



****CONFIDENTIAL COPY****

Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 17 JULY 2024

*A prosperous and progressive
community we proudly call home*





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10 July 2024

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
17 JULY 2024
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.

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", with a long horizontal flourish extending to the right.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

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 19 June 2024

Council Decision:

That the Minutes of the Ordinary Meeting held on 19 June 2024 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.
Ulan and Cope Road Safety – Rumble Strips	Res 241/23 Ordinary Meeting 18/10/2023	That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads to enhance safety measures.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Jubilee Oval Upgrade

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, A0100035, GOV400022

MOTION

That Council upgrade Jubilee Oval so sports people can use it, particularly when there are big events at Glen Willow and when Glen Willow is too wet to use.

Background

A number of people have approached me from different sporting bodies complaining that when there are big matches and events at Glen Willow they haven't got anywhere to play sport. Jubilee Oval is a really good sports field set up for everything and it should be maintained.

Officer's comments

Jubilee Oval is being maintained for use as a sports field, with mowing occurring weekly and the grounds aerated as required.

Also the Draft Recreational Strategy, currently on public exhibition, recommends 'retaining existing facilities at Cahill Park, Jubilee Oval and Westend Sporting Complex to maintain flexibility in future sport and recreation facility provisions for a minimum of 5 to 10 years'.

6.2 Inverness Avenue Residential Development Heavy Vehicle Access

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, GOV400022, DA0178/2022

MOTION

That Council investigate the possibility of an access off Castlereagh Highway to the Inverness Avenue development for machinery and trucks.

Background

A huge number of residents sent letters to Councillors, including myself, complaining about the number of trucks and big machinery movements up and down Inverness Avenue and this development will be going on for about three (3) years. These traffic movements are unacceptable.

Officer's comments

The subdivision off Inverness Avenue only has legal access from Inverness Avenue. To gain access from the Highway would require access across neighbouring private land. Council is unable to require this of the developer. The developer may pursue this alternative on their own accord and at their own cost. The access handle to the Highway would require significant upgrades to be all weather and protect existing assets like stormwater. The approval of TfNSW is also required if it were to be pursued.

6.3 Maintenance and Grading of Rural Roads

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 17 JULY 2024 ORDINARY MEETING
GOV400105,

MOTION

That Council in the quarterly review put more funding into the rural roads and maintenance program.

Background

A number of people have approached me regarding the state of the rural roads. Some rural roads have been affected by the flooding two years ago and are not at a decent standard.

Officer's comments

Council, at the March 2024 Ordinary Meeting, received a report on opportunities to improve road network maintenance and resolved to allocate additional funds for maintenance grading through the 2024/25 budget process.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0229/2024 - Proposed Use of Building as Farm Building and Minor Works - 686 Queens Pinch Road, Mullamuddy

REPORT BY THE MANAGER PLANNING
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, DA0229/2024

RECOMMENDATION

That Council:

- A. receive the report by the Manager Planning on DA0229/2024 - Proposed Use of Building as Farm Building and Minor Works - 686 Queens Pinch Road, Mullamuddy and;
- B. approve DA0229/2024 - Proposed Use of Building as Farm Building and Minor Works - 686 Queens Pinch Road, Mullamuddy by way of a deferred commencement consent, and subject to the following conditions and statement of reasons:

PART A – DEFERRED COMMENCEMENT CONSENT

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:*

1. *A Building Information Certificate is required to be issued for the unauthorised building work that is the subject of this development consent, issued by Council in accordance with Division 6. 7 of the Environmental Planning and Assessment Act 1979, is to be obtained.*

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twelve (12) 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.

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

PART B –CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No / Document Ref:	Revision / Issue:	Date:	Prepared by:
Site Plan	-	-	16 February 2024	Navigate Planning
Ground Floor Plan	Drawing No. 02	C	11.6.24	No author
Mezzanine Floor Plan	Drawing No. 03	C	11.6.24	No author
Elevations	Drawing No. 04	C	11.6.24	No author
Building Code of Australia Category 1 Assessment Report #1	-	-	5 June 2024	BCA Performance

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

2. Clarification of approved use of the building

For clarity, this development consent provides approval for the use of the building as a farm building ancillary to the agricultural use of the land, all required building works in accordance with the stamped approved plans and conditions of this consent, only.

The 'farm admin', 'utility room' and 'storage' spaces of the building is to be used solely in conjunction with the approved use of the farm building by the landowner and is not to be adapted or used for any other purpose. The separate use or occupation of these spaces is also not permitted by this consent nor the introduction of new facilities such as a kitchen or portable cooking facilities.

Note: This consent does not authorise any plumbing or drainage works as part of the use of the building as a farm building.

3. Non-reflective finishes

Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.

4. Building not to be used for habitable uses

The building must not be adapted nor used for habitable, recreational, retail or industrial purposes at any time.

5. Imported waste derived fill material

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.

6. Waste Disposal

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.

7. Hazardous Substances Storage

Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.

8. No ponding of stormwater

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.

9. Water Storage

To service this development minimum water tank storage of 60,000 litres is required, of which a minimum of 20,000 litres static water supply is to be retained for firefighting purposes.

10. Occupation Certificate

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

11. Commencement of works

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.

12. Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

a. showing the name, address and telephone number of the principal certifier for the work, and

- b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and*
- c. stating that unauthorised entry to the work site is prohibited.*

3. The sign must be—

- a. maintained while the building work, subdivision work or demolition work is being carried out, and*
- b. removed when the work has been completed.*

4. This section does not apply in relation to—

- a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or*
- b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.*

13. Outdoor Lighting – obtrusive effects

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”.

14. Annual Fire Safety Statement

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

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

15. Long Service Levy

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 \$250,000 or more.

Note - The amount payable is currently based on 0.25% 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.

16. Section 64 Upgrade – Fire Safety - Building Code of Australia

Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.

- a) D1P4 – Exits*
- b) E4P1 – Visibility in an emergency*
- c) E1P2 – Fire Extinguishers*

Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

BEFORE WORK COMMENCES

17. Pre-construction notifications

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and*
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and*
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and*
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.*

18. Construction waste enclosure

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

19. Existing damage to council property

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

20. Relocation of services

The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

21. Sediment erosion controls

Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

DURING WORK

22. Mandatory inspections

All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

23. Aboriginal material found during construction

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.

24. Management of Development Site

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;*
- 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.*

25. Hours of work

Site work must only be carried out between the following times –

- 8am to 5pm Monday to Saturday*

No site work is permitted on Sundays or Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

26. Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

27. Decommissioning works required

Prior to the issue of any Occupation Certificate, the chimney stack and fireplace is to be permanently decommissioned and/or removed from the building (with the wall reinstated accordingly) to the written satisfaction of Council.

28. OSMS – Inspection for Onsite Sewage Management System

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be obtained, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the Local Government Act 1993.

29. Finish of Surface Around Site

Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

30. Stormwater clear of building and OSSM

Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of all

buildings and clear of the sewage wastewater disposal area - without creating any nuisance on the property, or to adjoining properties.

31. Car Parking and Driveway

Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.

32. Fire Safety Certificate

Prior to occupation the owner of the building must cause the Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

OCCUPATION AND ONGOING USE

33. All car parking within site

All parking associated with the use is to be contained wholly within the site.

34. Driveways to be maintained

All access crossings and driveways are to be maintained for the life of the development.

35. No interference with amenity

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.

36. Clean and tidy condition

The development is to be maintained in a clean and tidy manner, at all times.

37. Ongoing use of the building

The development is not permitted to operate in any other manner other than as a farm building, being used ancillary to the agricultural use of the land, only. The building is not permitted to be utilized at any time for habitable, recreational, retail or industrial purposes.

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, subject to compliance with conditions of consent.**
3. **Four submissions were received in response to public notification of the proposed development which have been addressed in the following manner:**
 1. **The application is for a farm building, ancillary to the agricultural use of the land. The conditions imposed seek to ensure that the future use of the building is consistent with this requirement.**
 2. **A condition is imposed to decommission and/or remove the chimney stack and fireplace from the building prior to occupation.**
 3. **Essential fire safety measures are required to be installed in the farm building as the classification of the building has been confirmed by the applicants Building Code of Australia Report to be a class 7 or 8 building (farm building).**

Executive summary

OWNER/S:	Mr Timothy Sutton
APPLICANT:	Mr Mark Hitchenson
PROPERTY DESCRIPTION:	686 Queens Pinch Road, Mullamuddy Lot 39 DP 756870
PROPOSED DEVELOPMENT:	Use of existing building as a farm building and minor building works
ESTIMATED COST OF DEVELOPMENT:	\$265,000
REASON FOR REPORTING TO COUNCIL:	Public Interest
PUBLIC SUBMISSIONS:	Four (4) Submissions

Council is in receipt of Development Application DA0229/2024 that seeks approval for the use of an existing building as a farm building, located at 686 Queens Pinch Road MULLAMUDDY NSW 2850.

The development application has been submitted to Council as a result of a Stop Works and Development Control Order issued under Part 1 and 2, Schedule 5 of the *Environmental Planning and Assessment Act* (EP&A Act) by Council for the building, constructed onsite by the landowner claiming the works to be exempt development under cl 2.31 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

The applicant contends that the land has been and will continue to be used for agricultural activities and the farm building will support those activities by providing storage for stock feed, machinery, fertilisers and pesticides, tools and fencing equipment, with other ancillary activities such as administration, file storage and washroom. The applicant also states that the ancillary activities such as farm administration is to be undertaken at any time, or as required, and therefore, no specific hours of operation are proposed.

Plumbing and drainage works have been undertaken within and external to the building, and whilst a stone open fireplace exists, the front of the fireplace has been 'bricked in' because of prior compliance requests. It should also be noted that the building does not currently contain kitchen facilities.

The subject site is legally known as Lot 39 DP 756870 and comprises a total area of 16.19 hectares. The site is located 14km to the southeast of the Mudgee CBD and is surrounded by rural undulating farmland, single dwellings, farm buildings and a small horse training facility. Access to

the site is provided via Queens Pinch Road to the east, and via an unnamed, and unmaintained gravel Council road. This access road also currently services two other landowners to the south and west of the subject site.

The site contains an undefined watercourse that is a tributary of the Mullamuddy Creek located northeast of the subject site. The watercourse primarily occupies the northwestern corner of the site, along with two small farm dams.

The site is identified as 'bushfire prone land' and whilst the site is predominately open grasslands, a small portion of the site located close to the existing watercourse contains 'high sensitive biodiversity', pursuant to clause 6.5 of the *Mid Western Regional Local Environmental Plan 2012* (MWRLEP).

The site is also partially identified as 'groundwater vulnerable', pursuant to clause 6.4 of the MWRLEP. In addition, the subject site is identified as 'visually sensitive lands' pursuant to clause 6.10 of the MWRLEP. These matters are further addressed in this report.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP) and the MWRLEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for determination in consideration of the public interest.

