of Interest

Nil

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

Mudgee Playgroup

Mudgee Playgroup requests \$6,893 for Mudgee Playgroup Upgrade. To maintain and improve the Mudgee Playgroup Facility including, painting, pressure cleaning and a new Baby Change Station.

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Community Groups Category – Specific Program/Project: Cap \$10,000

RECOMMENDATION:

\$ 6,893

Mudgee & District Kennel & Obedience Club Inc

Mudgee & District Kennel & Obedience Club Inc requests funding of \$500 cash, \$500 of showground hire relief and \$1,000 of security bond relief for Annual Dog Shows and Obedience Trials 2021. The operation of the Annual Championship Dog Shows, Obedience Trials and Rally Obedience trials will be at Victoria Park Gulgong on 7th and 8th of August 2021 with Friday 6th of August for setting up This is an annual event that has taken place on these grounds for more than 30 years.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.4.1 Support programs which strengthen the relationships between the range of community groups, 3.2.1 Promote the Region as a great place to live, work, invest and visit

COMMUNITY GRANT CATEGORY

Community Groups Category – Community events and In-kind grant: Cap \$5,000

RECOMMENDATION:

\$ 1,000 and waiver of \$1,000 bond

Rylstone Kandos Chamber of Commerce

Rylstone Kandos Chamber of Commerce requests \$71 for AGM. The AGM was held on the 25 March 2021 for the Rylstone Kandos Chamber of Commerce.

Link to Community Plan:3.1.1 Support the attraction and retention of a diverse range of businesses and industries

COMMUNITY GRANT CATEGORY

Business Associations Category: Cap \$10,000

RECOMMENDATION:

\$ 71

The panel considered that although the score is low and there is only link to the Community Plan, the size of the requested financial assistance is minimal and thus 100% of financial assistance is recommended.

Gulgong Memorial Hall Committee

Gulgong Memorial Hall Committee requests \$3,000 for Christmas in July 2021. The Christmas Party will be for the community. There will be a BBQ and Santa.

Link to Community Plan:1.4.1 Support programs which strengthen the relationships between the range of community groups 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community

COMMUNITY GRANT CATEGORY

Community Groups Category – Community events: Cap \$5,000

RECOMMENDATION:

\$ 3,000

The Australian Kidney Foundation trading as Kidney Health Australia

The Australian Kidney Foundation trading as Kidney Health Australia requests \$2,000 for Rallitrax Pty Ltd Kidney Kar Rally. The 32nd annual charity car rally is conducted by the Kidney Foundation Australia. Mudgee has been chosen as the start venue where crews will assemble from Friday 13th August for event registration and the opening dinner on Saturday evening. The opening dinner will be attended by KHA's CEO, ambassadors and mayor.

Link to Community Plan:1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 3.2.1 Promote the Region as a great place to live, work, invest and visit

COMMUNITY GRANT CATEGORY

Community Groups Category – Community events: Cap \$5,000

RECOMMENDATION:

\$ 2,000

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

Recommendations are made under the Community Grants Program Policy.

Legislation

In accordance with the Local Government Act 1993 Section 356 granting of financial assistance must be approved by a Council resolution.

Financial implications

Funding of \$105,000 is provided in the Operational Plan for financial assistance. \$71,033 has already been allocated, leaving a balance of \$33,967. Based on the scoring system above, the recommendation of staff is to provide \$12,964 in financial assistance. Should Council approve the recommendations in the report, a balance of \$21,003 will remain.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 April 2021

Attachments: 1. Community Grant. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Revised Delivery Program 2017/22 and Draft Operational Plan 2021/22

REPORT BY THE MANAGER FINANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, FIN300315

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Revised Delivery Program 2017/22 and Draft Operational Plan 2021/22;**
2. **endorse the Draft Delivery Program 2017/22 and Draft Operational Plan 2021/22 to go on public exhibition for a period of 28 days commencing Friday 23 April; and**
3. **request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2017/22 and Draft Operational Plan 2021/22.**

Executive summary

Following extensive community consultation and in line with Councils Integrated Planning and Reporting requirements, the draft Delivery Program 2017/22 (the Delivery Program) and draft Operational Plan 2021/22 (the Operational Plan) are presented to Council and the community. This report seeks Council resolution to place the Delivery Program/Operational Plan on exhibition, with a subsequent report to be presented to Council in May considering any submissions made, and a further report to the ordinary meeting in June recommending adoption of the final Operational Plan and Delivery Program.

Disclosure of Interest

Nil.

Detailed report

Under the Local Government Act (1993), Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken in that year, as part of the Delivery Program.

The Delivery Program details all of the principal activities Council will undertake to achieve the goals established in Council's Community Plan, Towards 2030. The draft Operational Plan for 2021/22 has been integrated into the Delivery Program and sets out the annual projects and activities to which Council are committed and includes detailed budgets for the projects and services identified under each theme, together with appropriate measures and timeframes for completion. The document includes budgets for the four years from 2021/22 to 2024/25. If endorsed by Council, the draft documents will be published on Council's website from Friday 23 April 2021 for a period of 28 days.

Draft Operational Plan 2020/21

Residents were encouraged to make Community Plan Proposals to be considered in the Draft Operational Plan 2021/22 from 7 December 2020 to 29 January 2021. The draft Operational Plan has been prepared following a series of budget workshops with budget managers, executive, and Elected Members over the past 3 months. The draft Operational Plan sets out Council's proposed budget for next financial year, and the three years thereafter. The budgets are presented in the form of consolidated statements and schedules, together with a more detailed breakdown at a functional level.

Operating revenue is forecast at \$79.3 million for 2021/22, plus an estimated \$27 million in Capital Grants & Contributions, taking total anticipated income to a budget of \$106 million.

Operating expenditure is budgeted at \$74.8 million.

The draft Operational Plan includes additional borrowings of:

Project	Fund	2021/22	2022/23	2023/24	2024/25
Solar Array	General	\$1,976,250	\$2,064,598	-	-
Waste Site Rehabilitation	Waste	-	-	\$3,000,000	-
Rylstone Kandos Sewer Augmentation	Sewer	-	-	\$5,000,000	-
Rylstone Kandos Water Augmentation	Water	-	-	-	\$2,000,000
Total		\$1,976,250	\$2,064,598	\$8,000,000	\$2,000,000

Revenue Policy

The Rates Model proposed as part of the Operational Plan includes an increase to all rating categories of the IPART capped rate of 2.0%, distributed evenly. Land rating categories are:

- Farmland
- Residential
- Business; and
- Mining

Rate assessments are based upon property valuations (ad valorem), with minimum amounts applied where appropriate. No base amounts apply to the proposed 2020/21 rate structure.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2017/22 and draft Operational Plan 2021/22, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may impact the way the Delivery program and Operational Plan are developed, for example the Financial Reserves and Asset Management Policy

Legislation

Due dates/ frequency	Plan/strategy	Legislative reference
From 2012, adopt by 30 June in year following election. Exhibit for at least 28 days.	Delivery Program	s404(1)– (5) (Act)
Adopt prior to beginning of financial year. Exhibit for at least 28 days. Post copy on website within 28 days of council endorsement.	Operational Plan	s405(1)– (6) s532 s610B – s610F s706(2) (Act) cl201(1)

Financial implications

The draft Operational Plan 2021/22 as attached to this report recommends to Council the proposed budget for the next four years.

The table below shows whether the proposed ratios meet benchmarks.

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

7 April 2021

Attachments: 1. MWRC Operational Plan 21-22 DF. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Reverse Auction for Supply of Electricity to Contestable Sites and Street Lighting

REPORT BY THE MANAGER FINANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ENE100001

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Reverse Auction for Supply of Electricity to Contestable Sites and Street Lighting;**
2. **the tender from XXX to supply Council with energy to its contestable sites for a period of 18 Months be accepted with contract to commence from 1 January 2022 at an estimated total value of \$xxx excluding GST;**
3. **the tender from XXX to supply Council with energy for street lighting (Mudgee, Gulgong, Rylstone) for a period of 18 months be accepted with contract to commence from 1 January 2022 at an estimate total value of \$xxx excluding GST; and**
4. **authorised the General Manager to execute any necessary contract documentation.**

Executive summary

At the meeting of 17 March 2020, Council resolved to commence the process of a reverse auction for supply of electricity from 1 January 2022 to 30 June 2023 for contestable metered sites and street lighting. The current contracts are due to expire on 31 December 2021.

Disclosure of Interest

Nil.

Detailed report

Regional Procurement® in association with EnergyAction™ has conducted a series of reverse auctions on behalf of Mid-Western Regional Council (MWRC) for the single source supply and delivery of electricity over two (2) categories:

- Category 1: Contestable Metered Sites (Auction started at 2:20pm on 20 April 2021)
- Category 2: Street Lighting (Auction started at 2:00pm on 20 April 2021)

This Reverse Auction was advertised in the following media:

- Uploaded to TenderLink on 13 April 2021
- Sydney Morning Herald on 13 March 2021

Registrations closed 11.00am 20 April 2021.

Contestable sites are those where the electricity consumption exceeds 100MWh per annum. Currently Council has seventeen sites comprising water and sewer pumping stations, swimming pools, Mudgee Depot, Mudgee Sewer Treatment Plant, Glen Willow Complex, Mudgee Valley Caravan Park 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.

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 benchmark is estimated based on projected electricity usage for contract term and the current rate:

Contestable sites \$971,085 per annum

Street lighting \$223,313 per annum

The variations to the budget will be recommended through the relevant Quarterly Budget Review or budget setting process as appropriate.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

7 April 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Service Provider Management Policy Review

REPORT BY THE MANAGER PROCUREMENT AND FLEET
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, COR400019

RECOMMENDATION

That Council:

1. **receive the report by the Manager Procurement and Fleet on the Service Provider Management Policy Review;**
2. **endorse renaming the policy the 'Contractor Management Policy';**
3. **place the Contractor Management Policy on exhibition for 28 days; and**
4. **adopt the policy if no submissions are received after the exhibition period.**

Executive summary

A consistent process for contract administration is fundamental in demonstrating compliance with legislation, policies and procedures. Fundamental to this is the terminology used across the organisation. Council is continuing to improve its contract administration and the changes proposed in the policy support this.

The attached reviewed policy shows the changes via track changes.

Disclosure of Interest

Nil.

Detailed report

Council is continuing to develop and implement a consistent contract administration approach. Council's day to day practice involves the use of terminology that is not currently referenced in the Service Provider Management Policy as it stands. The main change is to move from the term 'Service Provider' to the more widely used 'Contractor'. The terms have the same meaning and the intention of the Policy remains the same.

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

Fraud Control Policy
Procurement Policy
Gifts & Benefits Policy
Local Preference Policy
Fraud Control Policy
Statement of Business Ethics
Code of Conduct
WHS Management Policy
Risk Management Policy
Complaints Policy
Chain of Responsibility Procedure

Legislation

Local Government Act 1993
Local Government (General) Regulation 2005
Work Health Safety Act 2011
Revised Audit Office's Fraud Control Improvement Kit - February 2015

Financial implications

Not Applicable

Associated Risks

Nil.

KRISTIE WARD
MANAGER PROCUREMENT AND FLEET

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

22 February 2021

Attachments: 1. POLICY - REVIEW - Contractor Management Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Service Provider/Contractor Management

*A prosperous
and progressive
community*

ADOPTED	VERSION NO	2.32.2
COUNCIL MEETING MIN NO 3320	REVIEW DATE	FEBRUARY-APRIL 2021
DATE: 19-FEBRUARY-2020/17-MARCH	FILE NUMBER	COR400089 / GOV400047

Objective

This policy aims to ensure Mid-Western Regional Council's ('Council') expectations and management of **service-providersContractors** is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of **service-providersContractors** engaged by Mid-Western Regional Council. The outcomes of this policy are:

- Clear & Defined Expectations & Responsibilities
- Performance Management Criteria & Matrix
- Ethical Behaviour & Fair dealing
- Maintaining a High Standard of Health & Safety Management
- Protection of **Service-ProviderContractor** Pricing, Rates and intellectual property

This policy applies to all Council workplaces including though not limited to depots, buildings and worksites. The policy covers the selection, management and monitoring of **Service ProvidersContractors** associated with the supply of goods and/or services to Council and all **Service ProvidersContractors** engaged by Council for the purpose of maintenance, repairs and capital works, including those selected via a tender or a formal contract process. This procedure also encompasses other services engaged by Council such as training providers or consultants.

For workplace health and safety (WHS) risk management of **service-providersContractors** refer to Council's WHS Management Policy.

Legislative requirements

- WHS Act 2011

Related policies and plans

- Procurement Policy
- Gifts & Benefits Policy
- Local Preference Policy
- Fraud Control Policy
- Statement of Business Ethics
- Code of Conduct
- **WHS-Work Health and SafetyManagement** Policy
- **Enterprise** Risk Management Policy
- Complaints Policy
- Chain of Responsibility Procedure

~~SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020~~

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Policy

In entering into contracts for the carrying out of work, or the supply of goods & services, Council Officers will have regard to Council's ~~service provider~~ Contractor management objectives as set out above.

The general objectives of this policy apply to all ~~service providers~~ Contractors regardless of engagement timeframes.

Council's ~~Service Providers~~ Contractors shall be considered to be agents of Council and therefore required to comply with Council's relevant policies and procedures. A breach of these policies and procedures may result in disciplinary action as specified in this policy.

Fraud Control

Council is committed to the prevention, detection and investigation of all fraudulent and corrupt activity. Fraud and corruption wastes scarce public resources and damages organisational reputation. Council does not and will not tolerate fraudulent or corrupt practices either by staff, contractors or others working on behalf of Council.

~~Service Providers~~ Contractors are encouraged to report suspected ~~Fraudulant~~ fraudulent activity to the General Manager.

Council's Fraud Control Policy is available on Council's website.

Training of Staff

Staff involved in the engagement (and/or management) of ~~Service Providers~~ Contractors will be appropriately trained by Procurement in the relevant procedures.

Training will be provided based on position requirements:

- To new recruits;
- In line with revision schedules for this policy (see Review date);
- With any major changes to this policy;
- Intermittently, as directed by Executive or the Manager Procurement, to address known risks.

Responsibilities

<p>Council's General Manager & Directors are responsible for:</p>	<ul style="list-style-type: none"> ■ The compliance management of the Service ProviderContractor Management Policy and other associated policies ■ Undertake appropriateRequesting/undertaking investigations relating to such policies & procedures where required ■ Reporting suspected fraud and/or corruption ■ Document procurement decisions appropriately 	<p>Formatted: Indent: Left: 1.32 cm, No bullets or numbering</p>
<p><u>Manager Procurement & Fleet is responsible for:</u></p>	<ul style="list-style-type: none"> ■ Providing guidance for, or assist in the management of non-conforming Contractors in accordance with this and other relevant procedures; ■ Undertake investigations relating to breach of procurement policies & procedures and contractor performance ■ Maintain relevant Council Policies & Procedures ■ Maintaining compliance with Council's Policies & Procedures ■ Monitor & report on compliance of Councils' Contractor Management Policy and Council's Procurement Policies & Procedures regarding the engagement of Contractors for both goods & services ■ Monitor Council's procurement activities promoting transparency & probity ■ Provide recommendation on procurement contractor expectations, terms & conditions prior to advertising ■ Document procurement decisions appropriately ■ Maintaining security around tendered rates and pricing ; and ■ Monitoring and maintaining VendorPanel for the organisation as a whole (Super Administrator) ■ Reporting suspected fraud and/or corruption 	<p>Formatted: Justified</p> <p>Commented [KW1]: I PUT RECOMMEND AS DEPARTMENTS ARE ULTIMATLEY RESPONSIBLE</p> <p>Formatted: Justified</p> <p>Formatted: Justified</p>
<p><u>Procurement Coordinator/ Officer is responsible for:</u></p>	<ul style="list-style-type: none"> ■ Providing support to the Manager Procurement & Fleet for all procurement activities ■ Administer & provide notification of non-conformance to relevant Contractor ■ Liaising with Council's WHS Coordinator regarding new and existing Contractors and non-conformance and any other relevant matter; ■ Maintaining security around tendered rates and pricing ; and ■ Monitor and maintain VendorPanel including Contractor compliance information (Administrator) ■ Assisting with the coordination of all Council tenders in conjunction with relevant project managers. ■ Providing support to departments on the creation of procurement contractor expectations, terms & conditions prior to advertising ■ Monitoring the requirements of CPI rate increase to or requests for updated rates for relevant preferred Contractor lists at the start of each contract renewal or extension period and provide notification to Contractors as necessary. ■ Support Council's departments in Procurement activities 	<p>Formatted: Left</p> <p>Formatted: Justified</p> <p>Formatted: Not Highlight</p> <p>Formatted: Not Highlight</p> <p>Commented [KW2]: I PUT RECOMMEND AS DEPARTMENTS ARE ULTIMATLEY RESPONSIBLE</p> <p>Formatted: Justified</p>

SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0 | 19 FEBRUARY 2020

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	<ul style="list-style-type: none"> ■ Assessment and undertaking of approval with regards to the addition of Contractors; ■ Document procurement decisions appropriately ■ Reporting suspected fraud and/or corruption
<p>Council's Delegated Officers (including Managers, Coordinators, Supervisors, Works Officers & Team Leaders/employees) are responsible for:</p>	<ul style="list-style-type: none"> ■ Ensure compliance to Council's Policies & Procedures ■ Document procurement decisions appropriately ■ Confirm the goods/services received meet Council requirements; ■ Advising the Manager, Council's Procurement team of any proposed tenders including provision of scope, expectations, contract type, terms & conditions and financial requirements ■ Utilising only Council approved Service Providers/Contractors and/or obtaining the minimum compliance requirements from Service Providers/Contractors prior to engagement. This includes Council's -specific Contractor inductions, appropriate insurances, licences and motor vehicle/plant registrations where required ■ Confirming relevant Service-Provider/Contractor workers compensation and public liability insurance is compliance information current prior to them entering a work site; ■ Confirm validity of the Service-Providers/Contractors Council's -specific Contractor Induction and their employees that will be entering or working on any Council site; ■ Reporting any hazards and non-conformance identified as a result of work being performed by Contractors or any other non-conformance immediately ■ Sighting Safe Work Method Statement (SWMS) where applicable; ■ Undertaking site specific inductions and risk assessments; ■ Ensure compliance to Council's Policies & Procedures ■ Ensure compliance with Council's Chain of Responsibility (CoR) Policies & Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005; ■ Investigating and/or eliminating any hazards identified by all Council & Service-Provider's/Contractor's employees; ■ Ensuring relevant work permits are completed where applicable prior to commencing work; ■ Ensure compliance with all applicable obligations under the Fair Work Act 2009 and the Fair Work Regulations 2009; ■ Manage and report non-conformance issues to Service-Providers/Contractors via HRWHS 026 Notification of Non-Conformance Report to Council's Manager, Procurement & Fleet and where applicable to Council's WHS Coordinator for investigation and/or action; ■ Maintaining probity; and

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SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020

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	<ul style="list-style-type: none"> ■ Ensuring the term and conditions of the relevant <u>Service-Provider/Contractor</u> contract are relevant, monitored and enforced; ■ <u>Reporting suspected fraud and/or corruption</u> Reporting suspected fraud
<p>Council's Employees are responsible for:</p>	<ul style="list-style-type: none"> ■ <u>Utilising only Council approved Service Providers/Contractors</u> and/or obtaining the minimum compliance requirements from <u>Service Providers/Contractors</u> prior to engagement. This includes Council specific Contractor inductions, insurances, licences and motor vehicle/plant registrations where required; ■ <u>Maintain compliance with Council's Policies & Procedures</u> ■ <u>Maintain compliance with Council's Chain of Responsibility (CoR) Policies & Procedures and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;</u> ■ <u>Confirming the goods/services received meet Council requirements;</u> ■ <u>Reporting any hazards and non-conformance identified as a result of work being performed by Service Providers/Contractors or any other non-conformance to their Supervisor;</u> ■ <u>Providing appropriate honest feedback on Service Providers/Contractors as requested by Project Manager and/or Works Officer/Coordinator/Team Leaders; and</u> ■ <u>Maintaining probity</u> ■ <u>Reporting suspected fraud</u>
<p>Council's Tendering & Contracts officers are responsible for:</p>	<ul style="list-style-type: none"> ■ <u>Liaising with Manager, Procurement regarding all tenders and Advising the Manager, Procurement of any proposed tenders</u> ■ <u>Preparation of Contract documents including purchase order requests and relevant information</u> ■ <u>Maintaining compliance with Council's Policies & Procedures</u> ■ <u>Maintaining and forwarding updated preferred service provider/Contractor lists of new providers as advised by Council's Manager Procurement to relevant staff;</u> ■ <u>Monitoring the requirements of CPI rate increase to or requests for updated rates for relevant preferred service provider/Contractor lists at the start of each contract renewal or extension period and provide notification to service providers/Contractors as necessary;</u> ■ <u>Monitoring and maintaining compliance of service providers/Contractors in Vendor Panel for department specific lists; and</u> ■ <u>Maintaining probity;</u> ■ <u>Reporting suspected fraud</u>

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SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0 | 19 FEBRUARY 2020

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<p>Council's WHS / Human Resources are responsible for:</p>	<ul style="list-style-type: none"> ■ Maintaining compliance with Council's Policies & Procedures ■ Coordination of the induction of <u>Service Providers/Contractors</u> & relevant suppliers as required; ■ Managing Induction renewal registers and advise Council staff and <u>Service Providers/Contractors</u> of any updated inductions that are required; ■ Advising relevant Council staff of <u>Service Providers/Contractors</u> employees that fail to meet induction requirements; <u>and</u> ■ Liaising with the Manager Procurement and relevant department managers in the planning of induction training dates; ■ and ■ Provide assistance and assessment (where required) to assist in the acceptance of additional <u>service providers/Contractors</u> and recommended tenderers with regards to risk management. ■ Reporting suspected fraud and/or corruption Reporting suspected fraud ■
<p>Council's Manager, Procurement is responsible for:</p>	<ul style="list-style-type: none"> ■ Maintaining compliance with Council's Policies & Procedures ■ Recommend and manage Policy guidelines and amendments ■ Providing ■ Monitoring & reporting on compliance of Council's Service Provider/Contractors Management Policy and Council's Procurement Policies & Procedures regarding the engagement of Service Providers/Contractors for both goods & services; ■ Providing guidance for, or assist in the management of non-conforming Service Providers/Contractors in accordance with this and other relevant procedures; ■ Assisting with the coordination of all Council tenders in conjunction with relevant department managers. The Manager, Procurement must be advised of any proposed tenders; ■ Assessment and undertaking of approval with regards to additional Service Providers/Contractors; ■ Provide support to Tendering & Contracts officers to ensure ■ Liaising with Council's WHS Coordinator regarding new and existing Service Providers/Contractors and non-conformance and any other relevant matter; ■ Maintaining security around tendered rates and pricing ; and ■ Monitoring and maintaining Vendor Panel for the organisation as a whole ■ Monitoring and maintaining Probity ■ Reporting suspected fraud

SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020

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Service Providers/Contractors
 are responsible for:

- Ensuring services/goods are executed as directed by Council in compliance with Council policies, procedures, specifications, requirements and expectations and/or any relevant Goods and/or Service Contract associated to their engagement;
- Ensuring & maintaining appropriate qualifications, training, experience and certifications of competency required by Council for any Service Provider/Contractor persons conducting work under the Contract terms;
- Commit to re-inducting their employees/representative to the Council specific induction when requested by Council;
- Ensure their employees/representatives carry the Council specific induction ID on their person at all times and present to Council representatives on site as request (if issued);
- Ensuring SWMS have been completed for tasks identified as high risk, are present on site and have been signed by all workers engaged in the task. This includes though is not limited to construction works exceeding \$250,000, and demolitions and/or asbestos removal work that requires a licence;
- Ensuring all Risk Assessments are undertaken and copies presented to Council;
- Maintaining the workplace in a safe and healthy manner for themselves, subcontractors and other staff and visitors of Council;
- Raise any issues that may become a WHS concern with Council's nominated officer;
- Ensure compliance with the National Heavy Vehicle Regulator's (NHVR) Chain of Responsibility laws and the RMS Chain of Responsibility provisions in the Road Transport (General) Regulation 2005;
- Ensure that all employees and, as far as practicable all subcontractors employees are paid the correct wages, loadings, allowances, penalties and that any underpayments identified are rectified immediately;
- Maintain adequate insurance coverage and provide copies to Council of updated insurance information including current Certificates of Insurance, policy exemptions and a public liability Certificate of Insurance noting Council as an interested party;
- Ensuring they are complying with all applicable obligations under the Fair Work Act 2009 and Fair Work Regulations 2009;
- Ensure accuracy of invoicing and paperwork prior to forwarding to Council;
- Specifying their allocated Local Service Provider/Contractor number on all quotes & tenders (as per Council's Local Preference Policy); and
- Maintaining probity;
- Reporting suspected fraud and/or corruption Reporting suspected fraud
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Council's Responsibilities Engaging a Service Provider/Contractor

- For all goods & services engagements with a cumulative value (over the term of the contract) a financial value greater than \$50,000, ~~Council's Goods & Services General Conditions of Contract will apply except in the engagement of organisations for the purpose of construction. Appropriate Australian Standard Contracts would be utilised in this instance.~~ Council will engage contractors via a relevant contract, however this policy is still relevant with regards to ~~Service Provider/Contractor~~ Management.
- ~~All Council are required to place all~~ contract arrangements over ~~the above mentioned amount \$50,000 must be placed~~ in Council's Contracts Register.
- When a requirement is identified that cannot be provided or undertaken by a Council employee, the person requiring this good/service must estimate potential costs associated with the requirement for that particular service. Council have ~~preferred prequalification preferred and prequalification~~ contractor lists for several services, including but not limited to: Trade Services, Wet & Dry Plant hire and also many contracts for the provision of goods to assist with the smooth engagement of our contractors. Council must engage suppliers/contractors or purchase goods based on a spend basis threshold as noted in Council's Procurement Policy and make inclusive to their decision, consideration for Council's Local Preference Policy.
- When engaging a ~~Service Provider/Contractor~~ that is not on a prequalification list, it is recommended that necessary requirements compliance requirements are to be discussed with the Manager, Procurement/Council's Procurement department prior to engagement or commitment of any service or goods. If acceptable, the ~~Service Provider/Contractor~~ may be required to undertake several steps prior to engagement e.g. Register/register on Council's Marketplace or complete Additional ~~Service Provider/Contractor~~ application forms or inductions.
- In some instances a non-tendered pre-qualification list may be established in VendorPanel for commonly used ~~service providers/contractors~~ enabling Council to capture and maintain compliance information. Council must also obtain relevant compliance information prior to the engagement of any supplier.
- When evaluating procurement responses, Council will document the reasoning of their evaluation outcome to ensure transparency around the decision.
- Council will provide appropriate feedback on procurement decisions as requested by respondents.
- All ~~Service Providers/Contractors~~ that enter a Council site must participate in induction processes, as specified by Council. See ~~Service Provider/Contractor~~ Induction for further information.
- WHS requirements are to be communicated to the ~~Service Provider/Contractor~~ prior to engagement (provision of necessary documentation, including sign off and proof of receipt, as required).

Service Provider/Contractor Selection - Evidence

- It is essential that the process of selection regarding ~~Service Providers/Contractors~~ is well documented. Tenders for trade services and wet & dry plant hire are can generated as both preferred and prequalification lists. The preferred order is utilised either up to the threshold

SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: ~~CONTRACTOR MANAGEMENT~~ | 2.23.0, 19 FEBRUARY 2020

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nominated in the Tender documentation and for any work over the nominated threshold staff will approach ~~appropriate – all approved (prequalified) service providers~~ **Contractors** via Council's electronic quoting system 'VendorPanel' inviting a 'request for quote' ~~or the list will be used in preferred order only.~~

- Consideration needs to be made when sourcing goods and services ~~from with~~ a holistic view ~~with the highlighting the~~ intent of ~~gaining-obtaining~~ value for money. Extra costs associated eg floating costs, travel costs or even providers location may move a particular plant/supplier from say No. 3 to No. 1 as the overall cost would be lower for that particular item or service. Demonstrating value for money and documenting evidence to justify why the No.3 was selected is an acceptable means of procuring from our preferred supplier lists.
- The inclusion of Local Preference discount ~~must – should~~ be nominated by the ~~service provider~~ **Contractor** on the quotations/response documents, ~~however often identified and applied by Council staff where experience and local knowledge can be utilised by providing their Local Service Provider/Contractor number and the application~~ The inclusion of the ~~Local Preference~~ discount must be documented by Council staff ~~as applied.~~
- Council's backing sheets must be used as the evidence based document for all preferred supplier engagements ~~where No.1 is not utilised.~~

Addition of ~~Service Providers~~ **Contractor** to an Existing Procurement Service Arrangement

Procurement arrangements include:

- Pre-qualification panels; and
- Preferred supplier lists (overflow only).

The addition of ~~service providers~~ **Contractors** to existing procurement ~~service~~ arrangements can only occur in accordance ~~(and if permitted)~~ within the original tender documentation ~~terms & conditions specifications – specification, compliance items~~ and associated contract documents. Copies of application documents can be ~~found on Council's website~~ ~~obtained by Contracting~~ making contact with Council's Procurement department.

Management of Rates/Pricing

ACCESS TO RATES

- All rates/pricing provided to Council are confidential ~~when submitted~~. There are circumstances where rates are exposed ~~publicly, – for example those approved for a specific project i.e.: Design & Construct tenders~~, however only the successful price can be ~~exposed documented in a Council report~~ after acceptance from Council. The Council staff recommendation shall only state '\$XX' for the sum with no actual figure ~~in the original report~~. All rates must be presented in the confidential section of the Business Paper. Once Council/General Manager accepts the ~~report~~ ~~recommendation~~, the minute ~~would will~~ then demonstrate the approved pricing/sum for the project.
- In the instance of prequalification or preferred supplier lists, tenders and additional ~~service provider's~~ **Contractor's** rates, these shall be placed in the confidential section of the business

~~SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020~~

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paper to ensure 'commercial in confidence' is maintained. On acceptance of the pre-qualification list tenders the preferred order and rates will ~~remain in the custody of Council's Manager, Procurement or the tender contact officer, unless shared with the appropriate Council staff once~~ authorised for release ~~to appropriate staff~~ by the General Manager. If rates are authorised for release, staff will be appropriately trained in confidentiality and protection of commercial rates. In the instance that confidentiality is compromised, an investigation will be completed and disciplinary action will be enforced, as appropriate.

Commented [KW3]: SHOULD THIS BE DIRECTOR?

- ~~In the event that Council engage a consultant to assist with the procurement and/or project management process, there may be instances that require Contractor rates to be shared with nominated consultants. If rates are authorised for release, consultants will be appropriately trained in confidentiality and protection of commercial rates. In the instance that confidentiality is compromised, an investigation will be completed and disciplinary action will be enforced as appropriate.~~

AMENDING TENDERED RATES

- Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).
- Any approved increase must be responded to in writing from Council's delegate ~~and forwarded to the Manager Procurement.~~
- ~~When Service Providers/Contractors are responding to~~ ~~In the event that~~ a Request for Quote via VendorPanel ~~is sent to contractors via a prequalification panel, they/Contractors~~ have the opportunity to review rates depending on the requirements ~~-, however the value must not exceed the value of the original tendered amount. VendorPanel creates an opportunity to allow for competitive environment whilst maintaining value for money for our rate payers.~~

Contractor Induction

- ~~Service Provider~~ ~~Council's Contractor~~ ~~Council-specific~~ inductions will remain valid indefinitely unless this induction is withdrawn by Council or major amendments are made to the WHS Act, in which, a new induction process must be undertaken. Council will notify ~~service providers/Contractors~~ of any re-induction requirements.
- The induction process is coordinated by Council's WHS department. ~~Service Providers/Contractors,~~ their employees or any other representative of the ~~service provider/Contractor~~ will be required to ~~either attend an induction in person or~~ complete an on-line induction. Early renewal or updated inductions may be called at any time deemed necessary by Council, ~~for example where there are changes to WHS legislation, or major changes to Council policies and procedures.~~
- Site specific inductions will occur as necessary.
- Council employees must confirm validity of ~~service-provider/Contractor~~ inductions prior to engagement and all ~~service-providers/Contractors~~ must have the induction card on their person at all times when working on a Council site. Council reserves ~~the~~ right to randomly request inductions cards ~~(or any other WHS required item)~~ at any time from any person ~~or organisation~~ on their site. Should evidence of the induction ~~(or any other WHS required item)~~

SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020

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not be supplied, Council reserves the right to stand that person/~~service-provider~~Contractor down immediately and until such time as the evidence is provided.

- The Council specific-Contractor induction may not be required in some instances. This is at the discretion of the WHS Coordinator.