Four (4) submissions have been received during the public exhibition period with the concerns raised discussed later in this report.

The application is recommended for Approval, subject to conditions.

In considering the application and staff's recommendation for approval, it is pertinent to note, that there are no specified development standards for a farm building. Farm buildings can be constructed and finished in any material. The presence of glazed external walls, large number of windows, plaster lined walls with architraves, elaborate stone fireplace and chimney, and instantaneous gas hot water systems, whilst very unusual for a farm building, are not in themselves a reason for refusal, or enough for Council to conclude the building is a 'dwelling'.

The application is for a 'farm building' and as demonstrated in the report – with examples of case law, without a kitchen the building cannot be considered suitable for habitable purposes. *Even if the shed is capable of being used as a separate dwelling it is not permissible so to do. The absence of cooking facilities means that it cannot be used as a separate dwelling.*

Staff cannot legally consider opinions, beliefs or past works undertaken onsite. Decisions are based on the materials submitted in support of the application and planning law. The absence of a kitchen *means that it cannot be used as a separate dwelling*, and therefore the building, albeit elaborately constructed and finished, can be considered a farm building, as proposed. If, in the future, the building is used contrary to the consent, compliance action will be required.

Disclosure of Interest

Nil

Detailed report

BACKGROUND AND SITE HISTORY

The subject site was previously in common ownership with adjoining farmland and used for grazing purposes. No previous structures were built or approved on the subject site.

Lot 39, comprising of 16.19 hectares was purchased in October 2020 by the current landowner. A planning proposal was submitted in January 2021 by Atlas Environment & Planning seeking an amendment to the MWRLEP 2012 to allow a dwelling entitlement for the property. This proposal was not supported by Council officers and ultimately rejected by Council.

In July 2021, the current landowner applied for and received a Planning Certificate via Section 10.7 of the EP&A Act 1979 from Council. The certificate (PC0098/2022) identified that the subject property did not meet the minimum lot size (100ha) for a dwelling entitlement in the RU1 Primary Production zone.

A list of previous applications submitted over the property is provided below:

- **DA0597/2006** – The property was subject to a now lapsed development application (DA0597/2006) to amalgamate it and six other lots to achieve a combined lot size greater than the minimum area of 100ha necessary receive a dwelling entitlement. This development application was never acted upon and consequently lapsed.
- **LAN900123** – Submission of a Planning Proposal Application to Council seeking an amendment to the MWRLEP 2012 in order to obtain a dwelling entitlement for the property. This proposal was not supported by Council officers and ultimately rejected by Council at its meeting held on the 19 May 2021.
- **S68.0209/2023 Onsite Sewerage Management System** – An onsite effluent system was approved by Council on the 6 March 2023 for “an existing farm shed”.
- **S.138/0104/2024 – Road Upgrade Works** – An approval was issued by Council on the 22 December 2023 for road upgrade works to the subject land within the unmaintained Council Road reserve that provides access to the land.

Council has also undertaken compliance investigations relating to the subject land and building works conducted onsite. Compliance actions commenced with the first Council inspection of the site on the 8 November 2022 and Stop Works Order issued on the 17 November 2022.

Following additional Council inspections and correspondence issued, a further Stop Works and Development Control Order was issued under Part 1 and 2, Schedule 5 of the EP&A Act on the 12 December 2023 requiring a Development Application to be submitted to Council.

PROPOSED DEVELOPMENT

The development application seeks consent for the use of the building as a farm building on the subject land. Building work is also proposed including the installation of a balustrade, along with the installation of essential fire safety measures for the building classification (class 7 / 8 - farm building under the National Construction Code).

The development application is submitted to regularise the use of the structure in accordance with the EP&A Act, as a ‘farm building’.

The applicant contends that the land has been and will continue to be used for agricultural activities and the farm building will support those activities by providing storage for stock feed, machinery, fertilisers and pesticides, tools and fencing equipment, with other ancillary activities

such as administration, file storage and washroom. The applicant states that the ancillary activities such as farm administration is to be undertaken at any time, or as required, and therefore, no specific hours of operation are proposed.

The applicant states that the maximum number of persons to use the farm building at any one time will be two (2). An existing gravel area adjacent to the building provides for the parking of two (2) vehicles.

Key details of the existing building include:

- A total floor area (including second storey mezzanine) of approximately 252m².
- A total overall height of 8.34m (from finished floor level), noting cut and fill (exceeding 600mm, per clause 2.30 of the Codes SEPP 2008) has already been undertaken to level the site.
- The floor plan notes the following uses for each existing room of the building:
 - Ground floor (of approximately 204m²):
 - Silage / hay storage
 - Machinery storage
 - Tools and fencing storage
 - Administration office and file storage
 - Laundry
 - Fertiliser storage
 - Proposed washroom
 - First Floor (mezzanine of approximately 52m²):
 - Utility room, accessed from double doors off the stairwell landing
 - Storeroom (no specific details provided)
 - Toilet and shower
 - 2 separate void spaces on each side of the gable roof cavity

Plumbing and drainage works have been undertaken within and external to the building, and whilst a stone open fireplace exists, the front of the fireplace has been 'bricked in' because of prior compliance requests. Further, it should also be noted that the building does not currently contain kitchen facilities within the floor plan.

SUBJECT SITE

The subject site is legally known as Lot 39 DP 756870 and comprises a total area of 16.19 hectares. The site is located 14km to the southeast of the Mudgee CBD and is surrounded by rural undulating farmland, single dwellings, farm buildings and a small horse training facility.

Access to the site is provided via Queens Pinch Road to the east, and via an unnamed, and unmaintained gravel Council road. This access road also currently services two other landowners to the south and west of the subject site.

The site contains an undefined watercourse that is a tributary of the Mullamuddy Creek located northeast of the subject site. The watercourse primarily occupies the northwestern corner of the site, along with two small farm dams.



Figure 1: Site Locality Plan



Figure 2 – Building Locational Plan

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (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).

Planning for Bush Fire Protection

In accordance with Section 4.14 of the *Environmental Planning & Assessment Act 1979*, certain development proposed on bushfire prone land is required to consider the requirements of Planning for Bush Fire Protection (PfBP). The subject site is identified as bushfire prone land, however in accordance with section 4.14(1), the proposed development is not for the purposes of residential subdivision or for any special fire protection purpose.

The Planning for Bush Fire Protection Guidelines states that the National Construction Code does not capture or consider bush fire to Class 5-8 buildings. However, the objectives of the Planning for Bush Fire Protection guidelines will be considered in relation to access, water supply and services, and emergency and evacuation planning. The PfBP objectives for a Class 5-8 building requires:

- safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development; to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and
- to locate gas and electricity so as not to contribute to the risk of fire to a building; and provide for the storage of hazardous materials away from the hazard wherever possible.

Based on a full assessment of the proposal, including the existing road access arrangements to the land, the existing steel water tank provided onsite and the setback of the building also achieving the 'grassland deeming provisions' (providing a minimum boundary setback of 50m), Council can be satisfied that the development achieves the required objectives of Planning for Bush Fire Protection for the class and use of the building, being a farm building that will not be used for habitable purposes.

ASSESSMENT

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The Biodiversity and Conservation SEPP applies to the proposal as the area of land associated with the proposal is identified on the Koala Development Application Map, and is greater than 1 hectare in size including adjoining land within the same ownership.

However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

Farm buildings which are not used for habitable purposes relevantly constructed or installed on land in Zone RU1 are specified as exempt development under cl 2.31 and cl.2.32 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

As a result of the previous Stop Works Order issued by Council, Council confirmed that the building work undertaken onsite was not considered to achieve compliance with the Codes SEPP and required the landowner to submit a Development Application.

In accordance with cl. 2.31 of the Codes SEPP:

The construction or installation of a farm building (other than a stock holding yard, grain silo or grain bunker) that is not used for habitable purposes is development specified for this code if it is—

- (a) constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6, and*
- (b) not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area, and*
- (c) not constructed or installed on land shown on any relevant Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport.*

Note 1— Farm building is defined in the Standard Instrument as a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

Note 2— Subdivisions 16A and 16B make special provision for farm buildings that are stock holding yards, grain silos or grain bunkers.

A brief assessment of compliance with the development standards contained in cl.2.32 of the SEPP is provided below.

It should be noted that the provisions of cl.2.32 regulate and apply to exempt development only, and do not apply to development subject to a DA – such as the subject application. The assessment is provided for guidance only, to show how closely aligned the development is to the exempt provisions.

DEVELOPMENT STANDARDS - SECTION 2.32	COMPLIANCE
<p><i>(1) The following standards are specified for that development—</i></p> <ul style="list-style-type: none"> <i>(a) the development must not be higher than—</i> <i>(i) for a landholding that has an area of less than 10ha—7m above ground level</i> 	<p>The subject land is 16.19 hectares – the ‘farm building’ must not be more than 10m above existing ground level.</p> <p>The submitted DA plans indicate an overall height of 8.34m (from top of slab). Excavations</p>

<p><i>(existing), and (ii) for a landholding that has an area of 10ha or more—10m above ground level (existing),</i></p>	<p>have however been undertaken onsite, which appears to be in excess of 1 metre under the ridge line located at the southern side of the building.</p> <p>Despite the extent of earthworks undertaken prior to submission of the application, the building is less than 10m from natural ground level and therefore complies.</p>				
<p><i>(b) if the development is located on land that is identified for the purposes of an environmental planning instrument as “Land with scenic and landscape values” on a Scenic and Landscape Values Map or as “Scenic Protection Area” on a Scenic Protection Map or Scenic Protection Area Map—it must not be higher than 7m,</i></p>	<p>Whilst the subject site is prescribed under the MWRLEP as ‘visually sensitive land’ – see clause 6.10 of the MWRLEP, this mapping is not aligned to the Code SEPP for scenic protection mapping.</p> <p>It is considered however that building does not comply with this standard, as it exceeds 7m in total height.</p>				
<p><i>(c) if the development— (i) is on a landholding that has an area of more than 4ha, and (ii) is on a landholding in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and (iii) is located within 100m of that ridgeline,</i></p> <p><i>it must be sited on the landholding so that the highest point of the development is at least 5m below that ridgeline,</i></p>	<p>The proposed building has been constructed within the contour shown of 540m AHD however, the building has been placed at the lowest point of the existing ridgeline and is considered to generally comply with this part.</p>				
<p><i>(d) subject to paragraph (e), the footprint of a farm building must not exceed 200m²,</i></p> <p><i>Note: (2) In this clause, footprint means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.</i></p>	<p>The footprint of the building exceeds 200m² (overall footprint is shown on the submitted plans as 20.14m x 10.15m = 204.015m²) and therefore does not comply with this part.</p> <p>It is noted, the total floor area of the building, including the first storey is 252m².</p>				
<p><i>(e) the footprint of all farm buildings (other than grain bunkers) on a landholding must not exceed the footprint shown in the following table—</i></p> <table border="1" data-bbox="240 1877 783 2054"> <thead> <tr> <th>Landholding area</th> <th>Maximum footprint of all farm buildings (other than grain bunkers)</th> </tr> </thead> <tbody> <tr> <td>0–4ha</td> <td>2.5% of the area of the</td> </tr> </tbody> </table>	Landholding area	Maximum footprint of all farm buildings (other than grain bunkers)	0–4ha	2.5% of the area of the	<p>N/A. Only one farm building is proposed under this application which has a footprint of 204.42m².</p>
Landholding area	Maximum footprint of all farm buildings (other than grain bunkers)				
0–4ha	2.5% of the area of the				