Service Provider/Contractor Performance Management

- Non-conformance relates to all activities concerning a Service-Provider/Contractor where processes, actions, equipment or goods fail to meet Council's expected standards. These activities include (but are not limited to) the work whilst being undertaken, completion of works, behaviour of service providers/Contractors and their employees on Council worksites, condition of plant and equipment and any associated paperwork requirements, for example invoices and risk assessments or goods or services provided to Council.
- Any non-conformance issues identified with a Service-Provider/Contractor must be forwarded to Council's Manager, Procurement & Fleet for assessment. The relevant Council representative must notify the Manager, Procurement & Fleet in writing via Council's non-conformance report or via email describing the incident in detail – including at a minimum dates, times, offence and persons involved.
- The report must include detail of any discussions undertaken with the Service Provider/Contractor regarding the non-conformance. In the event of a WHS non-conformance, Council's WHS Coordinator must also be notified immediately as soon as practicable.
- If deemed appropriate, a non-conformance notification will be forwarded to the Service Provider/Contractor detailing Council's concerns, identified non-conformance and any corrective actions required. Each non-conformance notification must be coded with Council's non-conformance codes. Any correspondence relating to this matter must be placed in Council's record management system on Council's non-conformance register.
- Service-providers/Contractors must be issued with a non-conformance notification once agreed by the Manager Procurement & Fleet. For high risk non-conformance the General Manager must be notified, medium risk the Director/Department Manager must be notified and low risk non-conformance the relevant project Manager, Supervisor, Works Officer or Team Leaders must be notified.
- ~~All non-conformance requires the completion of a non-conformance report (HRWHS-026) by an authorised Council representative and forwarded to appropriate Manager for authorisation. Once authorised, all non-conformance reports must be forwarded to Council's Manager, Procurement for action.~~
- Contractors that have tendered (and been accepted) for a preferred supplier list may be reprioritised as a consequence from the receipt of a non-conformance and/or face potential removal as per the matrix depending on the severity of the breach. All other Contractors are based on the non-conformance matrix and the severity of the breach. In the instance of a severe non-conformance (as determined by the Council representative) the Contractor may be immediately stood down from the site and/or removed from Council's prequalification list either before, during or following investigation. A severe or catastrophic non-conformance is a non-conforming behavior or action that has the potential or is likely to cause high risk to people or property. Council reserve the right to stand down the

~~SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020~~

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~~contractor immediately until the completion of an internal investigation and deemed safe to do so~~

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- ~~■ Service Providers/Contractors that have tendered (and accepted) for a preferred supplier list may be reprioritised as a consequence from the receipt of a non-conformance and/or face potential removal as per the matrix depending on the severity of the breach. All other service providers/Contractors are based on the non-conformance matrix and the severity of the breach. In the instance of a severe non-conformance (as determined by the Council representative) the Service Provider/Contractor may be immediately stood down from the site and removed from Council's prequalification list following subsequent investigation.~~
- ~~Service Providers/Contractors~~ have right to respond to any non-conformance received. The response must be made in writing and within 14 days of receipt of the non-conformance notification letter.
- Council reserves the right to randomly audit ~~worksites/Contractors products & services and to capture feedback on Service Providers/Contractors. All feedback must be captured documented on Council's internal feedback forms accordingly to support and future correspondence.~~

Supporting Documentation & Forms

- Council's Non-Conformance Matrix
- Council's (Non-Conformance) Consequence Outcomes
- Council's Feedback Form
- Council's Backing Sheet
- HRWHS 059 - Framework for the Safety Management of Contractor & Construction Project Works

Note: The above forms are an internal document and are subject to change

DEFINITIONS

Council means – Mid Western Regional Council (MWRC)

~~GM, Directors, Managers, Coordinators, Supervisors, Officers means any person employed by Council that holds a financial delegated authority to undertake the engagement of a contractor or the purchase of goods Council's General Manager, Directors, Managers, Supervisors, Works Officers & Team Leaders / WHS / Human Resources/Manager, Procurement & Procurement staff means — any person employed by Council that holds and position of any of the above titles and the associated delegated authority to undertake the engagement of a service provider or the purchase of goods~~

SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0, 19 FEBRUARY 2020

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Council's Employee means – any person that is engaged by Council and has the delegated authority to undertake the engagement of a service provider/Contractor or the purchase of goods other than those noted above

Service Provider/Contractor means - Any person or organisation that provides goods and/or services to Council

Probity: Probity is also known as procedural integrity. It is a concept that brings together moral excellence, integrity, uprightness, conscientiousness, honesty, and sincerity in Service Provider/Contractor Management and Procurement the associated procurement processes.

THIS MATRIX IS A GUIDE ONLY – IN THE EVENT THAT A NON-CONFORMANCE BEHAVIOUR OR ACTION IS LIKELY TO CAUSE HIGH RISK TO PEOPLE OR PROPERTY COUNCIL RESERVE THE RIGHT TO STAND DOWN THE CONTRACTOR IMMEDIATELY UNTIL THE COMPLETION OF AN INTERNAL INVESTIGATION AND DEEMED SAFE TO DO SO

1. NON-CONFORMANCE MATRIX

		SEVERITY			
		>THREE Non-Conformances issued	THREE Non-Conformances issued	TWO Non-Conformances issued	ONE Non-Conformances issued
NON-CONFORMANCE	CATEGORY				
	NC001 Compliance	HIGH	MEDIUM	LOW	LOW
	NC002 Workmanship Performance Quality	HIGH	MEDIUM	MEDIUM	LOW
	NC003 Breach of Council's Policies and/or Procedures	HIGH	HIGH	MEDIUM	MEDIUM
	NC004 WHS and/or Environmental	HIGH	HIGH	HIGH	MEDIUM

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SERVICE PROVIDER/CONTRACTOR MANAGEMENT POLICY: CONTRACTOR MANAGEMENT | 2.23.0 - 19 FEBRUARY 2020

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2. CONSEQUENCES

To re-prioritise a preferred supplier list, the consequence is listed below.

HIGH	To be considered on a case by case basis: 1. Investigation and issue of Non-Conformance warning; 2. If Non-Conformance results in serious injury, instant suspension from list for remainder of contract term; OR Suspension pending investigation (if then proven negligent) removal from list for remainder of contract term; 3. Suspension from list for one month – all high risk non-conformances require the General Manager to be notified, and must be formalised by Non-Conformance letter being issued.
MEDIUM	To be considered on a case by case basis: 1. Works to be rectified at service provider's expense with management or improvement plan produced by service provider, or; 2. Suspension for one month; 3. Meeting to discuss issues and performance-improvement agreement made – Direct Manager must be notified and Non-Conformance letter must be issued.
LOW	To be considered on a case by case basis: Non-Conformance letter must be issued.

9.8 Asset Disposal Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Asset Disposal Policy Review;**
2. **place the revised Asset Disposal Policy on public exhibition for 28 days; and**
3. **adopt the Asset Disposal Policy if no submissions are received.**

Executive summary

The Asset Disposal Policy was last reviewed and adopted by Council in April 2020. The policy is again due for review.

Disclosure of Interest

Nil.

Detailed report

To ensure Council is running efficiently, there is a delegation change recommended to the policy and other changes surrounding conflicts of interest and the disposal of assets changes by donation and trade-in. These changes have been tracked for review in the attached draft policy.

Amendments to the policy are summarised below:

- amend the policy to allocate the CFO's delegated authority to authorise disposal of assets up to \$10,000. This has been increased to the minimum Capitalisation threshold for most assets;
- ability for the GM to make determinations to remove council officers from the disposal process where there may be a conflict of interest especially surrounding the disposal of low value assets and scrap materials;
- to include Trade-ins to the disposal methods for large plant assets where an active market may not exist, and where the trade-in price is higher than a public auction estimate;
- to include parameters for disposal of assets through public auction; and
- increase the value of disposal of assets by donation from an estimated value greater than \$2,000 to \$5,000.

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

Asset Management Strategy

Council Policies

Asset Management

Code of Conduct

Statement of Business Ethics

Conflict of Interest

Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

Disposal of assets over \$250,000 require a tender process, however contracts between councils are exempt from requiring a tender – Local Government Act NSW 1993, section 55, part 3. Therefore, negotiated sales with other Councils do not require a financial cap.

Financial implications

Not Applicable

Associated Risks

Not Applicable

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

7 April 2021

Attachments: 1. POLICY - REVIEWED - Disposal of Assets.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Disposal of Assets

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	VERSION <u>32.0</u>
COUNCIL MEETING MIN	<u>TBC:122/20</u>	REVIEW DATE	APRIL 2021
DATE:	<u>0115 APRIL 2020</u>	FILE NUMBER	A0100021

Objective

To ensure the disposal of assets surplus to Council requirements is carried out in an open and transparent manner that promotes obtaining best value for money; accountability; fairness and impartiality; and avoids any conflicts of interest, whether real or perceived.

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005

Related policies and plans

- Asset Management
- Code of Conduct
- Statement of Business Ethics
- Conflict of Interest
- ~~Insert related policies and plans here~~

Policy

Guidelines

This policy applies to all Council officers and Councillors of Mid-Western Regional Council and must be strictly adhered to. Disposal of assets will be consistent with Council's economic, social and/or environmental objectives.

Council shall strictly implement its Code of Conduct, Statement of Business Ethics and other relevant policies on matters relating to disposal of assets.

Assets referred to in this policy encompass all items of value to Council. This includes, but is not limited to, light vehicles, plant and equipment, office equipment, office furniture, materials and stock items, ~~and~~ software and hardware.

At all times, surplus assets or materials should be disposed of in a manner that maximises returns whilst ensuring open and effective competition.

POLICY: ~~ERROR! REFERENCE SOURCE NOT FOUND~~.ASSET DISPOSAL POLICY: | VERSION 2.0

Where ~~considered appropriate~~need be, consultation with relevant business units and ~~the~~ community ~~consultation~~ is conducted prior to disposal of significant assets. Furthermore, it is also ensured that no other department within Council has a need for the asset.

All asset information is maintained prior to disposal to ensure that informed decision making pertaining to the disposal can be made.

Items of historical or cultural significance should be given special regard, adhering to relevant guidelines and regulations.

Any dangerous or hazardous goods are to be disposed of only in the authorised manner.

It is to be made clear to all prospective buyers that assets are sold as-is and at the buyer's risk. Buyers are to rely on their own enquiries regarding the condition and workability of assets. No warranty or after sale service is to be offered on any assets disposed of.

~~All disposals must be notified in writing to Council's Finance Department with sufficient identifying information to allow disposed assets to be removed from Council Asset Registers.~~

Commented [FH1]: TO BE INCLUDED IN NEW PROCEDURE

A register ~~will be maintained~~ of all disposed assets with a value in excess of \$5,000 is maintained, and can be made that will be publicly available on request.

Related Documents

Asset disposal should align with the Asset Management Plan (AMP) and Asset Management Strategy documents. The AMP will be reviewed on a regular basis and should disclose assets requiring replacement or redundancy.

Refer to the Asset Disposal Procedure for details on the administrative process.

Delegation

The General Manager (GM) has delegated authority to dispose of Council owned assets that are surplus to requirements, excluding land which may only be disposed of by resolution of Council.

The Chief Financial Officer (CFO) has delegated authority to dispose of Council owned plant/fleet assets where the plant/fleet is marked for replacement in the approved Fleet Plan.

The CFO has delegated authority to dispose of Council owned assets that are surplus to requirements, to a maximum value of ~~\$510,000~~ per item, ~~excluding land which may only be~~ disposed of by resolution of Council.

Commented [FH2]: INCREASED TO THE HIGHER CAPITALISATION THRESHOLD FOR MOST ASSETS

Conflict of Interest

Council officers involved in the disposal of assets are responsible for disclosing any actual or perceived conflicts of interest that may arise in the performance of their duties. Council officers must ensure there is no conflict of interest on their behalf prior to the commencement of each disposal activity. All perceived and actual conflicts of interest are to be referred to the General Manager GM. Where the GM concludes a conflict of interest exists, the Council officer may be removed from the disposal process.

Reasons for Disposal

A decision to dispose of a Council owned asset may be based on one or more of the following:

POLICY: [ERROR! REFERENCE SOURCE NOT FOUND](#) ASSET-DISPOSAL-POLICY: | VERSION 2.0

- Obsolescence
- Non-compliance with occupational health and safety standards
- Nil utilisation estimates in foreseeable future
- Nil usage in previous 6 months (stock items)
- Optimum time for maximum return
- Uneconomical to repair
- Replacement of an existing asset eg plant, [road rehabilitation/resealing](#)

Preparing Assets for Disposal

Thorough inspections must be carried out prior to disposal to ensure assets do not contain:

- Additional items not intended for sale
- Confidential documents
- Any other Council documents
- Software (which may lead to a breach of licence or contain confidential data)
- Hazardous material

As far as practical, any Mid-Western Regional Council branding or identifying marks should be removed. Stores should be notified if disposal of an asset impacts stock items, and spare parts held for a particular asset should be disposed of in conjunction with the asset ([where no similar assets are held by the Council](#)).

Disposal Methods

The principal methods for disposal of assets are:

- [Write-off \(destruction or removal\)](#) – where assets are of no value, [unserviceable or beyond economical repair or the disposal cost is higher than the likely return](#)
- Donation to registered charities or community organisations – where estimated asset value does not exceed [\\$5,000](#)
- Negotiated sales – where estimated asset value does not exceed \$2,000 or to Rural Fire Service or to other Local Government Entities (councils)
- Auction – assets with an estimated value between \$2,000 and \$250,000 may be disposed of by [either](#) public auction [or](#) tender
- Tender – all assets with an estimated value between \$2,000 and \$250,000 may be disposed of by [either](#) tender [or](#) public auction. All assets with an estimated value greater than \$250,000 must be disposed of by tender.
- [Trade-ins - only for large plant assets where an active market may not exist, and where the trade-in price is higher than a public auction estimate](#)

POLICY: ~~ERROR! REFERENCE SOURCE NOT FOUND.~~ASSET-DISPOSAL-POLICY: | VERSION 2.0

Public auction maximises the opportunity for public participation in the disposal process and is the appropriate method when:

- There is a public demand for the items;
- Alternative disposal methods are unlikely to realise higher revenue; or
- The costs associated with the auction can be justified in relation to the expected revenue from the sale.

Section 55 of the Local Government Act sets out the parameters for Tendering, and should be referenced and complied with, where relevant

Low value assets and materials have been identified as potential targets for misappropriation of assets. Council Officers should monitor the quantities and disposal of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by Council officers and no conflict of interests are occurring.

Sales to ~~Council Officers~~Staff and Councillors

Commented [FH3]: STANDARDISATION OF TERMINOLOGY

As a general principle, sale of assets to ~~Council officers~~staff and Councillors is not to occur outside of a public process.

The Independent Commission Against Corruption (ICAC) recommends that invitations to bid for the purchase of any surplus Council assets should not be limited to ~~Council officers~~staff or to elected officials. Members of the public must also be provided with the opportunity to compete for the purchase.

However, it is recognised that on occasion there will be individual circumstances where sale to a ~~Council officer~~staff member may be the most practical or fair and reasonable manner of disposal. In these instances, the ~~GM~~General-Manager is to document all decisions and reasons for such decisions in relation to the asset disposal.

Donations to Community Groups and Registered Charities

This method of disposal may not be used for assets with an estimated value greater than ~~\$5,000~~.

Donations of assets surplus to Council requirements may only be made with the authority of the ~~GM~~General-Manager or CFO and only after exploring all avenues for recouping a fair value for Council.

A request by a community group or registered charity for the donation of Council assets must be made in writing. In evaluating such requests, the following must be considered:

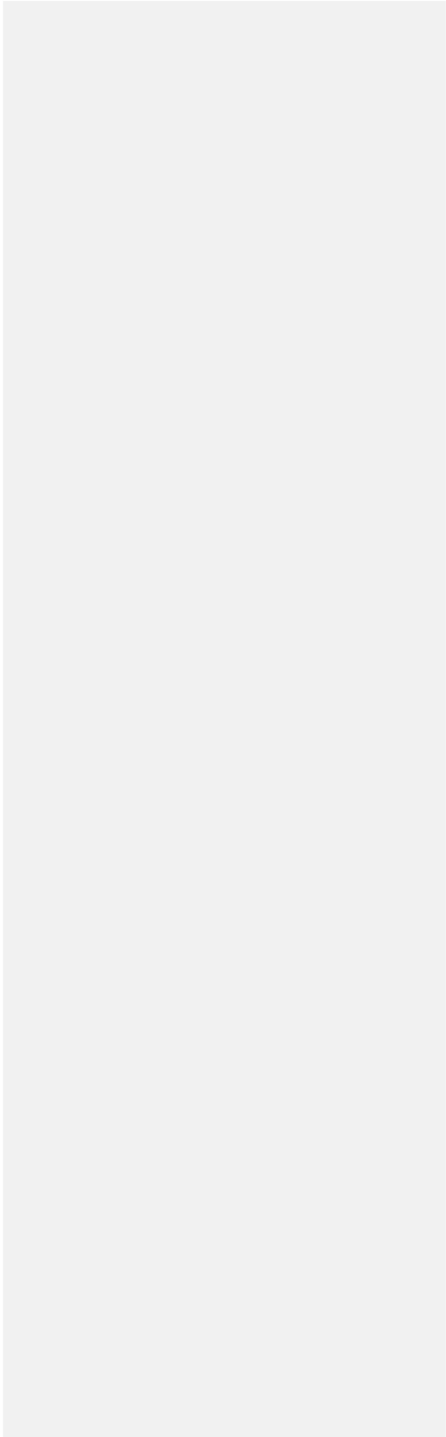
- Community groups and registered charities should receive equitable treatment.
- A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- A check should be made to ensure the group is not-for-profit and that the intended use of the asset is non-commercial.

The recipient group is responsible for the removal of the asset at no cost to Council.

POLICY: [ERROR! REFERENCE SOURCE NOT FOUND.ASSET-DISPOSAL-POLICY](#): | VERSION 2.0

Variation

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



9.9 Monthly Statement of Investments as at 31 March 2021

REPORT BY THE MANAGER FINANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, FIN300053

RECOMMENDATION

That Council:

1. receive the report by Manager Finance the on the Monthly Statement of Investments as at 31 March 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 31 March 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

7 April 2021

Attachments: 1. Investment Report 31 March 2021.