<p style="text-align: center;"><i>landholding</i></p> <p>>4ha–10ha 1,000m² >10ha 2,000m²</p>							
<p>(f) <i>the development must be located at least 20m from any road boundary and have a minimum setback from any other boundary as shown in the table to this paragraph—</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Building footprint</th> <th style="text-align: left;">Minimum setback from boundary</th> </tr> </thead> <tbody> <tr> <td>0–100m²</td> <td>10m</td> </tr> <tr> <td>>100m²–200m²</td> <td>50m</td> </tr> </tbody> </table>	Building footprint	Minimum setback from boundary	0–100m ²	10m	>100m ² –200m ²	50m	<p>The development is located more than 20m from any road boundary and has a minimum setback of 50m from the boundary.</p>
Building footprint	Minimum setback from boundary						
0–100m ²	10m						
>100m ² –200m ²	50m						
<p>(g) <i>a farm building must be located at least 6m from any other farm building (including any farm building that is a stock holding yard, grain silo or grain bunker) on the landholding or on an adjoining landholding,</i></p>	<p>N/A</p>						
<p>(h) <i>the development must be located at least 50m from a waterbody (natural),</i></p>	<p>The farm building is located at least 50m from the waterbody located on the site and therefore complies with this part.</p>						
<p>(i) <i>the development must be designed by, and constructed in accordance with the specifications of, a professional engineer,</i></p>	<p>No details provided to confirm compliance with this part.</p> <p>As the DA is only for the use of the building, a Building Information Certificate will be required in the event the DA is approved by Council. A Building Information Certificate will require a structural engineer to certify the building (as constructed).</p>						
<p>(j) <i>if the development is a shipping container, there must not be more than the following number of shipping containers per landholding—</i></p> <p style="padding-left: 20px;">(i) <i>for a landholding that has an area of less than 400ha—1,</i></p> <p style="padding-left: 20px;">(ii) <i>for a landholding that has an area of 400ha or more—5,</i></p>	<p>N/A</p>						
<p>(k) <i>the development must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority,</i></p>	<p>There are no aerodromes or airports operating within 2km of the site.</p>						
<p>(l) <i>despite clause 2.30(a), excavation for the purposes of structural supports may exceed a depth of 600mm, measured from ground level</i></p>	<p>A site inspection confirms that cut and fill over the site has occurred that is in excess of the minimum permitted under cl.2.30 of the Codes</p>						

<i>(existing), unless the land is identified for the purposes of an environmental planning instrument as Class 1–5 on an Acid Sulfate Soils Map.</i>	SEPP, being 600mm.
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STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Pursuant to section 4.6 of the Policy, a site inspection and a search of council’s records did not reveal any potentially contaminating activities upon the site. The site was historically held in common ownership with surrounding farmland used for grazing purposes until 2020 when Lot 39 was sold separately. Accordingly, no further consideration is deemed necessary.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP 2012)

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as the use of an existing building as a ‘farm building’.

In accordance with the MWRLEP, a farm building is defined as:

***farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.*

For clarity, a dwelling is defined under the MWRLEP as:

***Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

AND

***dwelling house** means a building containing only one dwelling.*

Comment: The proposed development does not seek consent for the use of the building as a dwelling and the building does not contain all essential components of a Class 1a building, such as cooking facilities.

This matter has been raised in numerous case law examples which has established the circumstances of where a building may in fact be considered a dwelling as discussed below.

In *Platform Architects Pty Ltd v Northern Beaches Council* [2020] NSWLEC 185 at [42]:

*“The concept of a dwelling has been the subject of considerable debate over many years. As a general proposition a **dwelling must contain the essential components of a domicile for the exclusive use of the occupant, being: sleeping, bathroom and cooking facilities. Each development will be required to be considered on its own facts to determine whether it meets such requirements.**”*

Furthermore, at [50] of *Platform Architects Pty Ltd v Northern Beaches Council* [2020] NSWLEC 185:

“Even so, if the shed is capable of being used as a separate dwelling it is not permissible so to do. The absence of cooking facilities means that it cannot be used as a separate dwelling. Theoretically, in the absence of prohibitory conditions, the shed is capable of being used as a dwelling by the introduction of some cooking facilities. But with the imposition of conditions in a similar form to that proffered by the Applicants then that activity cannot lawfully occur to render the shed capable of being used as a separate domicile.”

Platform Architects Pty Ltd v Northern Beaches Council [2020] NSWLEC 185 at [48] also confirmed that:

“.....virtually any building could be characterised as being capable for use as a dwelling by the carrying out of work, or the introduction of portable facilities. It is only if a building could lawfully be made capable of being occupied as a separate domicile that it will be characterised as a dwelling..... It is true that cooking facilities could be added to the shed to render it capable of being occupied as a separate domicile. But to do so contrary to a condition of development consent would be unlawful.”

The applicant is very aware that the subject land does not benefit from a dwelling entitlement and a dwelling house cannot be approved by Council on the land. As a result, it is considered that the conditions of consent recommended will ensure the future use of the building and the land is limited to a farm building that is ancillary to agricultural use in accordance with the objectives of the zone.

Further to the above, the developer has consistently stated that the building has been constructed under the Exempt and Complying Development Codes (Code SEPP) relevant for a farm building.

In *Walker v Queanbeyan-Palerang Regional Council* [2023] NSWLEC 1032, this case law established that

“To fall within the definition of “farm building” in the LEP, the building must be ancillary to an agricultural use of the land carried on for commercial purposes – see the definitions of “agriculture” and “extensive agriculture” in the LEP.”

Under the MWRLEP 2012 ‘extensive agriculture’ is permitted without consent in the RU1 Primary Production zone and is defined as follows:

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,

- (d) *a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.*

Note— *Extensive agriculture is a type of agriculture—see the definition of that term in this Dictionary.*

The applicant contends that both the grazing of livestock and the production of crops for commercial purposes has ‘commenced’ on the land, stating in the Statement of Environmental Effects that at the time *there are 30 Angus steers grazing on the property, and in early March, weeds will be sprayed to prepare the land for the planting of oats at the end of March.*

As a result, whilst the building on the site has been erected unlawfully as it does not comply with the Code SEPP, the Courts have consistently held that past unlawful conduct is *not* a relevant factor: see *Jonah Pty Limited v Pittwater Council* (2006) 144 LGERA 408; [2006] NSWLEC 99 per Preston CJ at [19] to [33].

“While the fact that the Shed was erected unlawfully does not preclude the grant of development consent, I have found that it would be inappropriate to grant consent to the use of the Shed unless and until a building information certificate has been issued that regularises the breach of the planning law.”

As a result of established case law, the recommended conditions of consent include the requirement for a Building Information Certificate to be obtained within 12 months (as a deferred commencement condition), prior to an operational consent being issued by Council for use of the building as a farm building.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned RU1 Primary Production and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned RU1 Primary Production pursuant to MWRLEP 2012. The proposal, being the use of a building as a farm building 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:

RU1 Primary Production

- 1. To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

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

- 2. To encourage diversity in primary industry enterprises and systems appropriate for the area.*

Comment The proposal will not hinder the ability of the land to be used for a diversity of primary industry enterprises in the future, either as extensive agriculture or with another permitted form of development on the land, subject to the consent of Council.

- 3. To minimise the fragmentation and alienation of resource lands.*

Comment The proposal does not contribute to unreasonable fragmentation of rural land. Conditions are recommended in relation to the use of the building as a farm building and to prohibit the use of the building for habitable or recreational purposes.

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

Comment The proposal is not considered to result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent. Setbacks of the building to all boundaries exceed Council's DCP requirements and therefore reduce the potential for land use conflicts generated by the use of the farm building in this location.

5. To maintain the visual amenity and landscape quality of the Mid-Western Region by preserving the area's open rural landscapes and environmental and cultural heritage values.

Comment The proposal is not considered to result in any significant impact upon the immediate visual amenity or environmental/cultural heritage values of the site. The building has been placed on the site with significant setbacks to boundaries, the existing watercourse and roadways, exceeding Council's DCP requirements.

6. To promote the unique rural character of the Mid-Western Region and facilitate a variety of tourist land uses.

Comment As the site does not benefit from a dwelling entitlement under clause 4.2A(3) of the LEP, tourist and visitor accommodation is not permitted on the site in accordance with 4.2A(3A) of the LEP. There may however be other forms of tourist related development that may be permitted with consent on the land and the proposed use of the existing building as a farm building will not impact this in the immediate future. Careful consideration would however need to be made with any other development on the site on the basis that the farm building may only be used ancillary to the agricultural use of the site.

Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones

This clause applies as the land is zoned RU1 Primary Production.

In order for any property to benefit from a 'dwelling entitlement' it must satisfy one of the provisions contained within clause 4.2A(3). A review of Council's records and the details submitted with the application has revealed that the property does not comply with clause 4.2A(3). Subsequently, the subject land does not benefit from a dwelling entitlement and Council cannot consider a development application for the erection of a dwelling on this site.

Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit.

Clause 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

Clause 5.10 Heritage Conservation

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

Clause 5.21 Flood planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

Clause 6.1 Salinity

The subject site is mapped to contain saline soils, and this is identified to follow the existing watercourse through the site. The proposed development seeks the use of an existing building and therefore no earthworks are proposed within the area of the site containing the watercourse. As a result, the development is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

The proposal is for a use only and does not involve any additional earthworks. Accordingly, no further consideration of this clause is necessary.

Clause 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.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'. Mapping of high biodiversity sensitivity is limited to the existing water course area of the site and will not be impacted by the proposal.

Clause 6.8 Airspace operations – Mudgee Airport

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

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.

- (a) the supply of water – a large steel water tank is currently located on the site and is used to support the farm building.
- (b) the supply of electricity – Power is already provided to the subject building.
- (c) the disposal and management of sewage – A section 68 approval has been issued by Council for a 'farm shed'.
- (d) stormwater drainage or on-site conservation – Onsite conservation of stormwater is managed via roof capture and storage into the large steel water tank currently located on the site.
- (e) suitable road access – A section 138 approval has been approved for road upgrades with works recently completed to provide a suitable access to the subject land and farm building.

Clause 6.10 Visually sensitive land near Mudgee

The land is located within the visually sensitive land map area. Clause 6.10 requires Council to be satisfied that the development will complement the visual setting forming the backdrop to Mudgee and will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.