APPROVED FOR SUBMISSION:

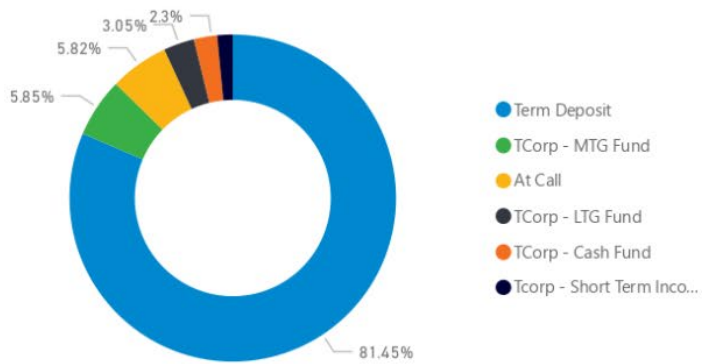
BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council Cash and Investments as at 31 March 2021

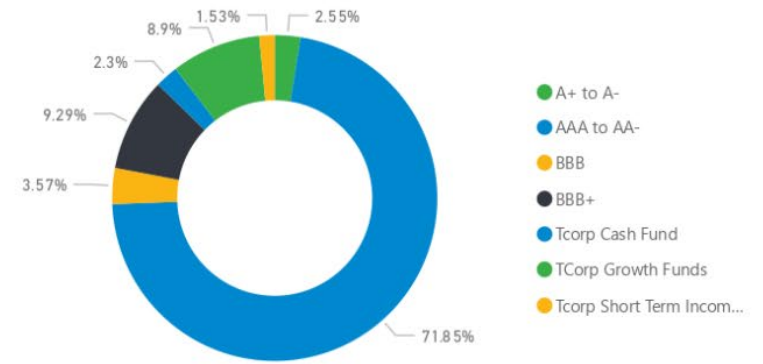
Total Investment Portfolio

97.98M

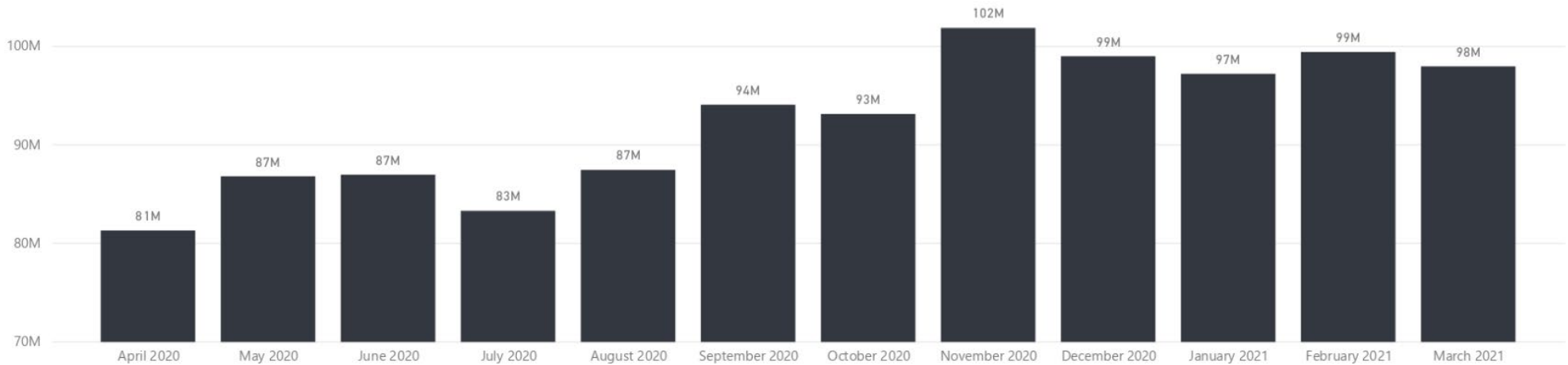
Investments by Type



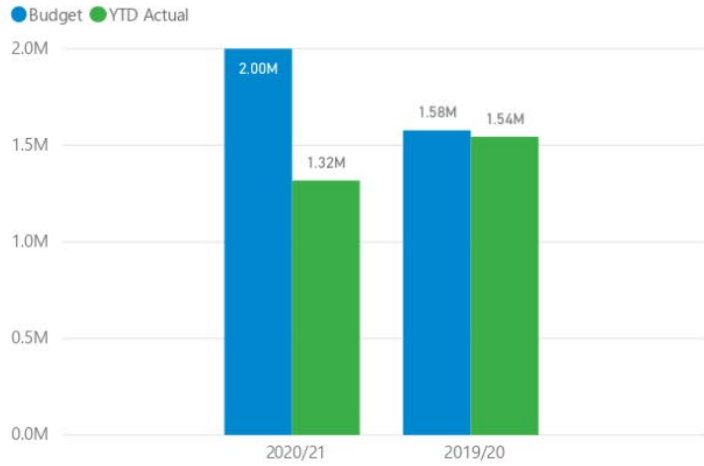
Investments by Long Term Rating



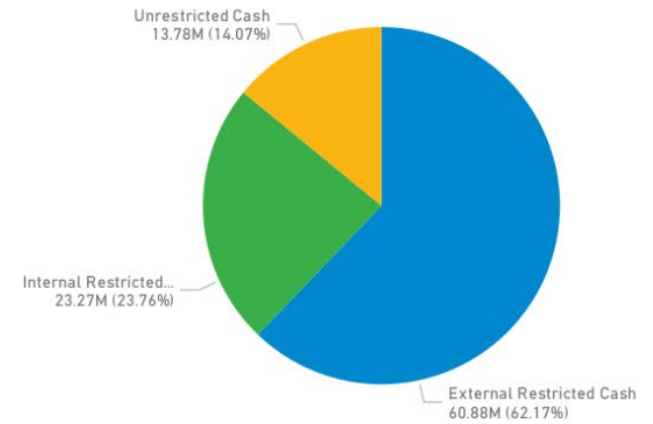
Portfolio Balance at End of Month



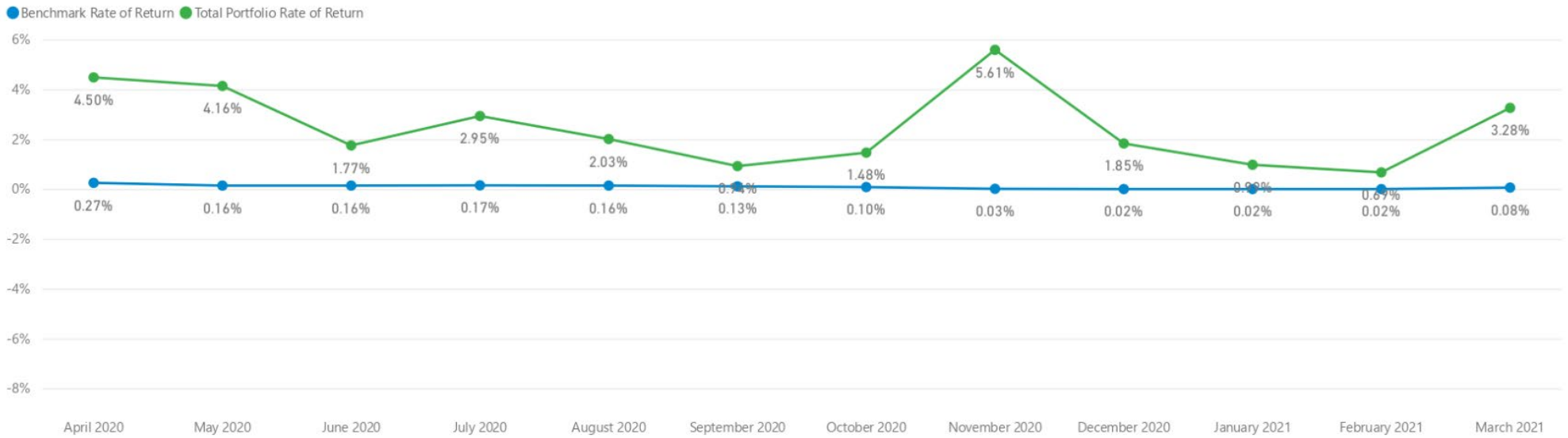
Income from Investments



Balance by Cash Category



Investment Performance



Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	31,677,218	32%	32%	20%	OK
Between 3 months and 1 year	48,600,000	50%	82%	40%	OK
Between 1 year and 2 years	17,700,000	18%	100%	50%	OK
Between 2 years and 4 years	-	0%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
Total	97,977,218				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	16%	16,000,000
	NAB	40%	OK	32%	31,399,649
	St George	40%	OK	16%	15,500,000
	Westpac	40%	OK	8%	7,500,000
A+	Macquarie	20%	OK	1%	1,000,000
A	ING	20%	OK	2%	1,500,000
	Bank Of Queensland				
BBB+	Queensland	10%	OK	7%	6,500,000
BBB	MyState Bank	10%	OK	3%	2,600,000
	AMP	5%	OK	4%	3,500,000
Tcorp Cash Fund	TCorp - Cash Fund	30%	OK	2%	2,258,374
	TCorp - Long Term Growth Fund				
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	3%	2,992,204
	TCorp - Short Term Income Fund	15%	OK	6%	5,729,078
	TCorp Short Term Income Fund	15%	OK	2%	1,497,913
Grand Total				100%	97,977,218

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-		100% OK	72%	70,399,649
A+ to A-		50% OK	3%	2,500,000
BBB+		20% OK	9%	9,100,000
BBB		10% OK	4%	3,500,000
Tcorp Cash Fund		30% OK	2%	2,258,374
TCorp Growth Funds		15% OK	9%	8,721,283
Tcorp Short Term Income		15% OK	2%	1,497,913
Grand Total			100%	97,977,218

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	4,695,279		5,699,649
TCorp - Cash Fund	2,258,348		2,258,374
TCorp - Long Term Growth Fund	2,924,717		2,992,204
TCorp - Medium Term Growth Fund	5,654,499		5,729,078
Tcorp - Short Term Income Fund	798,880		1,497,913
Total	16,331,724	-	18,177,218

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Macquarie	1.45%	3/03/2021	1,500,000	21,571
Macquarie	1.45%	24/03/2021	2,000,000	30,430
MyState Bank	1.65%	31/03/2021	1,500,000	25,632
Defence Bank	1.80%	17/03/2021	1,500,000	26,926
Total			6,500,000	104,559

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	0.46%	25/05/2022	1,500,000	8,469
NAB	0.57%	1/03/2023	1,700,000	19,327
Total			3,200,000	27,796

At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	5,699,649.10
TCorp - Cash Fund	0.50%	1	2,258,373.53
TCorp - Long Term Growth Fund	0.50%	5	2,992,204.48
TCorp - Medium Term Growth Fund	0.50%	5	5,729,078.19
Tcorp - Short Term Income Fund	0.50%	5	1,497,912.77
Total			18,177,218.07

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	252	2,000,000
AMP	0.75%	308	1,500,000
Bank Of Queensland	1.65%	224	2,500,000
Bank Of Queensland	1.60%	322	1,500,000
Bank Of Queensland	1.45%	336	1,000,000
Bank Of Queensland	0.90%	546	1,500,000
CBA	0.70%	196	1,500,000
CBA	0.68%	238	1,800,000
CBA	0.55%	203	1,200,000
CBA	0.53%	294	2,000,000
CBA	0.53%	308	2,000,000
CBA	0.53%	350	2,000,000
CBA	0.44%	392	2,500,000
CBA	0.43%	378	1,500,000
CBA	0.46%	420	1,500,000
ING	1.13%	406	1,500,000
Macquarie	1.40%	700	1,000,000
MyState Bank	0.75%	210	2,600,000
NAB	1.10%	21	1,000,000
NAB	1.00%	98	1,800,000
NAB	0.85%	112	2,200,000
NAB	0.81%	105	1,500,000
NAB	0.80%	140	1,500,000
NAB	0.87%	504	2,000,000
NAB	0.81%	147	2,000,000
NAB	0.75%	175	2,500,000
NAB	0.75%	182	1,000,000
NAB	0.79%	532	1,500,000
NAB	0.70%	560	1,000,000
NAB	0.61%	266	1,500,000
NAB	0.57%	357	2,000,000
NAB	0.48%	364	2,500,000
NAB	0.57%	700	1,700,000
St George	2.61%	28	2,500,000
St George	1.11%	14	1,500,000
St George	1.15%	42	1,500,000
St George	1.15%	70	2,000,000
St George	1.15%	84	3,000,000
St George	1.12%	56	2,000,000
St George	0.60%	280	1,500,000
St George	0.60%	294	1,500,000
Westpac	1.54%	126	1,500,000
Westpac	0.85%	492	2,000,000
Westpac	0.80%	154	1,000,000
Westpac	0.80%	168	1,500,000
Westpac	0.62%	252	1,500,000
Total			79,800,000

9.10 Monthly Budget Review - March 2021

REPORT BY THE MANAGER FINANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, FIN300240

RECOMMENDATION

That Council:

1. receive the report by the Manager Finance on the Monthly Budget Review - March 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 31 March 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

8 April 2021

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

*Good
Government*

MONTHLY BUDGET
REVIEW – 31 MARCH
2021

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

21 APRIL 2021



MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

SUMMARY

Fund	Funding Source	20/21	Grand Total
General	CONTRIBUTIONS & DONATIONS - CAPITAL	-24,000	-24,000
	LAND DEVELOPMENT RESERVE	-11,238	-11,238
	Unrestricted Cash	77,334	77,334
General Total		42,096	42,096
Mudgee Sports Council	Unrestricted Cash	-46,700	-46,700
Mudgee Sports Council Total		-46,700	-46,700
Grand Total		-4,604	-4,604

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 \$
LOOKING AFTER OUR COMMUNITY	General	Glen Willow Sports Ground Upgrades - To reallocate the budget for a shed to new project account	-50,000	-	0	-	0	50,000
GOOD GOVERNMENT	General	Corporate - Fitout Corporate Lease - To clear our budget as the council no longer requires fitouts in a leased office space and will be located in the stables instead. Moved to Admin building upgrade	-35,000	-	0	-	0	35,000
GOOD GOVERNMENT	General	Corporate - Corporate Building Lease - Remove budget as commercial space will no longer be leased and instead staff will be moving to the stables	-21,000	-	0	-	0	21,000
GOOD GOVERNMENT	General	Plant Purchases - Contribution of 46,700 from the Mudgee Sports Council to purchase an autonomous line marker	0	CONTRIBUTION FROM OTHER FUNDS	(46,700)	-	0	46,700
LOOKING AFTER OUR COMMUNITY	General	Glen Willow Shed - To budget for shed. The Mudgee Cricket Club and Senior Rugby League to contribute 12k each	60,000	CONTRIBUTIONS & DONATIONS - CAPITAL	(24,000)	-	0	(36,000)
GOOD GOVERNMENT	General	Mudgee Administration Building Upgrade - For future temporary fitouts over the next few months	35,000	-	0	-	0	(35,000)
BUILDING A STRONG LOCAL ECONOMY	General	Commercial Prop - Mn353/20 - Additional funding from the land development reserve for the final legals and disbursements for the land development	11,238	-	-	LAND DEVELOPMENT RESERVE	(11,238)	0

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – MARCH 2021

LOOKING AFTER OUR COMMUNITY	General	Impounding Facility - Small Shed - Construction of shed for storage of impounded articles that are not motor vehicles such as unlawful advertising signs and shopping trolleys as required by the Impounding Act.	4,366	-	0	-	0	(4,366)
LOOKING AFTER OUR COMMUNITY	Mudgee Sports Council	Mudgee Sports Council - Contribution of 46,700 from the Mudgee Sports Council to purchase an autonomous line marker	46,700	-	0	-	0	(46,700)
	Total		51,304		(70,700)		(11,238)	30,634

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 March 2021.