The applicant has conducted a visual analysis of the existing building from various vantage points along Queens Pinch Road. The analysis demonstrated that the building is 'insignificant in the landscape' and 'has the appearance of just another small rural shed dotted across the farmland'.

Following a site inspection of the building by Council officers, it is confirmed that the building has generally been designed to complement the visual setting through the use of appropriate materials, commonly found in rural sheds and through the positioning of the building below the ridgeline in this location. The proposal is therefore considered to minimise visual intrusion in the landscape with significant buffers provided to the public domain and large setbacks to boundaries that exceed Council's minimum DCP requirements.

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

(ii) Draft environmental planning instruments (EPI)

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

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

Part 5.1 Car Parking

The DCP part does not include a parking rate for a farm building. The applicant states that only 2 persons would access the farm building at any one time. As a result, the applicant provides 2 parking spaces are made available within the existing gravel hardstand area to the south of the building. This is considered acceptable to support the proposed use.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Part 6 Development in Rural Areas

Building Setbacks

The minimum front / street setback as prescribed within the table is 60m. The proposed farm building is setback 80m from the unnamed Council road providing access to this land. Accordingly, the proposal complies.

The minimum side/rear setback as prescribed within the table is 20m. The proposed farm building is setback a minimum of 50m to the western boundary. Accordingly, the proposal complies.

Outbuildings and Farm Buildings

The use of the existing building as a farm building will not negatively affect the amenity of the streetscape or significantly impact on surrounding lands on the basis of the generous setbacks and undulating topography of the locality.

As the lot size is greater than 5ha and less than 40ha, the maximum size permitted as prescribed within the table of this part is 200m². The size of the existing building is shown on the plans to have an overall floor area of 204.42m² (excluding the mezzanine area). Accordingly, the proposal does not strictly comply however, the proposed variation is less than 10% of the DCP requirement and is generally supported owing to the fact that the additional floor area of the shed is a result of the building overhang (given the gable roof design) of 1.575m on both the eastern and western elevations. This area of the building 'overhang' includes a concrete foundation, along with roof and wall framing and sheeting.

Section 7.11/ Section 7.12 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

No contributions can be applied as the proposal is not seeking consent for residential or tourist development, or for industrial or retail development. Therefore Section 7.11 or Section 7.12 of the EP&A Act does not apply.

Section 64 - Water/Sewer Developer Services Charges

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

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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

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

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

(A) CONTEXT AND SETTING

The proposal is considered appropriate with regards to the surrounding context and setting. Conditions are recommended to manage the future use of the building and ensure that the use is limited to that of a farm building as presented in this application.

(B) ACCESS, TRANSPORT AND TRAFFIC

The implications of suitable access and parking are discussed throughout this report. The proposal is considered appropriate.

(C) PUBLIC DOMAIN

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

(D) UTILITIES

All relevant utilities are available to the site.

(E) HERITAGE

There are no adverse heritage impacts identified by the use of the existing building as a farm building.

(F) OTHER LAND RESOURCES

No adverse impact expected on conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments. The farm building is proposed to support ongoing agricultural uses over the site which is considered acceptable.

(G) WATER

No significant impact expected, subject to compliance with conditions.

(H) SOILS

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

(I) AIR AND MICROCLIMATE

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

(J) FLORA AND FAUNA

Not applicable. No tree removal is required by the proposed development.

(K) WASTE

Conditions are imposed to manage the development into the future with disposal to a licenced waste facility required.

(L) ENERGY

There are no requirements under BASIX associated with this proposal however compliance with the NCC is required for the relevant building classification.

(M) NOISE AND VIBRATION

Standard conditions are required to manage noise and amenity into the future.

(N) NATURAL HAZARDS

The development site is not identified flood prone and there are no known slip or mass movement issues. The site is however bushfire prone land, this has been considered in accordance with clause 4.14 of the EP&A Act within this report.

(O) TECHNOLOGICAL HAZARDS

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards. Essential fire safety measures are required to be installed in the farm building appropriate to the building classification and the permanent removal and/ decommissioning of the chimney stack and open fireplace is recommended as a condition of consent to ensure there is no building fire risk given the plans propose to store machinery and hay / silage immediately adjacent to this existing open fireplace. This is considered a significant hazard, particularly with dry hay, oil and fuels (from machinery storage) proposed to be located within the ground floor storage area of the farm building.

(P) SAFETY, SECURITY AND CRIME PREVENTION

There are no adverse safety security or crime matters that are generated by the proposed use of the existing building as a farm building, being ancillary to the ongoing agricultural use of the site.

(Q) SOCIAL IMPACT IN THE LOCALITY

There are no identified adverse social impacts relating to the use of the existing building as a farm building, being ancillary to the ongoing agricultural use of the site.

(R) ECONOMIC IMPACT IN THE LOCALITY

There are no identified adverse economic impacts relating to the use of the existing building as a farm building, being ancillary to the ongoing agricultural use of the site.

(S) SITE DESIGN AND INTERNAL DESIGN

The site arrangements and setbacks are considered to be adequate as discussed throughout this report.

(T) CONSTRUCTION

The installation of the essential fire safety measures, minor building works and balustrade require a construction certificate and must comply with the BCA. A Building Information Certificate will be required however for the works undertaken without certification, to date.

(U) CUMULATIVE IMPACTS

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. Compliance with the recommended conditions of consent aim to reduce any potential future impacts associated with the use of the building as a farm building.

Suitability of Site for Development – 4.15(1)(c)

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

The proposed use of the existing building as a farm building is suitable for the locality. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?

The proposed use of the existing building as a farm building is suitable for the site. The site is not subjected to any significant natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

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

(A) PUBLIC SUBMISSIONS

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, 4 submissions were received.

During the assessment period, further information was requested from the applicant that resulted in amended floor plans being provided detailing fire safety measures being installed in the building as a result of the Building Code of Australia Report also provided.

The plans did not alter the original layout of the building and therefore renotification of the amended floor plans was not required as they did not cause any greater impact on adjoining or adjacent lands.

A summary of the issues raised is provided below. A response from the applicant was also provided to Council for consideration.

<i>Submission Concern:</i>	<i>Comment:</i>
The land does not meet the minimum lot size and no dwelling entitlement exists on the land.	The subject land is confirmed to be 16.19ha and does not meet the minimum lot size of 100ha in the RU1 zone. The land does not benefit from a dwelling entitlement. The development application submitted does not seek Council consent for a dwelling house

	and therefore the minimum lot size or requirement for a dwelling entitlement is not relevant to the application.
Unlawful building work undertaken by the landowner.	Council has issued a stop works order as recently as December 2023 which required a development application be submitted for consideration by Council for the building that was identified to be constructed not in accordance with the Code SEPP requirements.
The building looks like a dwelling and a farm building does not require internal doors, architraves or a staircase balustrade.	<p>The external fabric and appearance, including the gable roof form and steel construction, is generally consistent with other farm buildings or farm sheds in the locality. It is agreed however that the use of full elevation glass panels and windows, along with a chimney is not generally included on a typical farm building. However, as noted in this report, there are no development restrictions or standards that prohibit the inclusion of windows, gyprock or architraves within a farm building.</p> <p>In addition, the Building Code of Australia (BCA) report provided to Council for assessment notes the building is not a class 10 building, but rather a class 7 or 8 farm building under the National Construction Code. As a result, this building classification requires the installation of essential fire safety measures within the building. The applicant has updated the floor plans to ensure that those required safety measures, and egress requirements are achieved within the building in accordance with the BCA report provided. A construction certificate will be required for this additional building work.</p> <p>Further, a condition is recommended to decommission or remove the chimney stack and fireplace to the satisfaction of Council in order to address the fire hazard concerns, discussed further below.</p>
The building includes silage storage next to a fire place and is a fire hazard.	As noted above, it is agreed that a fireplace serves no purpose in a farm building, also being located immediately adjacent to proposed silage/hay storage and fuels / oils from machinery storage on the ground floor of the building. As a result, a condition is recommended to remove or decommission the fireplace and chimney stack to ensure it is permanently not able to be used to the satisfaction of Council.
Windows / glass sliding doors are not practical for access by machinery and silage storage	Whilst the glass panelling and full elevation window placement is not a typical material used throughout a farm building, there are no development standards that preclude the use of

	<p>glass or limit having windows in a farm building.</p> <p>The two large glass and steel sliding doors provided on the western elevation are presented on the plans submitted with the application and indicate that a 3m high and 5m wide sliding opening is available to provide access to the ground floor silage / hay and machinery storage area of the farm building. By way of comparison, a standard domestic double garage roller door is available to 3m high, and up to 5.5m wide and are able to fit 2 vehicles therewithin. As a result, whilst there is no requirement to ensure a tractor or other type of machinery such as bobcat can access all areas of a farm building, the critical aspect that must be considered by the application is that the use of the building is ancillary to the agricultural use of the land, regardless of the inclusion or exclusion of glass panelling.</p>
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(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

(A) FEDERAL, STATE AND LOCAL GOVERNMENT INTERESTS AND COMMUNITY INTERESTS

As the proposed development has generated interest from surrounding residents and the public, the application is reported to Council for determination.

The application does not, however, generate any significant issues in the interest of the general public, subject to compliance with the recommended conditions of consent.

CONSULTATIONS

(A) HEALTH AND BUILDING

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

(B) TECHNICAL SERVICES

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

(C) HERITAGE ADVISOR

No consultation necessary.

(D) ACCESS COMMITTEE

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

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

Legislation

Local Government Act 1993
Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

Financial implications

Should Council refuse the application and the applicant seeks to appeal this decision through the Land & Environment Court, legal costs associated with an appeal will be required to be funded by Council.

Associated Risks

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

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

24 June 2024

Attachments:

1. Plans and BCA Report. (separately attached)
2. Submissions. (separately attached)
3. Applicant response to Submissions. (separately attached)
4. Site Photos - May 2024. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 ME0033/2024 (DA0098/2006) - Modification to Staging of Subdivision @ 130-148 Medley Street GULGONG NSW 2852

REPORT BY THE TOWN PLANNER
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, P1266361

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the ME0033/2024 (DA0098/2006) - Modification to Staging of Subdivision @ 130-148 Medley Street GULGONG NSW 2852;
- B. that ME0033/2024 (DA0098/2006) - Modification to Staging of Subdivision @ 130-148 Medley Street GULGONG NSW 2852 be approved subject to the following conditions:

APPROVED PLANS

1. The subdivision is to be carried out generally in accordance with the stamped approved plan Ulan Coal Mines Ltd - Proposed plan of Subdivision (SD857) dated 8/2005; drawn by RJ Crooks and Associates Pty Ltd and Statement of Environmental Effects prepared by RJ Crooks and Associates in conjunction with Barnson Pty Ltd for Stages 1, 2 and 3 and the Staging Plan for Hollingsworth Estate, dated 18th January 2024, drawn by de Witt Consulting and Statement of Environmental Effects prepared by de Witt Consulting for Stages 4A, 4B and 5, except as varied by any conditions listed herein. Any minor modification to the approved subdivision plan will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDED BY ME0033/2024

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE (ALL STAGES)

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

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

Note: Council's fee to issue a *Subdivision Certificate* is set out in Council's fees and charges and for this development, at the date of determination, is \$140 plus \$70 per lot.

3. Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained for each stage and lodged with Council prior to the issue of the *Subdivision Certificate*.
4. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

5. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
6. Prior to the issue of a *Subdivision Certificate*:
 - (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) an agreement be made between the developer and Council; as to the security to be given to Council that the works will be completed or the contribution paid, and as to when the work will be completed, or the contribution paid.

WATER AND SEWER

7. The developer shall obtain a *Certificate of Compliance* under the Water Management Act 2000. This will require:
 - (a) 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 development shall be borne by the developer.
8. The applicant is to provide separate water and sewer reticulation services to each lot in the proposed subdivision.
9. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is 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 & Sewerage Codes of Australia.
10. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
11. Engineering plans of any mains extensions are to be lodged with Council and approved prior to the commencement of any construction.

Note: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

Note: Council does not permit other bodies to insert new junctions into 'live' sewer or water mains.
12. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$250 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE STAGE 1 19 x \$350 = \$6,650

TOTAL PAYABLE STAGE 2	15	x	\$350	=	\$5,250
TOTAL PAYABLE STAGE 3	19	X	\$645	=	\$12,255
TOTAL PAYABLE STAGE 4A	11	X	\$645	=	\$7,095
TOTAL PAYABLE STAGE 4B	11	X	\$645	=	\$7,095
TOTAL PAYABLE STAGE 5	6	X	\$645	=	\$3,870

AMENDED BY ME0033/2024

STORMWATER

13. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
14. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
15. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction - Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
16. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
17. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
18. Water quality devices shall be installed in accordance with Part 5.3 of Mid-Western Regional Council's Development Control Plan 2013 (DCP 2013). Such devices are to be inspected by Council for compliance with the DCP 2013 prior to the issue of a Subdivision Certificate.
19. Deleted
20. The applicant is to indicate how the storm water leaving the site will be directed towards Gossage Road. This may require easement negotiations with downstream landholders. Full details to be provided with the application for

Construction Certificate.

21. 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.

ROADWORKS

22. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.
23. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and the relevant Australian standards.
24. *Amended pursuant to modification MA0001/2012*

The developer is to upgrade Grevillea Street for the full frontage of the proposed subdivision (relevant to each stage), such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5m wide @ 6% crossfall
Footpath Width	Residue of current road reserve
Concrete Footpaths	1.2 wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.

25. Road Number 1 in the subdivision is to be constructed in accordance with the following:

Item - Road 1	Requirement
Road Reserve Width	18 m
Pavement Width	9m
Footpath Width	4.5 m
Concrete Footpaths	1.2 wide (one side)
Seal	Two-coat flush seal - 14/7 mm (Double/ Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.

AMENDED BY ME0033/2024

OTHER SERVICES

26. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- (a) A certificate from Country Energy indicating that satisfactory arrangements have been made for provision of an underground electricity supply and street lighting to the subdivision;
 - (b) A Pre-Provisioning Confirmation Document from Telstra indicating that satisfactory arrangements have been made for the provision of telephone services to the subdivision.
 - (c) Documentary evidence of the creation of easements with associated Section 88 instruments, in favour of the lots which benefit from the utility, over any services through private property.
27. Underground electricity and street lighting is to be supplied to the subdivision. Details to be submitted for approval by Council and Country Energy prior to issue of the *Construction Certificate*.

ENGINEERING DETAILS

28. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
29. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map}, material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a *Construction Certificate*.
30. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
31. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000.00, whichever is the greater, shall be lodged with Council.
32. The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.
33. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.
Note: Any unexpended bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.
34. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

Note: The *Construction Certificate* may be issued by Council or an Accredited Certifier. Council's fee for this service is set out in Council's fees and charges.

35. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road Pavement construction
 - Road Pavement surfacing
 - Practical Completion
36. Upon inspection of each stage of construction, the Council (or an *Accredited Certifier* on behalf of Council) is also required to ensure that adequate provisions are made for the following:
 - Sediment and erosion control measures;
 - Traffic control measures;
 - Maintenance of public areas free from unauthorised materials, waste or other obstructions.
37. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
38. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
39. The applicant shall repair, in accordance with the requirements specified in Aus-Spec #1, any part of Council's property damaged during the course of this development.

GENERAL

40. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results to be submitted to Council prior to issue of the *Subdivision Certificate*.
41. Any proposed site filling is to be performed in accordance with Aus-Spec #1, and all fill is to be:
 - (i) from clean material only, free from organic matter;
 - (ii) compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil graded at a minimum slope of 1:200 towards the proposed new road.
42. A 'restriction as to user' shall be created in accordance with the Conveyancing Act specifying that any construction shall be carried out in accordance with requirements for building in saline environments as contained in AS 2870 'Residential Slabs and Footings'.

43. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately, and the local aboriginal community and National Parks and Wildlife Service are to be notified.
 Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
44. Street tree landscaping is to be provided within the proposed road reserves. A plan for the proposed planting is to be submitted for approval by Council prior to issue of a Subdivision Certificate. All landscaping is to consist of appropriately advanced trees.
45. *Amended pursuant to modification MA0001/2012*

The proposed drainage reserves are to be turfed.

Item	Requirement
Half Road Pavement Width	Existing Pavement is considered adequate
Footpath Width	Existing 8.45 m to remain
Concrete Footpaths	1.2 wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Existing Standard concrete kerb & gutter to remain
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.

STAGE 1 SPECIFIC CONDITIONS

46. The developer is to upgrade Fisher Street for the full frontage of the proposed subdivision, such that it has the following characteristics:
47. Proposed intersection treatment measures must be detailed in the Engineering Plans submitted to Council prior to the issue of *Construction Certificate* for the intersection of Road No. 1 and Grevillea Street.
48. The new roads in the subdivision are to be constructed in accordance with the following:

Item- Road 2	Requirement
Road Reserve Width	15 m
Pavement Width	7.0 m
Footpath Width	4.0 m
Concrete Footpaths	Not Required
Seal	Two-coat flush seal - 14/7 mm (Double/ Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required

Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.
Cul-de-sac Head	Minimum sealed radius 8.5m

STAGE 3 SPECIFIC CONDITIONS
DELETED BY ME0033/2024

49. Road Number 3 in the subdivision is to be constructed in accordance with the following:

Item - Road 3	Requirement
Road Reserve Width	15 m
Pavement Width	7.0 m
Footpath Width	4.0m
Concrete Footpaths	Not required

AMENDED BY ME0033/2024

STAGE 4 SPECIFIC CONDITIONS
DELETED BY ME0033/2024

50. The developer is to upgrade Medley Street for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	6.5m wide @ 3% crossfall
Footpath Width	3.5m to match existing kerb and gutter
Concrete Footpaths	1.2 wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.

51. Any work to be carried out within 3m of the travel lanes of the highway requires a Road Occupancy Licence from RTA which can be obtained by contacting Mr Paul Maloney on (02) 6861 1686.

STAGE 5 SPECIFIC CONDITIONS
DELETED BY ME0033/2024

52. The number of proposed accesses onto Medley Street is to be minimised through the use of shared access points. Two access points are agreed to, one access point servicing lots 65 and 66 and another servicing lots 67 and 68. These requirements are to be enforced through Restrictions as to Users on the title of the lots in accordance with section 88 of the Conveyancing Act.

53. Lot 69 is to gain access from Guntawang Street only. This requirement is to be enforced through a Restriction as to User on the title of lot 69 in accordance with section 88 of the Conveyancing Act.
54. No allotments adjoining Fisher Street are to have access from the highway and are only to access from Grevillea Street and proposed road no.2. These requirements are to be enforced through Restriction as to Users on the titles of the lots in accordance with section 88 of the Conveyancing Act.
55. Proposed intersection treatment measures must be detailed in the Engineering Plans submitted to Council prior to Construction Certificate for the intersection of Medley and Guntawang Streets and the intersection of Fisher Street and Grevillea Road. As both required intersections are located on the Castlereagh Highway the developer will be required to enter into a Works Authorisation Deed with RTA. A Works Authorisation Deed is necessary in order to carry out privately funded works on a classified state road. All works are to be at no cost to the RTA.
56. The developer is to upgrade Guntawang Street for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5m wide @ 3% crossfall
Footpath Width	4.5m
Concrete Footpaths	1.2 wide
Seal	Two-coat flush seal - 14/7 mm (Double/ Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events and adjacent to intersections.

57. As Guntawang Street is currently a Crown Road, prior to any road construction, the crown road reserve must be transferred to Council. The transfer can be initiated by paying the fee required to the Department of Lands (via Council) and Council sending an accompanying letter requesting the road be transferred to Council.

Executive summary

OWNER/S	Ulan Coal
APPLICANT:	Mr Harrison Drewer / de Witt Consulting
PROPERTY DESCRIPTION	130-144 Medley Street GULGONG NSW 2852
PROPOSED DEVELOPMENT	Subdivision – Torrens Title
ESTIMATED COST OF DEVELOPMENT:	Nil.
REASON FOR REPORTING TO COUNCIL:	Previous applications have been determined by Council.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a Section 4.55 (1A) Application (ME0033/2024) to modify Development Application DA0098/2006 and all subsequent modifications previously approved by Council.

The modification proposes to amend the subdivision staging plan to create one additional stage, separating the lots fronting Medley Street from the remainder of the stages that have not yet been completed.

No other changes are proposed or required to accommodate the new staging plan, and there is no increase to the total number of lots proposed by the development.

The proposed modification is recommended for approval.

Disclosure of Interest

Nil

Detailed report

Original Approval

The original development consent, approved on 6th December 2006, was for an 81 lot Torrens Title Subdivision, with associated drainage reserves and construction of new roads. Subdivision Works Certificate CCC0015/2009 was issued for civil works, of which Stages 1 and 2 have been completed and the lots within these two stages have been registered and on sold to the public.

Approved Modifications

There have been two previous modifications to the original consent

- MA0001/2012 approved on 14th February 2013 to alter civil engineering requirements in order to seek a more logical and economical form of development, and
- ME0014/2014 approved on 4th November 2014 to amend conditions 18 and 19 in relation to drainage.