31 M

Actual YTD

213

Capital Projects

*Excludes Budget Only and
Deferred

47%

Budget Spent

73

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	184	94%	6	Final works
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	30	0	30	0	0%	3	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	27	42%	11	Construction
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	1	3%	18	Construction
RYLSTONE CEMETERY DRAINAGE	26	0	26	3	10%	0	Construction
LIBRARY BOOKS	91	0	91	70	77%	2	Construction
LIBRARY EQUIPMENT	20	0	20	14	71%	0	Final works
RYLSTONE LIBRARY BRANCH	9	0	9	4	40%	0	Construction
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	70	0	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	34	84%	0	Final works
GULGONG HALL	34	0	34	2	4%	16	Initial works
PROPERTY PURCHASE- 70 COURT ST	650	0	650	69	11%	0	Construction
KANDOS LIBRARY & HALL	12	0	12	7	57%	0	Complete
POOL SHADE PROGRAM	55	0	55	0	0%	49	Initial works
GULGONG POOL REPAINT	91	0	91	91	99%	0	Complete
GULGONG POOL STORAGE SHED	25	0	25	0	0%	11	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	Procurement

\$'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	19	4%	1	Procurement
GLEN WILLOW SPORTS GROUND UPGRADES	10,998	(50)	10,948	6,017	55%	4,755	Construction
GLEN WILLOW SHED	0	60	60	0	0%	0	Design
GLEN WILLOW CARPARK	500	0	500	333	67%	102	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	Final works
MUDGEES DOG PARK RELOCATION & UPGRADE	150	0	150	1	0%	79	Construction
BILLY DUNN AMENITIES	262	0	262	7	3%	0	Procurement
RYLSTONE SHOWGROUND CAPITAL	75	0	75	0	0%	0	Design
BILLY DUNN CARPARK ACCESS	96	0	96	26	27%	2	Construction
PUBLIC TOILETS - CLANDULLA	5	0	5	3	64%	0	Complete-awaiting invoices
PUBLIC TOILETS - WALKERS OVAL	10	0	10	11	106%	0	Complete
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	14%	7	Initial works
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0	Initial works
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%	46	Initial works
FLIRTATION HILL DEVELOPMENT	38	0	38	2	6%	1	Design
RED HILL CAPITAL WORKS	20	0	20	9	44%	6	Initial works
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	1	5%	0	Procurement
PLAYGROUND - ROBINSON / FISHER ST GULGONG	24	0	24	5	21%	5	Final works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	50	0	50	0	0%	0	Design
ROBERTSON PARK PATHWAY	10	0	10	0	0%	7	Construction
ART GALLERY FACILITY	7,471	0	7,471	4,025	54%	2,789	Construction
STREETSCAPE - CBD INFRASTRUCTURE	25	0	25	19	77%	0	Complete-awaiting invoices
Total	23,084	10	23,094	11,818	51%	7,950	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	202	0	202	84	41%	27	Construction
MUDGEES WASTE DEPOT UPGRADES	59	0	59	11	19%	35	Construction
NEW TIP CELL CONSTRUCTION	78	0	78	48	61%	24	Final works
WASTE SITES REHABILITATION	30	0	30	29	96%	1	Complete
RECYCLING PLANT UPGRADES	200	0	200	1	0%	4	Procurement
LEACHATE POND ENLARGEMENT	27	0	27	13	48%	6	Final works
WEIGHBRIDGE SOFTWARE UPGRADE	43	0	43	0	0%	43	Complete
KANDOS WTS OFFICE REPLACEMENT	99	0	99	8	8%	60	Initial works
GULGONG WTS OFFICE REPLACEMENT	118	0	118	18	15%	29	Procurement
MUDGEES LANDFILL WHEEL WASH	35	0	35	0	0%	0	Procurement
DRAINAGE CAPITAL IMPROVEMENTS	117	0	117	68	59%	11	Construction
MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN	60	0	60	18	30%	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	19	58%	7	Final works
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
KANDOS STORMWATER UPGRADE	701	0	701	36	5%	44	Procurement
CAUSEWAY - DREWS LANE	33	0	33	2	6%	0	Design
PUTTA BUCCA WETLANDS EXTENSION	11	0	11	0	5%	7	Complete-awaiting invoices
PUTTA BUCCA WETLANDS TOILET	101	0	101	2	2%	0	Design
WATER NEW CONNECTIONS	113	0	113	117	104%	1	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	330	0	330	9	3%	0	Procurement
WATER AUGMENTATION - ULAN RD EXTENSION	311	0	311	273	88%	0	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	15	51%	0	Complete
WATER MAINS - MAYNE STREET	270	0	270	0	0%	0	Procurement
WATER MAINS - ANDERSON STREET	138	0	138	138	100%	0	Complete
WATER MAINS - COOYAL STREET	148	0	148	99	67%	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	232	93%	2	Final works
WATER MAINS - MOONLIGHT STREET	65	0	65	65	99%	0	Complete
WATER MAINS - STOTT STREET	22	0	22	0	2%	2	Initial works
WATER MAINS - NANDOURA STREET	200	0	200	116	58%	2	Complete
WATER MAINS - FISHER STREET	50	0	50	33	66%	2	Complete
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	15	77%	0	Final works
WATER TREATMENT RYLSTONE UPGRADES	8	0	8	8	96%	0	Complete
WATER WELLFIELD BORE INTEGRITY UPGRADES	40	0	40	21	53%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER METER REPLACEMENT	70	0	70	61	87%	0	Final works
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	6	2%	7	Procurement
SEWER NEW CONNECTIONS	24	0	24	17	70%	0	Construction
SEWER TELEMTRY	31	0	31	0	0%	27	Initial works
SEWER MAINS - CAPITAL BUDGET ONLY	591	0	591	0	0%	0	Procurement
SEWER MAINS RELINING	300	0	300	29	10%	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	Deferred/Cancelled
SEWER TREATMENT WORKS MUDGEE INLET	46	0	46	0	0%	43	Final works
Total	6,496	0	6,496	2,193	34%	533	

Building a Strong Local Economy

RYLSTONE CARAVAN PARK - CAPITAL	80	0	80	6	8%	1	Design
RIVERSIDE CARAVAN PARK FIRE SERVICES	103	0	103	27	26%	0	Initial works
MUDGEE VALLEY PARK UPGRADE	706	0	706	323	46%	0	Construction
CUDGEGONG WATERS PARK INTERNAL ROADS	50	0	50	0	0%	0	Initial works
ENTRANCE SIGNAGE PROJECT	112	0	112	100	89%	0	Construction
SALEYARDS SECURITY CAMERAS	3	0	3	3	100%	0	Construction
SALEYARDS BULL PEN SHADE	11	0	11	0	0%	0	Construction
SALEYARDS WATER PUMP	7	0	7	0	0%	4	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PROPERTY - MUDGEE AIRPORT SUBDIVISION	200	0	200	9	5%	6	Complete
PROPERTY - EX SALEYARDS STAGE I	586	0	586	538	92%	32	Complete
RYLSTONE KANDOS PRESCHOOL EXTENSION	14	0	14	6	46%	0	Complete
COMMERCIAL PROP - MN353/20	2,031	11	2,042	2,042	100%	0	Complete
CAPITAL WORKS PITTS LANE	34	0	34	34	100%	0	Complete
Total	3,937	11	3,948	3,089	78%	44	

Connecting our Region

URBAN RESEALS - BAYLY ST SEG 10-60	41	0	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	41	75%	0	Complete
URBAN RESEALS - WYALDRA ST SEG 10	7	0	7	8	113%	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	5	19%	0	Complete
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%	0	Construction
URBAN RESEALS - CONSTANTIA RD SEG 10	20	0	20	2	10%	0	Complete
URBAN RESEALS - COURT ST SEG 10,60-100	55	0	55	14	25%	20	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	64	51%	0	Construction
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	78	71%	53	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN ROADS KERB & GUTTER CAPITAL	26	0	26	18	68%	0	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	935	0	935	26	3%	54	Design
HEAVY PATCHING - MUDGEE ST RYLSTONE	50	0	50	58	117%	0	Complete
URBAN REHAB - SHORT ST RYLSTONE KERB & GUTTER	61	0	61	61	100%	0	Complete
URBAN HEAVY PATCHING	25	0	25	4	16%	4	Project Scope
MULTIPLE PEDESTRIAN REFUGES & BUILDOUTS	20	0	20	20	100%	0	Complete
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	841	0	841	0	0%	0	Design
RESHEETING - URBAN ROADS	16	0	16	2	11%	0	Initial works
URBAN ROADS LAND MATTERS CAPITAL	28	0	28	3	9%	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	117	0	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	25	0	25	25	100%	0	Complete
RESEAL - LESTERS LN SEG 10-40	134	0	134	100	75%	0	Complete
RESEAL - QUEENS PINCH RD SEG 50	27	0	27	27	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 130-160	160	0	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	3	1%	87	Initial works
HEAVY PATCHING	46	0	46	17	37%	0	Construction
CUDGEGONG ROAD GUARDRAIL	50	0	50	46	92%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	88	0	88	38	44%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
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
RURAL SEALED ROAD LAND MATTERS	18	0	18	(1)	-7%	0	Consultation
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	329	0	329	71	22%	82	Construction
ULAN AND WOLLAR ROAD UPGRADES	86	0	86	0	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	1,695	0	1,695	1,683	99%	469	Complete
HILL END ROAD SAFETY IMPROVEMENTS	1,501	0	1,501	909	61%	240	Construction
BVW UPGRADE RNSW 2080	1,823	0	1,823	806	44%	68	Construction
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	15	0	15	1	5%	3	Initial works
SEAL EXTENSION - BARIGAN RD	2,006	0	2,006	1,491	74%	16	Final works
WIDEN AND SEAL MT VINCENT ROAD HILL	90	0	90	60	67%	5	Complete
SEAL EXTENSION - AARONS PASS RD	1,200	0	1,200	494	41%	432	Final works
SEAL EXTENSION - COXS CREEK RD	460	0	460	340	74%	0	Complete
SEAL EXTENSION - MEBUL RD	1,405	0	1,405	57	4%	17	Construction
SEAL EXTENSION - PYRAMUL RD SEG 120-130	375	0	375	30	8%	1	Construction
RESHEETING	2,512	0	2,512	2,377	95%	24	Construction
SEAL EXTENSION - PYRAMUL RD	107	0	107	107	100%	0	Complete
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	13	65%	0	Construction
DIXONS LONG POINT CROSSING	1,175	0	1,175	432	37%	99	Design
REGIONAL ROAD BRIDGE CAPITAL	3	0	3	0	0%	0	Complete
GOULBURN RIVER BRIDGE ULAN ROAD	400	0	400	33	8%	0	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	400	0	400	14	4%	0	Initial works
ULAN ROAD - HOLYOAKE BRIDGE TO LUE ROAD REHAB	110	0	110	1	1%	47	Initial works
FOOTWAYS - CAPITAL WORKS	136	0	136	111	82%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	30	0	30	2	8%	0	Construction
PUTTA BUCCA ECO TRAIL	319	0	319	106	33%	205	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	Complete
FOOTPATH - LAWSON PARK EAST	51	0	51	0	0%	0	Procurement
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	700	0	700	279	40%	133	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	175	0	175	93	53%	7	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	889	88%	20	Complete-awaiting invoices
AIRPORT AMBULANCE TRANSFER BAY	83	0	83	24	29%	40	Construction
AIRPORT TERMINAL AWNING	6	0	6	6	99%	0	Complete
AIRPORT HELICOPTER LANDING PAD	32	0	32	22	68%	0	Complete-awaiting invoices
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	220	0	220	0	0%	1	Procurement
Total	23,271	0	23,271	11,996	52%	2,178	

Good Government

MUDGEES ADMINISTRATION BUILDING UPGRADE	0	35	35	0	0%	0	Project Scope
RYLSTONE COUNCIL BUILDING	64	0	64	38	59%	9	Final works
MUDGEES STORES BUILDING	10	0	10	8	78%	0	Deferred/Cancelled
OLD POLICE STATION CAPITAL	62	0	62	1	1%	1	Procurement
CARMEL CROAN BUILDING CAPITAL	45	0	45	45	100%	0	Complete
CONCEPT PLANS FOR MAIN ADMIN BUILDING	50	0	50	0	0%	0	Initial works
IT SPECIAL PROJECTS	31	0	31	19	60%	0	Procurement
IT - NETWORK UPGRADES	101	0	101	5	5%	94	Initial works
IT CORPORATE SOFTWARE	128	0	128	61	48%	0	Construction
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	15	51%	2	Construction
BACKUP DISASTER RECOVERY UPGRADE	282	0	282	0	0%	237	Construction
PLANT PURCHASES	8,022	0	8,022	1,943	24%	2,292	Procurement

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RYLSTONE DEPOT CAPITAL WORKS	10	0	10	10	99%	0	Complete
RYLSTONE DEPOT WASHBAY	156	0	156	40	26%	103	Final works
SOLAR FARM INITIATIVE	848	0	848	117	14%	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	26%	26	Construction
Total	9,973	35	10,008	2,385	24%	3,130	

Total Capital Works Program	66,761	56	66,817	31,481	47%	13,834	
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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.

9.11 Financial Assistance - AREC

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400087, PUB600025

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Financial Assistance - AREC;**
2. **not provide financial assistance to AREC of \$10,000, for the following reasons:**
 - 2.1 **the request for funds does not meet the Events Assistance Policy requirements; and**
 - 2.2 **the request for funds does not meet the Community Grants Program Policy requirements.**

Executive summary

The board of AREC have forwarded a request for financial assistance to assist with the costs of hiring a Telstra Cell on Wheels for the 2021 Mudgee Small Farm Field Days.

Disclosure of Interest

Nil

Detailed report

AREC have advised that in previous years, exhibitors and guests have reported issues with mobile coverage and this will be exacerbated this year due to the increased reliance on telecommunications.

To combat this, they propose to hire a Telstra Cell on Wheels to improve coverage. The cost of this cell is about \$20,000, and AREC have requested funding for half of those costs.

The Mudgee Small Farm Field Days has been a large and successful event in the region for over 40 years. As such, the Mudgee Small Farm Field Days does not meet the requirements of the Events Assistance Policy or the Community Grants Program Policy. Further, the financial situation for AREC is not known as a Community Grant or Events Assistance Application has not been completed.

It is noted that Council has already provided financial assistance to AREC of \$10,000 in the 2020/21 financial year (July 2020).

For these reasons, it is not recommended to provide financial assistance to AREC.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993 Sections:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if—
 - (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

Financial implications

Should Council choose to provide the requested funding of \$10,000, it is recommended to fund this amount from the financial assistance budget which would leave a balance of \$11,003.

Associated Risks

Not Applicable

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

13 April 2021

Attachments: 1. AREC letter requesting financial assistance.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



9th April 2021

Re: Improving telecommunications during Mudgee Small Farm Field Days

Dear MWRC Councillors,

As you are aware, COVID-19 put extreme financial pressure on our not-for-profit organization and will change the way we have to operate in the future. One of the major changes to the 2021 event will be online ticketing and more cashless sales.

In previous years, exhibitors and guests have reported issues with mobile coverage and this will be exacerbated this year due to the increased reliance on telecommunications.

AREC have sought a quote to hire a Telstra Cell on Wheels to improve coverage, however, these cost approximately \$20,000. AREC Board of Directors would like to ask Council to consider giving AREC a \$10,000 payment from unrestricted cash as a co-contribution towards this project.

The Mudgee Small Farm Field Days have been one of the largest annual events for the region for over 40 years. Using the Local Government Area Profile Key Tourism Statistics for Mid-Western Regional, we have estimated a boost to the local economy of over \$5.5 million each year. These are purely visitation figures, not including the income local businesses receive from the event, local region staff wages that go back into the economy, as well as the donations AREC provides to local community groups for undertaking duties at the event.

We do hope you look favourably on our request and we look forward to your reply.

King Regards,
James Sullivan
Chairman

Item 10: Operations

10.1 Drinking Water Quality Policy

REPORT BY THE MANAGER WATER AND SEWER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, GOV400088

RECOMMENDATION

That Council:

- 1. receive the report by the Manager Water and Sewer on the Drinking Water Quality Policy; and**
- 2. adopt the Drinking Water Quality Policy.**

Executive summary

The Drinking Water Quality Policy was adopted by Council on 2nd August 2017 and is due for review.

The Drinking Water Quality Policy has been updated by amending the references to include the latest legislative requirements, related policies and plans.

Disclosure of Interest

Nil.

Detailed report

The Public Health Act 2010 and Public Health Amendment (Review) Act 2017 requires water utilities to develop and implement a quality assurance program, such as a Drinking Water Management System, for drinking water quality.

MWRC has implemented a Drinking Water Management System in line with the NSW Guidelines for Drinking Water Management Systems (NSW Health, NSW DPI 2013). A key element of the NSW Guidelines for Drinking Water Management Systems is the commitment from the Water Utility to a drinking water quality policy

The Drinking Water Quality Policy was adopted by Council on 2nd August 2017 and has been reviewed. The Drinking Water Quality Policy has been updated by amending the references to include the latest legislative requirements, related policies and plans.

The content of the Policy has not been changed and, as such, there will be no changes in the operations of Council due to the updated Policy

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Maintain and manage water quantity and quality

Strategic implications

Council Strategies

Not Applicable

Council Policies

Drinking Water Quality Policy adopted on 2nd August 2017. Review date for this policy was 1st February 2020.

If the reviewed Policy is not adopted, MWRC would not comply with its own Drinking Water Management System

Legislation

The Public Health Act 2010 and Public Health Amendment (Review) Act 2017 requires water utilities to develop and implement a quality assurance program for drinking water quality.

Financial implications

Not Applicable

Associated Risks

Without a current Drinking Water Quality Policy, there is a risk that commitment to drinking water quality will not be seen as a priority by MWRC staff. This could lead to a possible drinking water incident with serious consequences to the community's health.

CLAIRE CAM
MANAGER WATER AND SEWER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

7 April 2021

Attachments: 1. Drinking Water Quality Policy - Review.pdf.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Drinking Water Quality

*A prosperous
and progressive
community*

DRAFT	REFERENCE	1-01.1.2
COUNCIL MEETING MIN NO	REVIEW DATE	01/02/2020-01/02/2024
DATE: 9 APRIL, 2021-16 FEBRUARY,	FILE NUMBER	WAT50007

Objective

To provide a commitment to the sustainable management and supply of safe drinking water to our customers.

Legislative requirements

The Public Health Act 2010 [and Public Health Amendment \(Review\) Act 2017](#) requires water utilities to develop and implement a quality assurance program for drinking water quality. Implementing a Drinking Water Management System in line with the NSW Guidelines for Drinking Water Management Systems (NSW Health, NSW DPI 2013) satisfies this requirement. Commitment to a drinking water quality policy is a key element of the NSW Guidelines for Drinking Water Management Systems.

Related policies and plans

- Mid-Western Regional Council Risk-Based Drinking Water Management System - Mudgee, Gulgong and Rylstone Water Supply Systems ([Version 2, 20172014](#))
- Mid-Western Regional Council Drinking Water Quality Management [Plan-Progress Report Number 4 \(January 2016\) System Annual Report \(November 2020\)](#)
- Australian Drinking Water Guidelines (2011) - Updated [May 2019November-2016](#)
- Public Health Act (2010) NSW
- [Public Health Amendment \(Review\) Act 2017](#)

Policy

To achieve the sustainable management and supply of safe drinking water to our customers, Mid-Western Regional Council will:

- Manage water quality at all points along the delivery network from the source water to the customer's tap.
- Use a risk based approach in which potential risks to water quality are identified and managed to minimise any threat to drinking water quality.
- Deliver water to our customers that complies with the health related criteria in the Australian Drinking Water Guidelines
- Promote community participation in decision making processes and ensure that community expectations are considered.
- Implement a Drinking Water Quality Management [SystemPlan](#) and review on a periodic basis in line with the NSW Guidelines for Drinking Water Management Systems.