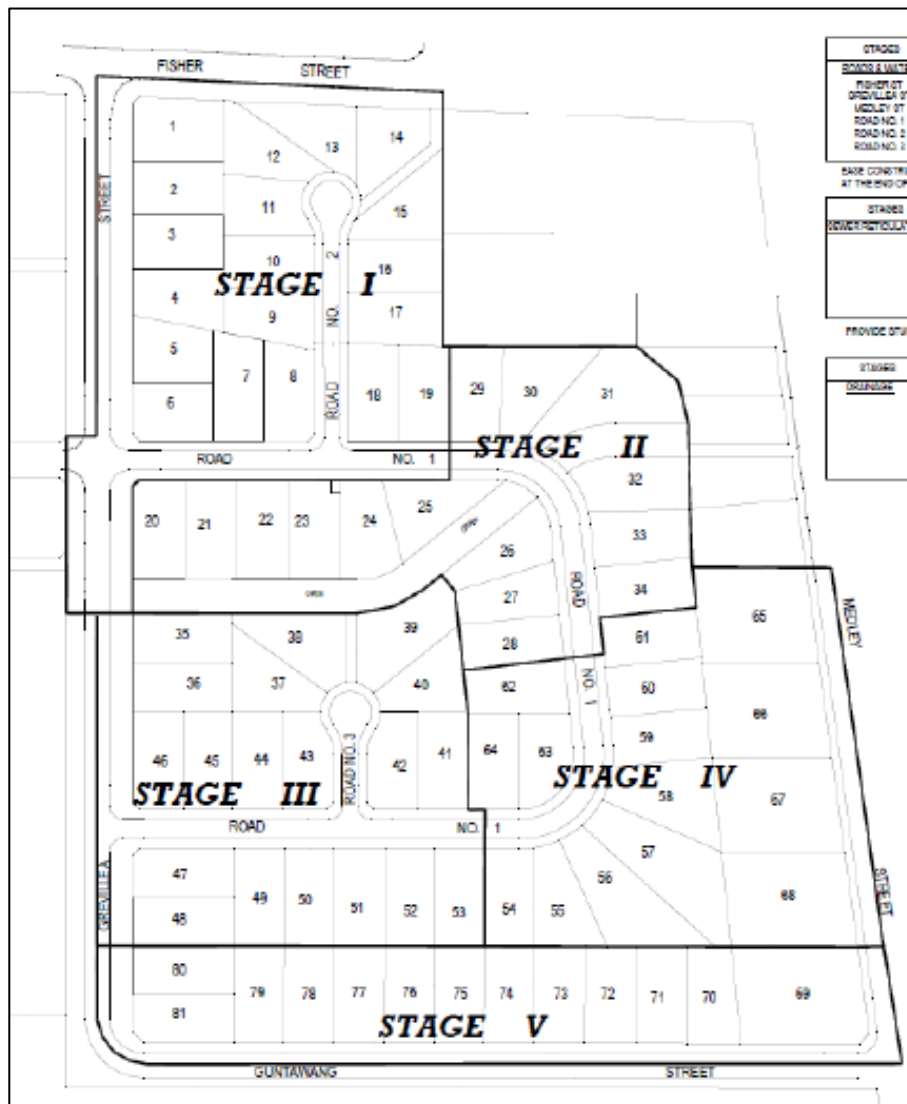


Figure 1: Approved Subdivision Plan

Proposed Modification

Modification Application ME0033/2024 seeks approval to modify the staging plan approved under Development Application DA0098/2006.

The modified plan proposes to alter stages 4 and 5 to include an additional stage, resulting in stages 4A, 4B and 5. There are no changes proposed to stage 3 - as previously approved.

Remaining approved staging release:

- Stage 4 comprising of Lots 54 to 68 (Lots fronting Hollingsworth Drive and Medley Street)
- Stage 5 comprising of Lots 69 to 81 (Lots fronting Grevillea Street and Guntawang Street)

Proposed staging plan forming part of the modification application:

- Proposed Stage 4A comprising of Lots 54 to 64 (Lots fronting Hollingsworth Drive)
- Proposed Stage 4B comprising of Lots 71 to 81 (Lots fronting Grevillea Street and Guntawang Street)
- Proposed Stage 5 comprising of Lots 65 to 70 (Lots fronting Medley Street and two lots fronting Guntawang Street)

The primary purpose of the amended staging plan is to separate any lots fronting Medley Street into their own stage (stage 5 as shown on the proposed plan), so that the intersection works required with the classified road (Medley Street) and Guntawang Street can be designed and undertaken in accordance with TfNSW requirements. All lots within proposed stages 3, 4A and 4B can obtain access via Grevillea Street and Fisher Street, until the intersection works are completed. No changes are required to infrastructure or services to accommodate the amended staging plan.

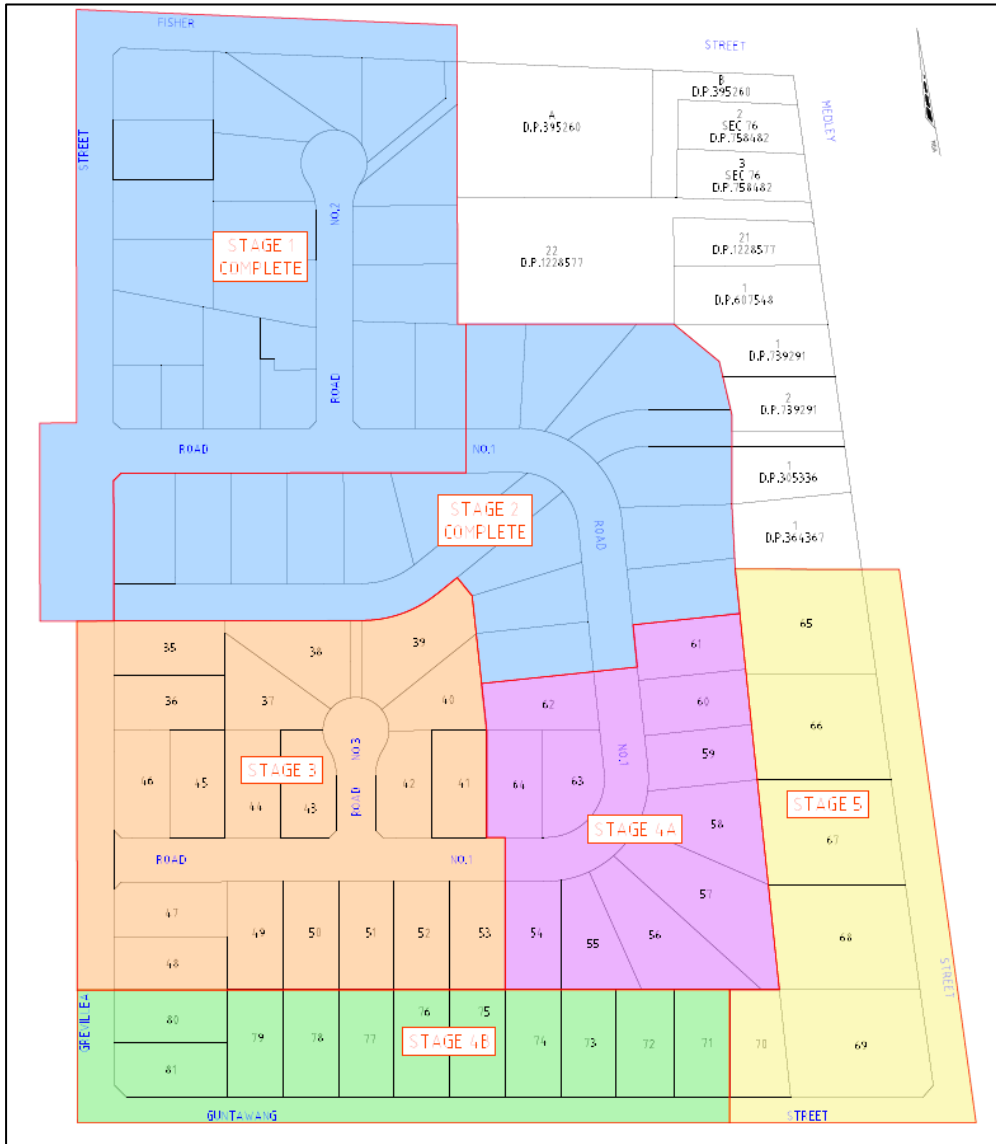


Figure 2: Proposed Subdivision Plan

The subject land, being the residual land (**Figure 3**) has an area of 62.8ha, with frontages to Medley, Guntawang and Grevillea Streets. The subject site is located on the fringes of Gulgong township, with a small portion of the site being located within the Gulgong Heritage Conservation Area.

The development site is adjoined by Victoria Park Oval and Gulgong Showground to the west and southwest, predominately undeveloped R1 and R5 zoned land to the south, R2 zoned land to the east and the northern boundary abuts established low scale housing built within stages 1 and 2 and the Happy Days - Gulgong Child Care Centre and Preschool.



Figure 3 – Location map (source - Council’s mapping system - Intramaps)

MATTERS FOR CONSIDERATION

The application has been assessed in accordance with Section 4.55 and 4.15 of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows:

SECTION 4.55(1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

It is considered that the proposed modification is of ‘minimal environmental impact’ compared to the originally approved proposal, as the development footprint will not be altered, with no changes required to the approved road layout or infrastructure required. The modification will also not impact on Aboriginal Heritage items or threatened species identified on the site and will not increase the size of the stormwater detention/dispersal.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

The modification is considered to result in substantially the same development as that for which consent was originally granted. The modification will split the remaining 3 stages into 4 stages within the existing development footprint. The position and shape of the lots remain unchanged, and no changes are proposed to the road layout.

- (c) *it has notified the application in accordance with* (i) *the regulations, if the regulations so require, or (ii) a Development Control Plan,*

This modification was not required to be notified, in accordance with Mid-Western Regional Community Participation Plan 2019, where Council is satisfied that the development will have the same or lesser impact on the amenity of adjoining property owners as the original application.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions were received.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

All matters under Section 4.15(1) of relevance to the modification are addressed below.

4.15(1)(a) Evaluation

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

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The proposed modification does not give rise to any issues that need to be reconsidered under the MWRLEP 2012.

(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Do any development control plans apply to the land to which the Application relates?

Mid-Western Regional Development Control Plan (DCP) 2013

The original development was considered against the Mid-Western Development Control Plan 2013. The proposed modification does not give rise to any issues that need to be reconsidered under the DCP 2013.

Mid-Western Regional Development Contributions Plan 2005–2021

The proposed modification does not increase the number of residential lots, therefore, there will be no changes to developer contributions payable for the subdivision.

(iiia) Do any planning agreement or any draft planning agreement apply?

The original Council Report for the subdivision, determined on the 6th December 2006, did not levy Section 94 contributions, as this requirement was covered in an agreement between UCML and the State government and the former Mudgee Shire Council in accordance with the development consent for stage 1 of the coal mine.

(iv) The regulations

Environmental Planning and Assessment Regulation 2021

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

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

The proposed modification does not alter the impacts associated with the approved subdivision.

4.15(1)(c) Suitability of Site for the Development

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

4.15(1)(d) Any submissions made in accordance with Act or Regulations

No submissions were sought or received from members of the public.