POLICY: ~~DRINKING WATER QUALITY DRINKING WATER QUALITY~~ | 1-1-20, 9 APRIL 2021 31-MAY, 2017 20 JANUARY 2021

- Continually improve our management practices by assessing performance against corporate commitments and stakeholder expectations
- Continually improve the capability of staff by encouraging and supporting participation in training and professional development and ensure all employees are aware of and actively seek to achieve the aims of this policy.

All managers, employees, and contractors of Mid-Western Regional Council that are involved in the supply of drinking water are responsible for understanding, implementing, maintaining and continuously improving the Drinking Water Quality Management System.

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Review

10.2 Mudgee STP - Emergency Works

REPORT BY THE MANAGER WATER AND SEWER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, GOV400088

RECOMMENDATION

That Council:

1. **receive the report by the Manager Water and Sewer on the Mudgee STP - Emergency Works;**
2. **allocate a budget of \$275,000 to the Mudgee Sewer Treatment Plant modification budget to be funded from \$47,000 transferred from Sewer Treatment Renewals (sewer reserve funded) and \$228,000 funded through a transfer from Sewer Reserves ;**
3. **Engage TWS Evolution Pty Ltd to complete the plant modification works to increase discharge effluent quality in line with Environment Protection Licence requirements, as detailed in this report;**
4. **authorise exemption from tendering for the procurement of plant modification works to increase discharge effluent quality in line with Environment Protection Licence requirements, in accordance with Clause 55(3)(i) of Local Government Act 1993, due to the reasons listed below, should the contract exceed the tendering threshold:**
 - 4.1 **the urgent nature of the works to decrease the WHS risk of maintenance work and decrease risk of non-compliance with Environment Protection Licence requirements; and**
 - 4.2 **the immediate availability of TWS Evolution Pty Ltd and knowledge of the Mudgee Sewer Treatment Plant requirements due to the contractor completing the current emergency works.**

Executive summary

The pipework failures at Mudgee Sewage Treatment Plant have been rectified, with replacement pipework installed following the pipe failure incident of 24 March 2021. New pipework was commissioned and normal operations returned at Mudgee STP on Saturday 3 April 2021.

This report details further works proposed at Mudgee STP following the pipeline failures along with proposed plant modification works to increase discharge effluent quality in line with Environment Protection Licence requirements while also decreasing significant Work, Health and Safety risks at the STP.

Disclosure of Interest

Nil

Detailed report

Internal access road rectification works associated with pipeline replacement works are yet to be undertaken. Assessment of requirements will be undertaken in April and road base restoration undertaken before Council's sealing contractor is next available in Mudgee. Other site infrastructure including stormwater drainage will need to be modified to avoid conflict with the newly installed pipework.

While the temporary bypass pumps and pipework that were used during the emergency pipeline repairs are onsite, Council staff will undertake major maintenance of the catch balance tank with the aim to increase discharge effluent quality in line with Environment Protection Licence requirements and prepare the tank for proposed modifications to remove the need to undertake future high risk manual cleaning of the tank.

It is proposed to allocate a project budget to allow for modification of the secondary effluent pump station and catch balance tank to be able to desludge the catch balance tank to the head of the IDEA tank process without the need for operators to enter the catch balance tank to manually desludge the tank periodically.

The contractors engaged to undertake the emergency pipeline works at Mudgee STP have the capacity to undertake pipework, modifications to the secondary effluent pump station and catch balance tank immediately.

Council has received confirmation from NSW Department of Planning, Industry and Environment (DPIE) Water regarding the proposed works, and no further approvals are required.

Engaging the contractor who has been onsite doing the emergency pipeline works will allow Council to achieve significant reduction of risk in compliance with the current Environment Protection Licence for the Mudgee Sewerage System within the next 4-6 weeks.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Provide a water and sewer network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Regional Council Procurement Policy

Legislation

Local Government Act 1993, Section 55 – Requirements for Tendering.

Protection of the Environment Operations Act 1997, Environment Protection Licence 5230

Financial implications

The estimated budget required is \$275,000. This will be further refined following completion of onsite investigation and design works currently being undertaken. A budget of \$47,000 is available in the current Sewage Treatment Plant Renewals project. A further \$228,000 will be required to be transferred from sewer reserves.

Exemption is sought to engage TWS Evolution Pty Ltd (TWSe), the contractor engaged to undertake emergency pipeline works at Mudgee STP. TWSe have been onsite to undertake design and construction requirements and are able to immediately undertake works.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	-	-	✓
Future Years	-	-	-

Associated Risks

The recommendation is addressing a known risk, being management of adequate desludging of the catch balance tank at Mudgee Sewage Treatment Plant as both a WHS risk and a risk to ongoing compliance with Council's associated Environment Protection Licence.

CLAIRE CAM
MANAGER WATER AND SEWER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

7 April 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.3 Land Purchase for road reserve - part Lot 1581 DP 803795 Hill End Road, Tambaroora

REPORT BY THE SENIOR WORKS ENGINEER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ROA100465

RECOMMENDATION

That Council:

1. receive the report by the Senior Works Engineer on the Land Purchase for road reserve - part Lot 1581 DP 803795 Hill End Road, Tambaroora ;
2. resolve to purchase a total of 1,981m2 of Lot 1581 DP 803795 ('Sale Land') by agreement with the Vendor for the Sale Price of \$1000.00 for the purpose of public road;
3. agree for Council, at its own cost, to arrange for the demolition of existing boundary fencing and relocate to the new boundary between the Sale Land and Hill End Road;
4. agree for Council, at its own cost, to make on behalf of the landowner Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes) 2008 and Subdivision Certificate Application, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect to the transfer to road reserve;
5. agree for Council at its own cost to procure the preparation, lodgement and registration of LGA boundary adjustment or other appropriate agreement with Bathurst Regional Council for maintenance of the road reserve
6. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;
7. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road.

Executive summary

MR216 (Hill End Rd) Segment 2015 and 2020, in the location of Tambaroora NSW, requires the purchase of private land for road reserve to effect the curve realignment to be done under committed NSW State Government Saving Lives on Country Roads funding ('Sale Land'). It is proposed:

- The transfer of the Sale Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- In consideration of the sale of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price') or works in kind to the equivalent value.

It is recommended that Council proceed with the subdivision and purchase of the Sale Land and authorise the Mayor and General Manager to perform all duties necessary to finalise the land transfer.

Disclosure of Interest

Nil

Detailed report

MR216 Hill End Road is a Regional Road classified pursuant to Roads Act 1993 maintained by Mid-Western Regional Council. It is a 2-lane undivided sealed road ranging between Mudgee and Hill End, passing through the village of Hargraves. The road is a sub-arterial road carrying traffic from increasing tourism and collecting traffic from rural residential areas along roads feeding into Hill End Rd and to places of work / school. In the location of Tambaroora on road segments 2015, 2020 and 2025 there exist a series of high risk curves on which numerous traffic incidents have occurred, negatively impacting the local community. As a result part of the NSW State Government *Saving Lives on Country Roads* funding secured by Mid-western Regional Council to effect safety improvements over a 42km section of Hill End Road will be used to perform curve realignment, pavement widening and guardrail work in these road segments. We are currently two years into the three year funding commitment and these curve realignment works are planned to occur in FY21/22.

As it currently exists the Hill End Road reserve partly encroaches Lot 1581 in DP803795. The proposed curve realignment will effect greater encroachment.

In order to correct and progress the road realignment the purchase of two parts of Lot 1581 in DP 803795 totalling 1,981m² of private land is required ('Sale Land'). This land is currently owned by private landowner. ('the Vendor'). Market value of the land has been assessed by professional Land Valuer at \$1,000.00. Staff have made contact with the Vendor to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) The transfer of the Sale Land to Mid-Western Regional Council ('Council') is to be carried out by way of Subdivision Plan, the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- b) In consideration of the purchase of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price').
- c) Council, at its own cost, arrange for the demolition of the existing boundary fencing and relocate to the new boundary between the Sale Land and Hill End Road, after the Sale land is dedicated to the Purchaser; and
- d) As the Sale Land is located within Bathurst Regional Council LGA the process of subdivision must be effected through that Local Government. Accordingly, Council at its

own cost, is to make on behalf of the Vendor Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes) 2008 and Subdivision Certificate Application, and arrange to procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect of the transfer to road reserve

As the land purchase and subdivision will effect a greater encroachment into the Bathurst Regional Council LGA it is appropriate that a LGA boundary adjustment occur or other agreement be entered into with Bathurst Regional Council to resolve road maintenance responsibility.

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

If Council identifies land or interests in land that is required to facilitate functions of Council, but the land is not available for public sale, Council may approach the landowner and negotiate the purchase of the required land or interest in land. In this case, the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 apply irrespective of whether the acquisition is by agreement or by compulsory process. This Act requires Council to pay a fair compensation for the land or interest in land that is being acquired.

Legislation

Not Applicable

Financial implications

The Hill End Road Safety Upgrade project has a budget of \$4,970,000. The project is 100% NSW State Govt *Saving Lives on Country Roads* program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-
Future Years	-	-	-

Associated Risks

This matter is considered low risk and does not require mitigation measures

RAY KEARNS
SENIOR WORKS ENGINEER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

16 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.4 Land Purchase for Road Reserve - Part Lot 10 DP 252743, 5874 Hill End Road, Tambaroora

REPORT BY THE SENIOR WORKS ENGINEER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ROA100465

RECOMMENDATION

That Council:

1. receive the report by the Senior Works Engineer on the Land Purchase for Road Reserve - Part Lot 10 DP 252743, 5874 Hill End Road, Tambaroora ;
2. resolve to purchase a total of 422.1m² of Lot 10 DP 252743 ('Sale Land') by agreement with the Vendor for the Sale Price of \$1000.00 for the purpose of public road;
3. agree for Council, at its own cost, to arrange for the demolition of existing boundary fencing and relocate to the new boundary between the sale Land and Hill End Road;
4. agree for Council, at its own cost, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with giving effect to the transfer to road reserve;
5. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;
6. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land for the purpose of the public road.

Executive summary

MR216 (Hill End Rd) Segment 2015 and 2020, in the location of Tambaroora NSW, requires the purchase of private land for road reserve to effect the curve realignment to be done under committed NSW State Government Saving Lives on Country Roads funding. It is proposed:

- The transfer of the Sale Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- In consideration of the sale of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price').

It is recommended that Council proceed with the subdivision and purchase of the Sale Land and authorise the Mayor and General Manager to perform all duties necessary to finalise the land transfer

Disclosure of Interest

Nil

Detailed report

MR216 Hill End Road is a Regional Road classified pursuant to Roads Act 1993 maintained by Mid-Western Regional Council. It is a 2-lane undivided sealed road ranging between Mudgee and Hill End, passing through the village of Hargraves. The road is a sub-arterial road carrying traffic from increasing tourism and collecting traffic from rural residential areas along roads feeding into Hill End Rd and to places of work / school. In the location of Tambaroora on road segments 2015, 2020 and 2025 there exist a series of high risk curves on which numerous traffic incidents have occurred, negatively impacting the local community. As a result part of the NSW State Government *Saving Lives on Country Roads* funding secured by Mid-western Regional Council to effect safety improvements over a 42km section of Hill End Road will be used to perform curve realignment, pavement widening and guardrail work in these road segments. We are currently two years into the three year funding commitment and these curve realignment works are planned to occur in FY21/22.

In order to correct and progress the road realignment the purchase of Lot 10 in DP252743 totalling 422.1 m² of private land is required ('Sale Land'). This land is currently held by a private landowner ('the Vendor'). Market value of the land has been assessed by professional Land Valuer at \$1,000.00. Staff have made contact with the Vendor to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) The transfer of the Sale Land to Mid-Western Regional Council ("Council") is to be carried out by way of Subdivision Plan, the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- b) In consideration of the purchase of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price').
- c) Council, at its own cost, arrange for the demolition of the existing boundary fencing and relocate to the new boundary between Lot 10 and Hill End Road, after the Sale land is dedicated to the Purchaser; and
- d) Procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of the transfer to road reserve

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

If Council identifies land or interests in land that is required to facilitate functions of Council, but the land is not available for public sale, Council may approach the landowner and negotiate the purchase of the required land or interest in land. In this case, the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 apply irrespective of whether the acquisition is by agreement or by compulsory process. This Act requires Council to pay a fair compensation for the land or interest in land that is being acquired.

Legislation

Not Applicable

Financial implications

The Hill End Road Safety Upgrade project has a budget of \$4,970,000 and is 100% NSW State Govt *Saving Lives on Country Roads* program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-
Future Years	-	-	-

Associated Risks

This matter is considered low risk and does not require mitigation measures

RAY KEARNS
SENIOR WORKS ENGINEER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

22 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.5 Munghorn Gap National Park Land Revocation and Land Purchase for Minister's Acquisition of Compensatory Land

REPORT BY THE SENIOR WORKS ENGINEER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ROA100366

RECOMMENDATION

That Council:

1. receive the report by the Senior Works Engineer on the Wollar Rd, Munghorn Gap National Park Land Revocation and acquisition of suitable compensatory land to effect the Minister's approval.
2. agree for Council, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of transfer to Council, for the purpose of public road, the 0.42ha's of land to be revoked under *National Parks and Wildlife Legislation Amendment (Reservations) Bill 2020*.
3. resolve to acquire from the private land owner under the *Land Acquisition (Just Terms Compensation) Act 1991*, on behalf of the Minister and for the sum of \$11,000, 0.82ha of Lot 25 DP 755447 ('the Land') to be transferred to National Park (subject to the Ministers satisfaction of the Land being suitable compensation for revocation).
4. agree for Council, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect to the transfer of the Land to National Park and fence the Land.
5. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land acquisition and transfer;
6. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land acquisition and transfer; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase or agreed works in kind to the equivalent value, for the purpose of the public road.

Executive summary

MR208 (Wollar Rd) Segments 1285 and 1280, in the location of the Munghorn Gap National Park, requires the revocation of 0.418 ha of land reserved under the National Parks & Wildlife Act 1974 for realignment and safety upgrade of the existing road. In compensation for the revocation of National Park land it is proposed:

- The acquisition of 0.82ha of Lot 25 DP755447 ('the Land') to be progressed under the *Land Acquisition (Just Terms Compensation) Act 1991*. The compensation cost for the acquisition is to be paid to the landowner by Council and the title transferred to National Park.

- A deed of Agreement is to be prepared to provide for the Landowner to enter into a S30 Agreement with the Minister
- The transfer of the Land is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Land to be dedicated as National Park land, and become part of Munghorn Gap National Park.
- Council agrees to pay, and the Landowner agrees to accept, the sum of \$11,000.00 ex GST ('Compensation Cost').

It is recommended that Council proceed with the subdivision and acquisition of the Land and authorise the General Manager to perform all duties necessary to finalise the land transfer.

Disclosure of Interest

Nil

Detailed report

Wollar Road is a 2-lane undivided sealed Regional road located within Mid-Western Regional Council's ('Council') Local Government Area. Between the localities of Cooyal and Cumbo, Wollar Road passes through the Munghorn Gap National Park.

Due to increasing traffic volumes arising from tourism, mining and agriculture numerous traffic incidents, including fatalities, have occurred on this road negatively impacting the local community. Council has secured funding under NSW State Govt *Restart* and *Saving Lives on Country Roads* funding programs to upgrade and provide safety improvements on a 10km section of Wollar Road through Munghorn Gap over a period of three financial years.

Within MR 208 Wollar Road Segments 1285 and 1280 there exists a 800m length of road comprising high risk corners. This section of road is the subject of proposed realignment and safety improvements under the *Saving Lives on Country Roads* fund program. Funding is immediately available to effect the construction works.

The proposed road realignment will require adjustment to the boundaries. It is expected 4,180m² of National Park land will be affected and requires revocation under the *National Parks and Wildlife Act 1994*. Only NSW Parliament may decide if the land may be revoked and ultimately the Minister for Energy and Environment ('the Minister') can approve.

On 18 November 2020 the NSW Parliament passed the *National Parks and Wildlife Legislation Amendment (Reservations) Bill 2020*. The Bill revokes 0.418 ha from Munghorn Gap Nature Reserve for the upgrading of Wollar Road, as well as land from nine other reserves managed by National Parks and Wildlife Services. The Bill states that the revoked land is now vested in the Minister and to enable the land to be transferred Council must:

- a) Complete the necessary subdivision and land title registration tasks; and
- b) Provide suitable compensation for the revoked land.

Council staff have identified, and National Parks and Wildlife Services have agreed, that the acquisition of 0.82ha of Lot 25 DP 755447 and transfer of title to National Park will be suitable to propose to the Minister as compensation for approval of the revocation and transfer of title to Council.

Market value has been assessed by a professional Valuer at \$11,000. Staff have made contact with the Landowner to discuss terms that would satisfy both parties for acquisition, that is:

1. The transfer of the land is to be carried out by way of Subdivision Plan, the registration of which will cause the land to be dedicated to National Park.
2. The Minister requires a S30 Agreement be entered into by the Landowner to effect the acquisition
3. In consideration of the acquisition, Council agrees to pay the Landowner the sum of \$11,000.
4. Council agree to bear the costs to prepare the necessary Agreements and procure the preparation, lodgement and registration of an appropriate Subdivision Plan.
5. The acquisition and the payment of the sum is subject to the Ministers satisfaction and approval.

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

Land Acquisition and Disposal Policy – extract as follows:-

If Council identifies land or interests in land that is required to facilitate functions of Council, but the land is not available for public sale, Council may approach the landowner and negotiate the purchase of the required land or interest in land. In this case, the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 apply irrespective of whether the acquisition is by agreement or by compulsory process. This Act requires Council to pay a fair compensation for the land or interest in land that is being acquired.

Legislation

Not Applicable

Financial implications

No financial implication to Council as the project is 100% NSW State Government *Saving Lives on Country Roads* program funded.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-
Future Years	-	-	-

Associated Risks

This matter is considered medium risk of Native Title claim. The acquisition will not proceed if the existence of any Native Title claim cannot be cleared and alternative solution to safety upgrade of Wollar Road will be effected.

RAY KEARNS
SENIOR WORKS ENGINEER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

26 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Procurement of the Mudgee Valley Park Amenities Building

REPORT BY THE DIRECTOR COMMUNITY

TO 21 APRIL 2021 ORDINARY MEETING

GOV400088, FIN300299

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Procurement of the Mudgee Valley Park Amenities Building;**
2. **accept the quote from Marathon Modular for the supply and installation of the amenities block at the Mudgee Valley Park for the price of \$XXX;**
3. **delegate authority to the Director Community to approve variations to an accumulative total of +/-10% of the finalised contract sum; and**
4. **authorise exemption from tendering for the procurement and construction of a new amenities building at Mudgee Valley Park, in accordance with Clause 55(3)(i) of Local Government Act 1993, due to the reasons listed below, should the variations exceed the tendering threshold:**
 - i. **unavailability of competitive suppliers; and**
 - ii. **the extenuating circumstances where two separate request for quote processes have already been undertaken.**

Executive summary

This report seeks to provide an update on the procurement process undertaken for the Mudgee Valley Park amenities building. This process has led to Council receiving quotations where the price is still below the tender threshold but close enough for there to be some risk and concerns that the limit could be reached. We would then be in a situation where Council could breach legislation.

Disclosure of Interest

Nil

Detailed report

Council has received funding to replace an amenities building at the Mudgee Valley Park. Over the past six months staff have worked through a number of processes to receive quotes for the establishment of a new pre-fabricated amenities building that will meet requirements. Ultimately, this process has led to a preferred supplier, Marathon Modular, who can provide the building within

budget. The cost of this, however, is reasonably close to the threshold by which Council would need to undertake a tender process. While variations to the contract are not expected to be significant, there is a small risk that unknowns may lead to the need to increase the cost above \$250,000 (the tender threshold). This could lead to a breach of the Local Government Act by Council.

The difficulties that we have had in securing appropriate quotes for this project (and other similar projects) have demonstrated that a tender process will not assist us in getting a better result for the community on this project. It has been difficult to find suppliers who have been able to quote on this project and this has led to us examining the quotes we have been able to secure and selecting a preferred supplier through our normal processes.

As a result of these factors, staff are seeking to put in place an exemption from tender for this project.

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

Community Plan

Council Policies

Procurement Policy

Legislation

Local Government Act

Financial implications

Budget is already in place for this project.

Associated Risks

This recommendation will mitigate the risk that Council could breach its tendering requirements.

SIMON JONES

DIRECTOR COMMUNITY

25 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

11.2 Acceptance of Grant Funding - Create NSW Local Government Authority Arts & Cultural Funding

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, REC800048

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Acceptance of Grant Funding - Create NSW Local Government Authority Arts & Cultural Funding;**
2. **accept \$50,000 in grant funding from the Create NSW Local Government Authority Arts and Cultural Funding Program;**
3. **amend the 2021/22 budget to increase expenditure in the Art Gallery Operations budget by \$50,000 to be funded from grant funding; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

Executive summary

Council applied for grant funding through the Create NSW Local Government Authority Arts and Cultural Funding Program for annual programming at the Mudgee Region Gallery. The application was successful in respect of programming for the gallery's inaugural year. The purpose of this report is to authorise the General Manager to accept funding and sign the funding agreement.

Disclosure of Interest

Nil.

Detailed report

It is anticipated that the Mudgee Region Gallery will officially open its doors in August 2021. Given the need to forward plan gallery exhibitions, the Curator has been working on establishing a program for its inaugural year. For 2021/2022, the Mudgee Region Gallery's priority is to highlight a diverse range of art work that connects to the Mid-Western region. The majority of this work will be created specifically for the new gallery to celebrate our creative practice and artistic excellence.

'Paintings from Mudgee' by Guy Maestri will showcase a new body of work from the much acclaimed, Mudgee-born artist. The exhibition will primarily comprise a series of paintings that will be painted around the Mid-Western Region.

The exhibition is expected to comprise landscapes of oil on canvas as well as smaller still life works plus some sculptures. The new paintings will be a contemporary interpretation of the traditional oil painting technique but created outside in the 'en plein air' tradition.

'The Drip', an exhibition to be curated by Aleshia Lonsdale, a Mudgee--based Wiradjuri woman who chairs the Local Aboriginal Land Council, will feature Aboriginal and non-Aboriginal artists and their response to one of the region's most recognized areas of natural beauty, The Drip Gorge. The exhibition will focus on the regional's water resources, the flora and fauna of the area and its importance to local Aboriginal people. The artists will take part in an educational immersive experience on Country and the art created will be an accumulation of their various responses and engagements.

The third exhibition of the inaugural program is Linda Jackson's 'Reflection, Regeneration, Retreat', which explores themes around the recent bushfires and issues surrounding isolation during COVID19. Linda's work personally reflects on the broader themes that have affected the wellbeing of so many local residents. The Create Grant will assist with the development, installation and presentation of a series of paintings and photographs taken throughout the year. The works will reflect on the bushland around Clandulla which was destroyed when the New Year's fires burned through the region.

The final show of the year is a group show highlighting the many talented practitioners from across the region, as well the work of renowned local ceramist, Chester Nealie. This important exhibition of artistic excellence aims to foster meaningful creative connections, nurture the rich local art community and build important pathways for future collaboration, innovation and cultural activity. Local artists confirmed to participate include Sam Paine, Nigel White and Denise Faulkner.

The \$50,000 from Create NSW will boost the gallery's existing operational budget and will contribute to an already robust exhibition schedule. The funding will also allow Council to financially subsidise artists' contributions, making the gallery a more attractive facility for artists to exhibit works within in the future. It is recommended that Council accept the grant funding offered by Create NSW, and authorise the General Manager to sign the funding agreement.

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 Towards 2030 Community Plan includes supporting arts and cultural development across the region. Acceptance of this funding will increase the capacity of Council's gallery to deliver arts and cultural development activities.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Council are required to fund 30% of the total project (cash or in kind) and this has already been adequately allocated within the 2021/2022 budget.

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

Associated Risks

Not Applicable.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL SERVICES

SIMON JONES
DIRECTOR COMMUNITY

30 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Mudgee Region Gallery Branding Update

REPORT BY THE DIRECTOR COMMUNITY

TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, COR400426, REC800048

RECOMMENDATION

That Council receive and note the report by the Director Community on the Mudgee Region Gallery Branding Update.

Executive summary

This report provides an update to Council on the brand platform process that was requested by Council at the April meeting.

Disclosure of Interest

Nil

Detailed report

At the March Council meeting, Council resolved (Min 75/21):

That Council:

1. *receive the report by the Manager, Community & Cultural Services on the Mudgee Regional Art Gallery Logo;*
2. *rename the gallery, Mudgee Region Gallery;*
3. *engage an appropriate marketing consultant to develop a Brand Platform for the gallery;*
4. *amend the 2020/21 budget to allocate \$12,000 to this project, funded from unrestricted cash; and*
5. *consider a further report at the April Council meeting.*

A request for quote for a marketing consultant with experience in branding was advertised and three submissions were received. Destination Marketing Store were selected as the successful consultant and Council staff have begun discussions with them regarding the brand platform and the way forward.

Consultation meetings are scheduled in the near future with a goal of providing a further update at the Council meeting in May. It is hoped that this update will finalise the brand positioning and strategy and provide recommendations to Council on the Gallery name in line with the work undertaken on the branding process. Work on iconography and logo design would then continue following this update in May.

The Gallery remains on track for an official opening in the first week in August.

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

Nil

Council Policies

Nil

Legislation

Nil

Financial implications

Council resolved to provide an additional \$12,000 to this project, funded from unrestricted cash. Any additional costs will come from the existing Gallery operational budget.

Associated Risks

Nil

SIMON JONES
DIRECTOR COMMUNITY

30 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.4 Purchase of 70 Court Street Mudgee - Update

REPORT BY THE DIRECTOR COMMUNITY

TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, P1122711

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Purchase of 70 Court Street Mudgee - Update;**
2. **endorse the proposal to utilise part of the 70 Court Street site for Housing Plus to provide emergency accommodation support; and**
3. **seek expressions of interest from appropriate local community groups to coordinate the remainder of the facility for community use.**

Executive summary

This report seeks to provide Council with an update on the purchase from the State Government of the former TAFE site at 70 Court Street in Mudgee.

Disclosure of Interest

It is noted that the General Manager is Chair of the Board of Housing Plus.

Detailed report

Council will recall the resolution to purchase 70 Court Street, Mudgee from TAFE NSW (Minute 342/20 from the Council meeting on 21 October 2020). This facility will provide an excellent resource to the community with a number of classrooms, meeting rooms and spaces being made available in the future. The settlement date for this property purchase has been agreed as 20 April 2021 and so Council will take possession of the property shortly.

As Council is aware, Council can only use the property for community purposes for a minimum of 15 years. With this in mind, there have been some discussions with community groups over the operation of the facility. While Council will retain ownership and overall responsibility, it is suggested that there is scope to seek expressions of interest from appropriate community groups to operate the facility, utilising a Memorandum of Understanding to provide for clear responsibilities and guidelines for the use of the property under the community use caveat. This will assist Council in lowering the operational costs of running the facility while ensuring that groups have access to the buildings and rooms to assist the community.

Through the discussions with TAFE NSW over the property sale, negotiations have included a number of repair works to the facility to be completed by TAFE NSW. Again, this will assist operational and repair costs and ensure that the property is able to be used by the community without impacting as significantly on Council's budget.

It is also proposed that two 600m² lots be created on the property for the use of Housing Plus to provide emergency accommodation. These lots would be created under a subdivision and gifted to Housing Plus as part of Council's support for the Safe Places grant application (as per Minute

343/20 from the Council meeting on 21 October 2020). For many years, Council has been contributing to the running of emergency accommodation. With this proposal, there will be a change to the way that these contributions are managed, with a greater upfront contribution in 2021/22. The full details of this proposal and the subsequent budget changes will form a separate report to Council in the coming months.

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

Community Plan

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act

Financial implications

Relevant budgets have already been put in place for this project with no changes at this stage. Council has agreed to support Housing Plus to deliver emergency accommodation through the Safe Places Program. This will require some amendments to the schedule of funding provided by Council to Housing Plus for crisis accommodation support.

Associated Risks

If Council does pursue an agreement with a not-for-profit community organisation to operate the facility, there is some risk that this will lead to an absence of control over its assets. However, it is believed that Council can, through a lease or memorandum of understanding provide for the necessary oversight of the operation and seek relevant information to ensure that the community is receiving the expected benefit from the facility.

SIMON JONES

DIRECTOR COMMUNITY

30 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

SIMON JONES

DIRECTOR COMMUNITY

11.5 Mudgee Sports Council Fees

REPORT BY THE DIRECTOR COMMUNITY
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0360013

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Mudgee Sports Council Fees; and**
2. **endorse a refund or waiver of Mudgee Sports Council fees for summer sports for the 2020/21 season due to the impact of Covid-19 on sporting organisations.**

Executive summary

This report seeks relief for sporting groups affected by Covid-19 as a result of a request from Mudgee Junior Cricket. The proposal to provide a refund to summer sports is broadly supported by the Mudgee Sports Council and follows on from a waiving of fees for winter sports for the 2020 season.

Disclosure of Interest

Nil

Detailed report

As with many aspects of society, sporting organisations were heavily impacted by Covid-19 throughout 2020. For winter sports, Council made the decision to waive fees for the 2020 season, with many sports deciding not to run a season at all. For summer sports, the last few weeks of the 2019/20 summer season were cancelled or severely impacted. There was also impact on the 2020/21 season with covid restrictions leading to changes in the way organisations could run competitions as well as significant impact on other fund-raising opportunities.

A request was received by the Mudgee Sports Council by Mudgee Junior Cricket for support to approach Council for a waiving of fees. It is noted that this is broadly supported by the Mudgee Sports Council.

Council may wish to consider the impact on other summer sports as well, such as Senior Cricket, Touch Football and Little Athletics. A refund of Sports Council Fees paid by these sports would have a significant benefit on these sporting organisations. The total amount would be approximately \$20,000 in waiver of fees. It is noted that Mudgee Little Athletics would require a refund of \$1,437.09 as they have already paid. The waiver of fees for other sports will be approximately \$2,400 for Junior Cricket; \$2,000 for Senior Cricket; and \$16,000 for Mudgee Touch.

Council may also wish to consider any relevant fees paid by sporting organisations in Gulgong and Kandos.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

Strategic implications

Council Strategies

Community Plan

Council Policies

Fees and Charges

Legislation

Not Applicable

Financial implications

This recommendation would have a small impact on Council's budget of approximately \$20,000.

Associated Risks

While it is important that sporting groups continue to make a proportionate ongoing contribution to the sporting facilities that Council provides, the impact of Covid-19 on sport in 2020 has been significant. While there is some risk that sports may begin to rely on making no direct contribution, it is assessed as being a minor risk in the context of the unusual nature of 2020 around the world.

SIMON JONES
DIRECTOR COMMUNITY

30 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes 12 February 2021

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE
TO 21 APRIL 2021 ORDINARY MEETING
GOV400087, COR400236

RECOMMENDATION

That Council:

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 12 February 2021; and
 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 12 February 2021.
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 12 February 2021.

Disclosure of Interest

Nil.

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 12 February 2021 meeting.

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

Audit Risk and Improvement Committee Charter.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Nil.

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

22 March 2021

Attachments: 1. February 2021 ARIC Minutes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 12 February 2021, commencing at 9:40AM and concluding at 10:38AM

PRESENT (in person) John Stuart, Chair, John Bentley, Committee Member, John O'Neill, Council Representative, Brad Cam, General Manager, Michele George, Executive Manager People and Performance, Leonie Johnson, Chief Financial Officer, Tim Johnston, Governance Coordinator, Erin Reid, (Minute Taker)

PRESENT (conference call) Luke Malone, Prosperity, Levy Mpofu, Crowe, Todd Dewey, Crowe.

Item 1: Apologies

There were no apologies

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

MOTION: BENTLEY/STUART

That the Minutes of the previous ARIC Meeting held on 13 November 2020 be taken as read and confirmed.

Item 4: Matters in Progress

4.1 MATTERS IN PROGRESS

MOTION: O'NEILL/BENTLEY

That the items:

- **Fraud Control Improvement;**
- **Interim Management Letter;**
- **Code of Accounting – Timely Release of Code Updates**
- **Enterprise Risk Management Report; and**
- **Update on MWRC Internal Audit Items**

be noted as completed and removed from matters in progress.

Audit, Risk and Improvement Committee

SUBJECT	REPORT NO. & DATE	RESOLUTION	ACTION
Fraud Control Improvement	2.2 - 16 August 2019	That the Audit, Risk and Improvement Committee notes the completed Fraud Control Improvement Checklist and that the Audit, Risk and Improvement Committee be updated on the Fraud Control Improvement every three months.	<p>At the meeting of 15 May 2020 ARIC approved the deferral of the Fraud Control Improvement project, and requests a revised project timeline be brought back to the next ARIC meeting.</p> <p>Please refer to report 5.2</p> <p>RECOMMENDED FOR COMPLETION</p>
Interim Management Letter	2.3 – 16 August 2019	<p>That ARIC:</p> <ol style="list-style-type: none"> 1.receive the Interim Management Letter; 2.note the auditor recommendations and management responses; 3.request that a register to manage action items by their due dates be developed; 4.recommends progress on action items be reported back to ARIC every three months. 	<p>At the meeting on 15 May 2020 ARIC requested a legend be added to the register at future meetings.</p> <p>Please refer to report 5.2</p> <p>RECOMMENDED FOR COMPLETION</p>
Code of Accounting – Timely Release of Code Updates	6.4 – 15 May 2020	<p>That the Audit Risk and Improvement Committee:</p> <ol style="list-style-type: none"> 1. request council to make representations to the Office of Local Government for an earlier issue of the Local Government Code of Accounting Practice and Financial Reporting; and 2. recommend that the Council submit the ARIC representations to Local Government NSW and seek the support of the Joint Organisation. 	<p>RECOMMENDED FOR COMPLETION</p>
Enterprise Risk Management Report	5.1 – 15 May 2020	<p>That the Audit Risk and Improvement Committee:</p> <ol style="list-style-type: none"> 3. note that the Enterprise Risk Management Framework will be reviewed annually. 	<p>Due for review at the 6 August 2021 ARIC meeting</p> <p>Please refer to report 5.5</p> <p>RECOMMENDED FOR COMPLETION</p>

SUBJECT	REPORT NO. & DATE	RESOLUTION	ACTION
Update on MWRC Internal Audit Items	6.1 - 21 August 2020	That the Audit Risk and Improvement Committee: a. endorse the proposal to have one consolidated report containing all audit actionable items; and b. add this consolidated report to the ARIC standing items.	The ARIC facilitator continues to work on consolidating the audit actionable items and will be complete for the 12 February 2021 ARIC meeting Please refer to report 5.2 RECOMMENDED FOR COMPLETION

Item 5: Standing Items

5.1 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400243

MOTION: O'NEILL/BENTLEY

That the Audit Risk and Improvement Committee receive the WHS Report for the following months:

- a. October
- b. November; and
- c. December.