4.15(1)(e) The Public Interest

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

CHANGES TO CONDITIONS

The proposed modification sought to amend the staging plan to include one additional stage.

Throughout the assessment process and after discussions with the applicant, it was decided to remove the staging of conditions from the consent, to allow for lots to be release in any order, regardless of the staging plan or the need for further modifications.

This has resulted in the following recommended changes to be made to existing conditions:

- **Condition 1** – the approved plan will be required to be amended to include the updated staging plan of the subdivision.
- **Condition 12** – this condition provides a table for the payment of water meters in each stage. This has been altered to show the correct water meter charge per lot to be released.
- **Condition 25** – Added in the road number to provide clarity as to when this condition requires completion
- **Condition 49** – Added in the road number to provide clarity as to when this condition requires completion
- **Stage 3 Heading** – the removal of the stage headings will allow the release of lots in any order, without the need for further modifications.
- **Stage 4 Heading** – the removal of the stage headings will allow the release of lots in any order, without the need for further modifications.
- **Stage 5 Heading** – the removal of the stage headings will allow the release of lots in any order, without the need for further modifications.

CONSULTATIONS

Development Engineer

Council's Development Engineer has made the following comments in relation to the proposed modification:

The proposed amended staging and relocation of conditions as requested by the applicant is supported from an engineering perspective.

It is noted that no condition is currently included specifying road construction standards for stage 4, as such it is recommended that Condition 49 is duplicated with the Stage 4A conditions if the modification is supported.

CONCLUSION

The proposed modifications proposed within application ME0033/2024 have been assessed and are considered acceptable. The proposed modifications do not alter compliance with relevant

development standards and Council's requirements for residential subdivisions and the application is recommended for approval subject to the modified conditions of consent.

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

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

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2021

Financial implications

Not Applicable

Associated Risks

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

KIM ORTH
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 June 2024

Attachments: 1. Amended Staging Plan and Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Planning Proposal Lot 1 DP702951 (36-42 Short Street, Mudgee) increase building height from 8.5 to 10.5 metres

REPORT BY THE MANAGER STRATEGIC PLANNING
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, LAN900154

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Lot 1 DP702951 (36-42 Short Street, Mudgee) increase building height from 8.5 to 10.5 metres; and**
2. **not support the Planning Proposal as the increase to building height to accommodate additional residential units is not justified.**

Executive summary

Council has received a Planning Proposal to increase the building height from 8.5 metres to 10.5 metres for Lot 1 DP702951 (36-42 Short Street, Mudgee) as detailed on the Planning Proposal submission form. In addition to Lot 1 DP702951 (36-42 Short Street, Mudgee), the proponent has included Lot 21 DP 816236 (42A Short Street, Mudgee) and Lot 22 DP 816236 (44 Short Street, Mudgee) in the planning proposal documentation and technical reports. The proponent advised Council that it is 'sensible and strategic to include these sites'. Accordingly, the planning proposal itself and all supporting technical documentation refers to all three lots.

The subject site is currently zoned R1 General Residential, residential flat buildings are permissible with the consent of Council. A two-storey residential flat building could currently be achieved on the subject site. Accordingly, this planning proposal is not considering the permissibility of a residential flat building, but strategic merit for increasing the building height to accommodate a third storey of units, roof top open space, bathrooms and a lift tower.

Lot 1 DP702951 (36-42 Short Street, Mudgee) and Lot 21 DP 816236 (42A Short Street, Mudgee) front Short Street and Lot 22 DP816236 (44 Short Street, Mudgee) fronts Court and Short Streets. Walkers oval adjoins the site to the north.

Concept plans have been provided for Lot 1 DP702951 (36-42 Short Street, Mudgee). The increased building height is to facilitate the development of a third storey, rooftop alfresco area, bathrooms and a lift tower of a residential flat building. Specifically, the third storey will accommodate an additional 8, 2-bedroom units. The concept plans detail a variation to the proposed 10.5 metre height, the Planning Proposal states this will be accommodated with a Clause 4.6 of the *Mid-Western Regional Local Environmental Plan 2012*.

The Planning Proposal documentation states, Lot 22 DP 816236 (44 Short Street, Mudgee) *'is in different ownership. However, it is also included in the Planning Proposal as it could ultimately form another significant development site if consolidated with Lot 21 DP 816236; at a timing that suited both landowners'*.

As referenced above, Lot 22 DP 816236 (44 Short Street, Mudgee) is in separate ownership. In accordance with the Department of Planning Housing and Infrastructure, *Local Environmental Plan Making Guideline*, Council is not required to notify neighbours (and in this case, the landowner) at Stage 2 in the planning proposal process. In the event the Planning Proposal were to progress to Stage 5 – Public Exhibition and assessment, the landowner would be engaged.

The Planning Proposal is accompanied by various technical reports including a Housing Supply and Demand Analysis (HSDA) prepared by Ethos Urban, the report has been prepared to demonstrate a demand for the proposed. The HSDA demonstrates housing demand, but nothing greater than that of Council's Mudgee and Gulgong Urban Release Strategy 2023 Update (URS). Council's URS details how current supply can respond to demand to 2041. Further, the Planning Proposal states '*the Planning Proposal (height increase to accommodate 8 additional two-bedroom units) will make feasible a development...*'. This economic justification does not provide strategic merit for the proposed height increase.

The HSDA includes a review of the development pipeline, sourced from the Cordell Connect database. This database draws on live data, however, can't capture planning proposal data at scoping proposal stage. Planning proposals at scoping proposal stage are not visible on the Planning Portal.

Further, the HSDA does not specify what land has been included in the pipeline. Council appropriately considers land strategically identified for the future residential supply (not yet zoned), zoned land (not yet subdivided) and zoned land (development application approved for subdivision). Council's update to the Mudgee and Gulgong Urban Release Strategy (URS) in 2023 provided clarity of land within the pipeline. The URS considered land strategically identified for future residential supply. Council is currently considering scoping proposals for these sites.

Council undertook its initial assessment of the Planning Proposal and provided comment to the proponent, specifically about the suitability of the justification provided. The proponent requested the Planning Proposal be reported to Council for consideration, with no further justification provided.

The Planning Proposal and technical reports have been attached, the Planning Proposal has been prepared generally in accordance with the structure outlined in the NSW Department of Planning, Housing and Infrastructure, *Local Environmental Plan Making Guideline*.

As noted above, a residential flat building is permissible to a height of 8.5 metres on the subject site. However, there is insufficient justification to support the increased mapped building height from 8.5 to 10.5 metres to facilitate the additional storey of apartments, rooftop open space, bathrooms and lift tower. Further, the appropriateness of higher density located on the urban edge is not fully explored and justified. Accordingly, the staff recommendation is not to proceed with the Planning Proposal.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the application and process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. The Department of Planning, Housing and Infrastructure (DPHI) has issued *Local*

Environmental Plan Making Guideline, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPHI's *Local Environmental Plan Making Guideline*.

Gateway Timeline

The following table summarises the key components of making an amendment to the *Mid-Western Regional Local Environmental Plan 2012* and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff prepared the Planning Proposal	✓	14 December 2023
Council consideration of the Planning Proposal	✓	17 July 2024
Issue of Gateway Determination		
Council Requests Gateway Determination		
DPE Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSAL

The Planning Proposal seeks to increase the building height from 8.5 metres to 10.5 metres to facilitate a third storey for a proposed residential flat building. The Planning Proposal seeks the increase in building height for the following three lots:

Lot 1 DP702951 – 36 to 42 Short Street, Mudgee, measures 2635 m²

Lot 21 DP 816236 – 42A Short Street, Mudgee, measures 1373m²

Lot 22 DP 816236 – 44 Short Street, Mudgee, measures 1028m².

Concept plans of the residential flat building proposed have been provided for Lot 1 DP 702951 (36-42 Short Street). The plans detail 28 units; consisting of 4 townhouses on the northern boundary of the site and 24 two-bedroom units. Basement parking of 36 spaces, including 6 visitor and 3 accessible parking spaces are proposed. In addition, rooftop alfresco area, bathrooms and lift tower is proposed.

The below documentation has been submitted to Council and are attached to this report –

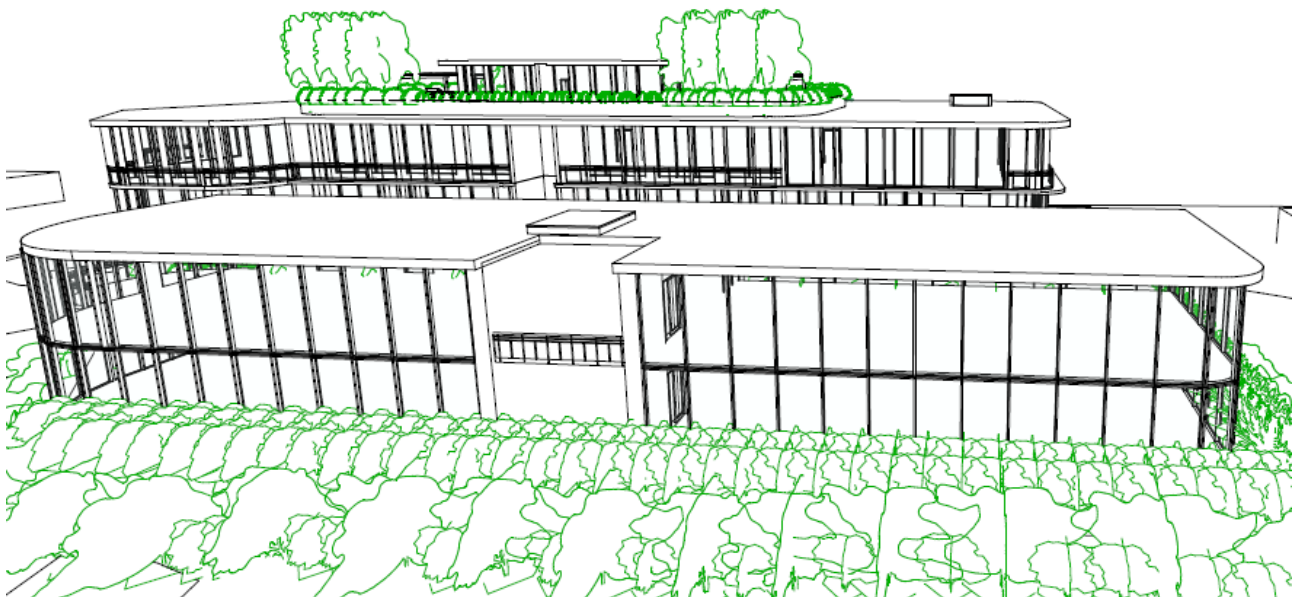
- Planning Proposal Submission Form
- AHIMS Search