The committee requested the State Cover Report be presented at the next meeting.

The Committee moved item 6.4 forward in the agenda.

6.4 DRAFT 2021 EXTERNAL AUDIT ENGAGEMENT

COR400236, COR400243

MOTION: STUART/ O'NEILL

That the Audit Risk and Improvement Committee:

- a) endorse the draft 2020 External Audit Engagement Plan; and
- b) endorse the proposed ARIC meeting dates in line with the Audit Engagement Plan as follows:
 - Draft Financial Statements to be circulated to ARIC prior to the Council meeting of August 2021.
 - Financial Statements to be circulated to ARIC prior to the Council Meeting of October 2021.

Luke Malone left the meeting at 10:01AM

5.2 UPDATE ON MWRC AUDIT ACTION ITEMS

COR400236, COR400236

MOTION: STUART/ O'NEILL

That the Audit Risk and Improvement Committee note the progress on the Internal Audit Action Items and that all completed action items would be removed from the list.

The committee requested that the body of the report address the major items examined in each quarter.

5.3 LEGISLATIVE COMPLIANCE UPDATE

COR400236, COR400243

MOTION: BENTLEY/ O'NEILL

That the Audit Risk and Improvement Committee note the report by the Manager Governance.

The committee provided direction that Council should focus on the highest risk areas and ensure that Legislative Compliance Registers are in place in order to capture breaches.

5.4 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

MOTION: BENTLEY/ O'NEILL

That the Audit Risk and Improvement Committee:

1. note that there were no fraud incidents since the last ARIC meeting; and
2. note the incident in the Procurement Breach Register, and the action taken to address the item.

5.5 ENTERPRISE RISK MANAGEMENT - RISK REGISTERS

COR400236, COR400243

MOTION: BENTLEY/ O'NEILL

That the Audit Risk and Improvement Committee note the update on Council's Enterprise Risk Registers.

Item 6:

Reports

6.1 EXPENDITURE OF COUNCIL FUNDS AND DISCLOSURE OF EXTERNAL CASH RESTRICTIONS IN THE ANNUAL FINANCIAL STATEMENTS

COR400236, COR400243

MOTION: BENTLEY/ O'NEILL

That the Audit Risk and Improvement Committee:

- 1. note the report in relation to Expenditure of Council funds and Disclosure of External Restrictions in the Annual Financial Statements in particular the failures of Central Coast Council to properly account for externally restricted cash;**
- 2. note that Midwestern Regional Council has been correctly disclosing externally restricted cash and that these funds have been used exclusively for the purpose they were raised in accordance with the Local Government Act; and**
- 3. request that the attachment of the report be distributed to all Councillors.**

6.2 INTERNAL AUDIT PROGRESS UPDATE

COR400236, COR400243

MOTION: BENTLEY/ O'NEILL

That the Audit Risk and Improvement Committee receive the Crowe Status Report.

6.3 BUSINESS CONTINUITY PLAN REVIEW AND ONSITE SCENARIO TEST

COR400236, RIS900009

MOTION: BENTLEY/ O'NEILL

That Council Audit Risk & Improvement Committee note the report

Item 7: General Business

Nil

Item 8: Correspondence

Nil

Item 9: Closure

There being no further business the meeting concluded at 10:38AM.

12.2 Local Traffic Committee Meeting Minutes - March 2021

REPORT BY THE ADMINISTRATION OFFICER, OPERATIONS
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0100009

RECOMMENDATION

That Council:

1. receive the report by the Administration Officer, Operations on the Local Traffic Committee Meeting Minutes - March 2021; and
2. approve the amended plan presented to the Local Traffic Committee for the Church Street and Meares Street Roundabout with the following conditions:
 - a) Eastern leg refuge on Meares Street – centre line marking to be at least 2m
 - b) Eastern leg refuge on Meares Street – raised delineation on the northern side.
3. approve the event – “Classic Outback Trial”, be classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:
 - a) Events are to be undertaken in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5”,
 - 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) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i) 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, Transport for NSW and NSW Police Force is indemnified against any possible action as the result of the event;
 - j) 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;
 - k) Maintain a four-metre wide emergency vehicle lane;
 - l) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - m) Notify NSW Ambulance and NSW Fire Brigade of the event;

- n) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
- o) Transport for NSW consent required for use of the State and Regional road network.

New condition:

- p) ensure that all side roads, and /or feeder roads, are closed off to traffic whilst racing.
- q) gates and driveways need to be locked/secured.

4. approve the event Gulgong ANZAC Day March, 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 Traffic for NSW, Traffic Control at Worksites Manual; and

5. Investigate the option of kerb extensions rather than pedestrian refuge for Short Street and refer back to Council.
-

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 March 2021

Three event reports were considered:

- ANZAC DAY – Gulgong
- Outback Class Car Rally
- Mudgee Classic

Two traffic reports were considered:

- Short Street Pedestrian Refuge proposal
- Church Street and Meares Street Roundabout

General Business items included

- DA0201/2021 -131 Church Street Mudgee
- St Matthew Traffic Management
- Westpac Helicopter service Charity Mountain Bike event
- Rylstone Hospital

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable.

Financial implications

Not applicable

MICHELLE NEILSON
ADMINISTRATION OFFICER, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

31 March 2021

Attachments: 1. Minutes - Local Traffic Committee - 17 March 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 19 March 2021

Minutes of the Local Traffic Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 19 March 2021.

Present	Garry Hemsworth (MWRC), Phil Blackman, Garry McGovern (NSW Police), Deanne Freeman (RMS), Mark Fehon (NSW Police), Samantha Cecchini (MWRC) and Don Cottee (MWRC)
Apologies	Cr Alex Karavas
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION: Transport for NSW Deanne Freeman / Phillip Blackman

That the Minutes of the previous Local Traffic Committee held on 19 February 2021 be taken as read and confirmed.

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	It is looking likely that the power will need to go underground. Currently looking for quotations for this to be done. Works need to be completed prior to 1 July 2021.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	The Funds for this project are in the draft budget for next financial year.
Traffic Management Review for Gulgong	Feb 2021		This is to be parked for the moment. Will wait until the new Infrastructure Planning team are established before starting to review Gulgong.
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	There appears to be a small issue on Market Street behind the post office. Will need to move it back further towards the Council Chambers.
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	Letter sent to School in August 2020 requesting ongoing education of the arrangement.
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	TfNSW asked if the section of Market St, east of Church St, will be able to place edge lines for traffic calming purposes. NSWPolice mentioned there is poor lighting at that local.
Denison Street and Church Street Intersection	August 2020		Manual traffic counts are being done week ending 19 March 2021.
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 Rd and Buckaroo Rd Intersection	December 2020	Further investigation to take place at this intersection	Traffic Counters are place at intersection
Loading Zone at Gulgong Post Office	December 2020	Further investigate into this	Don reviewed the site. There is currently a Loading Zone signage there for the afternoon.
Library carpark request	February 2021	Investigate/review the access for trucks in the carpark behind the library.	

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
3T signage on Short Street	February 2021	Review the 3T limit in Short Street due to large vehicles and caravans using Short Street	

PAST EVENT DEBRIEF

EVENT	
NRL Charity Shield Game 27/2/2021	<ul style="list-style-type: none"> • Debrief given by Mark Fehon. Tickets sales were capped around 6000. Crowds were well behaved. • The next NRL game is on 17 April 2021 which is the end of the school holidays. It is an afternoon match between Manly and Titans. • Garry Hemsworth commented that the QR COVID check caused some delays getting into the ground.

CALENDAR OF EVENTS

2021		
JANUARY	DATE	COMMENTS
Kandos Street Machine and Hot Rod Show	21-24 th January 2021	Approved – Did not go ahead
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	27 Feb 2020	Approved
MARCH	DATE	COMMENTS
Femta	13 March 2021	Approved
Can Cruises	20 March 202	For LTC information only
APRIL	DATE	COMMENTS
NRL Event – Manly vs Titans	17 April 2021	Approved
Wings, Wine and Wheels Air show	18 April 2021	For LTC information only
ANZAC Day Services Mudgee	25 April 2021	Approved
ANZAC Day Services Gulgong	25 April 2021	Report forms part of this agenda
MAY	DATE	COMMENTS
Mudgee Classic	2 May 2021	
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
Small Farm Field Days	2 nd – 4 th July 2021	Will come to the April meeting
AUGUST	DATE	COMMENTS
Outback Classic	August 2021	Amended. Report forms part of this agenda.
SEPTEMBER	DATE	COMMENTS
Flavours Of Mudgee	27 September 2021	

OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved

Green = Approved

21/010 CHURCH STREET ROUNDABOUT: AMENDED PLAN

RECOMMENDATION

That Council approve the amended plan presented to the Local Traffic Committee for the Church Street and Meares Street Roundabout with the following conditions:

- a) Eastern leg refuge on Meares Street – centre line marking to be at least 2m
- b) Eastern leg refuge on Meares Street – raised delineation on the northern side.

Committee Comments

- TfNSW suggested to remove the angle parking on Meares Street close to the roundabout as a matter of urgency.
- TfNSW wants to make Council aware that the pedestrian fencing that is to be used will not protect pedestrians if a vehicle leaves the road and there is an impact, this is a risk that Council needs to note.
- Church Street refuge will need to be brought back to the committee. If installing blisters as suggested, there will be a need to reduce the number of parking spots. If Council installs a kerb extension, there will be no need to reduce parking.

MOTION: NSW Police Garry McGovern / Phillip Blackman

That the above recommendation be accepted and approved.

21/011 OUTBACK CLASSIC CAR RALLY - AMENDED COURSE

RECOMMENDATION

That Council Approve the event – “Classic Outback Trial”, be classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and proceeds with the following conditions:

- a) Events are to be undertaken in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5”,
- 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) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i) 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, Transport for NSW and NSW Police Force is indemnified against any possible action as the result of the event;
 - j) 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;
 - k) Maintain a four-metre wide emergency vehicle lane;
 - l) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - m) Notify NSW Ambulance and NSW Fire Brigade of the event;
 - n) The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - o) Transport for NSW consent required for use of the State and Regional road network.

New condition:

- p) ensure that all side roads, and /or feeder roads, are closed off to traffic whilst racing.
- q) gates and driveways need to be locked/secured.

MOTION: NSW Police Mark Fehon / Deanne Freeman

That the above recommendation be accepted and approved.

21/012 ANZAC DAY - GULGONG

RECOMMENDATION

That Council Approve the event Gulgong ANZAC Day March, 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 Traffic for NSW, Traffic Control at Worksites Manual

Committee Comments

- A copy of the current CoC to be provided.
- A copy of an updated TCP to be provided.
- TfNSW suggested to use Road Closed signs rather than traffic controllers.

MOTION: NSW Police Garry McGovern / Deanne Freeman

That the above recommendation be accepted and approved.

21/013 UPDATE ON SHORT STREET PEDESTRIAN REFUGE

RECOMMENDATION

That Council investigate the option of kerb extensions and refer back to the Council.

Committee Comments

- If Council decides to put in a refuge and blisters as presented, it will impact the amount of parking is available. Council will potentially lose 12 parking spaces.
- A kerb extension would be a more suitable arrangement than a pedestrian refuge. Local Traffic Committee will refer back to the project manager to give them the option.

MOTION: NSW Police Garry McGovern / Deanne Freeman

That the above recommendation be accepted and approved.

21/014 GENERAL BUSINESS

DA0201/2021 – 131 CHURCH STREET MUDGEES (CNR OF CHURCH AND HORATIO STREETS)

An application has been received to establish a food and drink premises at the above address. Development Engineering assessment does not support the use due to potential traffic management and safety issues.

Committee Comment

- Road Safety Officer shared her concerns of the limited separation of customers to the corner of the roundabout. There is no suitable parking available for users of the bakery other than on-street parking or crossing the road from McDonalds.
- The Local Traffic Committee are not in a position to make a formal comment in relation to the DA application.
- TfNSW can only give informal advice. Council could possibly include the class of delivery vehicle. The applicant has noted they will be only using a ute size vehicle. This needs to be stated clearly to stop larger vehicles double parking at that location.

ST MATTHEWS TRAFFIC MANAGEMENT

Incident at St Matthews Catholic School and suggested changes. Discussion took place about the afternoon traffic issues around both St Matthews and Mudgees Public school.

Committee Comments.

- TfNSW recommended to remove the afternoon "School Pick Up" zones in front of both schools. Committee members agreed.
- Recommend the removal of the afternoon pick up (no parking) and allow angle parking in this location. .

WESTPAC RESCUE HELICOPTER SERVICE CHARITY MOUNTAIN BIKE EVENT

For Committees information only.

Is a Class 4 event so therefore the LTC does not need to approve the event.

RYLSTONE HOSPITAL

TfNSW representative visited the Rylstone Hospital location to review the speed in the area after a complaint came through from a resident. TfNSW noted the refuge that was at the front of the hospital seems to be in the wrong place as there is a rise in the road which would cause sight issues. Deanne suggested to move the pedestrian refuge towards the south.

Nil

CLOSURE

There being no further business the meeting concluded at 11.55am.

12.3 Mudgee Sports Council Meeting Minutes 22 March 2021

REPORT BY THE DIRECTOR COMMUNITY
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0360013

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Mudgee Sports Council Meeting Minutes 22 March 2021; and**
2. **note the minutes for the Mudgee Sports Council Meeting held 22 March 2021.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council meeting held 22 March 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

SIMON JONES
DIRECTOR COMMUNITY

7 April 2021

Attachments: 1. Mudgee Sports Council Meeting Minutes 22.3.2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council.

Mudgee Netball Clubhouse

22-3-2021 1800

Present: P. Mitchell, L. Humphries (Rugby), J. Martin (MWRC staff), A. Whale (Jnr Cricket), K. Bennetts (Little Athletics), P. Scott (Mudgee Wolves), J. Fleming (Lions Soccer), Guest Connor Whale, & J. Johnson.

Apologies: N. Cavanagh (Jnr Cricket), G. Robinson, P. Lawson (Touch), J. O’Neill (Councillor MWRC), S. Jones (MWRC staff), K. Marshall (Netball), P. Raines (MWRC staff), S. Palmer (MWRC staff). Moved A. Whale, seconded J. McCarney, apologies are accepted.

Business Arising from previous Meeting:

1. Council staff have ordered second line marker 22/03/21

Treasurers Report:

1. At time of meeting Mudgee Sports council has funds of \$92280:43 as presented from Council financials. Moved accepted L. Humphries seconded A. Whale carried.

Secretary Report:

1. Letter of request for support by Mudgee Sports Council to support MWRC in their application for funding for storm water harvesting at Glen Willow, letter sent by President P. Mitchell the 22/02/21 supporting this.

Guest speaker Connor Whale spoke about his trip to Albury to play U/16 state cricket, thanked Mudgee Sports council for their support with a grant, “ I learnt lots while playing which has enhanced my skills in local cricket, and I am grateful to Mudgee sports council for their help”.

Works Request Updates:

1. Work has completed on Light Towers at Victoria Park.
2. Fencing completed at Jubilee Oval.
3. A cricket net at Victoria Park-work has been completed.
4. Lights at Glen Willow on going.
5. Power surges at Glen Willow rectified.
6. Mice- Baiting has commenced.

New Works Requests:

1. Path entrance at carpark Walkers oval needs bollards.
2. Air conditioner meeting room netball leaking.

General Business:

1. Couple of Gala days for Rugby, need to liaise with Soccer, Luke to talk to Phil Scotti.
2. Credit must be given to council staff for all their hard work and effort to make Glen willow look so good for the Charity shield; the grounds looked amazing when viewed on Foxtel.
3. One week to go for Little Athletics, need to cater for the schools for their winter sports carnivals, council will need to liaise, Mudgee Little Athletics have had athletes progress to National Level, Mollie Blackman in the U/14 hammer.
4. The new line maker has been ordered, council staff will be going to meet with individual sports to assess their needs.
5. Fees refund a proposal for a refund of 19/20 Summer sport fees has been put to MWRC this will be reviewed at next council meeting.
6. Winter Sports fees are due July council looking at stream lining the system.
7. Booking of fields- needs to be hired and fees paid unless booked under a affiliated club, please check with Sara Palmer for more information.

Meeting closed 1850

Next meeting 24-05- 2021

Mudgee Netball clubhouse

1800

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.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.

1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 FlyPelican Regional Service Subsidy

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 FlyPelican's business operations and financial position.

14.2 Mudgee Airport Development

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information which is commercially sensitive surrounding land development details which would result in Councils disadvantage in future negotiations, if it were made public at this time..

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.