- Architectural drawings
- Flood Impact Statement (Amended)
- Geotechnical Report
- Housing Supply and Demand Analysis
- Infrastructure Report
- Planning Proposal
- Preliminary Site Investigation
- Statement of Heritage Impact (Amended)
- Traffic Management Plan

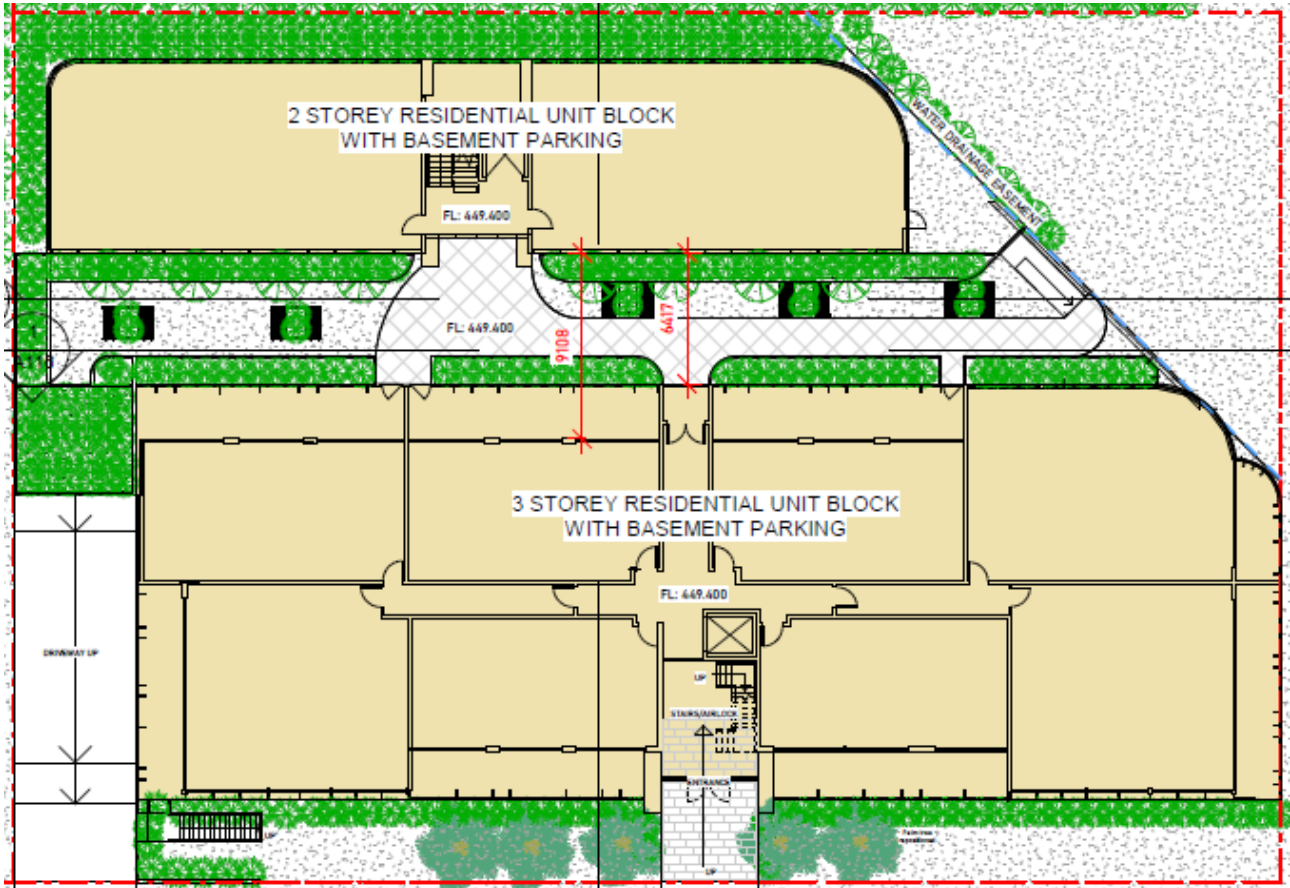
The below are from the provided architectural drawings.



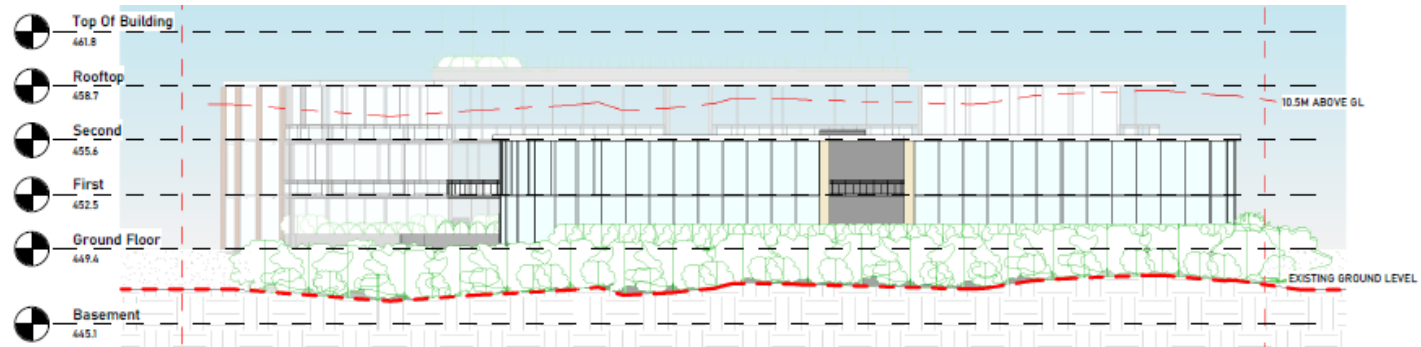
Southern elevation/view from Short Street.



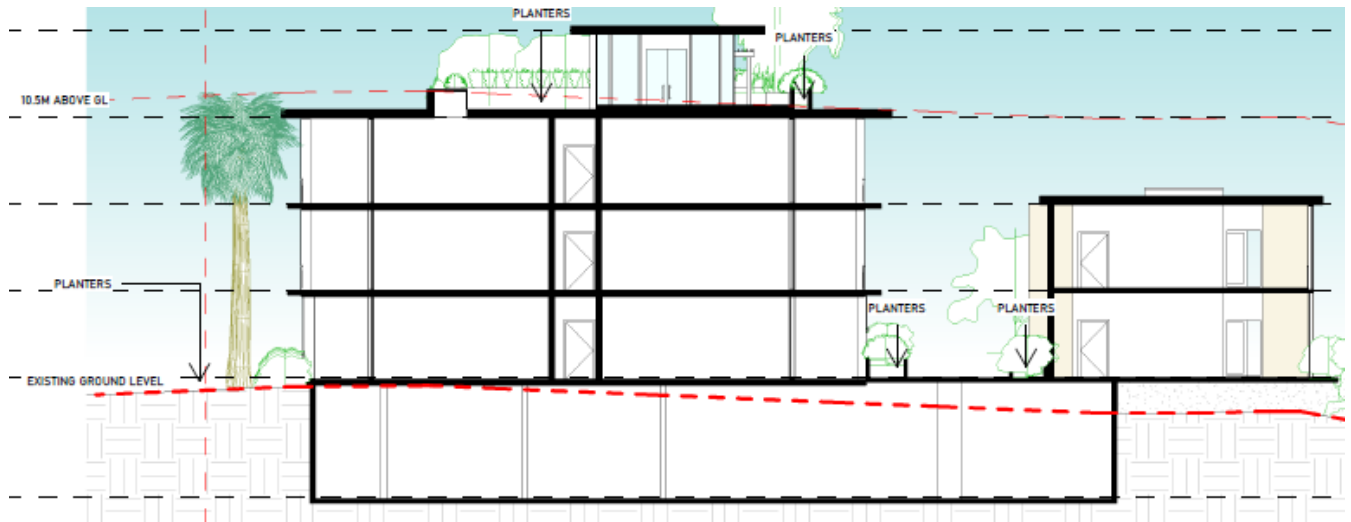
Northern elevation/view from Walkers Oval.



Site Plan



Northern elevation



Section

INTENDED OUTCOMES

The Planning Proposal seeks to increase the building height from 8.5 to 10.5 metres and specifically in relation to Lot 1 DP702951 (36 to 42 Short Street) the height increase is to facilitate the development of a three-storey residential flat building with a rooftop a roof top alfresco area including bathrooms and lift tower.

EXPLANATION OF PROVISIONS

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

- Amending Heights of Buildings Map – Sheet HOB_006G from 8.5 to 10.5 metres.

JUSTIFICATION

The DPHI *Local Environmental Plan Making Guideline* (August 2023) outlines questions to consider when demonstrating the justification. The questions most pertinent in consideration of this Planning Proposal are discussed below.

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

Mudgee and Gulgong Urban Release Strategy 2023 Update

Council's update to the Mudgee and Gulgong Urban Release Strategy (URS) in 2023 provides certainty of residential land supply and demand to 2041. The URS considered land strategically identified for future residential supply. Council is currently considering scoping proposals for these sites to ensure land will continue to move through the pipeline. Council has sufficient supply of residential land to meet the planning horizon.

Housing Supply and Demand Analysis (prepared by Ethos Urban)

The Housing Supply and Demand Analysis (HSDA), prepared by Ethos Urban is one of the technical reports provided in support of the Planning Proposal. The HSDA provides an independent housing supply and demand analysis.

The HSDA incorrectly references, within the executive summary, 'development in Mudgee's medium density zones'. The subject site is not zoned R3 Medium Density, but rather R1 General Residential.

The HSDA fails to discuss the dwelling typology demand, the report broadly discusses multi-dwelling housing, within the Region, the built outcome of multi-dwelling housing is predominantly single storey, three to four dwellings.

It is stated the Region is to benefit from the Parkes Special Activation Precinct, Inland Rail, Great Western Highway Upgrade and the Fast Rail', however fails to validate how.

The URS details two population projection scenarios (NSW DPHI Population Projections and Observed growth ABS Census). The resulting is a projection population between 15,123 – 15,424 for Mudgee by 2041. This projection is greater than that detailed in the HSDA. The URS demonstrates how the existing lot supply capacity and projected future demand to 2041 will be accommodated. In addition to the demand and supply analysis included in the URS, it must be noted that dual occupancy, multi-dwelling housing and residential flat buildings are all permissible in the R1 General Residential, not limited to the R3 Medium Density zoning, unlike other local government areas.

The HSDA discusses 'housing suitability' and states

'a review of housing suitability indicates that there is currently a misalignment between typical household sizes and dwelling sizes within MWRC, which is leading to overcrowding within dwellings for certain segments of the community, and underutilised houses with spare bedrooms for other segments of the community'

Whilst Council supports the development of varied dwelling typologies and density, this is being achieved currently by providing ample opportunities in land use permissibility. Council raises concern regarding, who gets to choose how many spare rooms a landowner should have? A landowner may be choosing to maintain bedroom availability for family and friend visitors or for short-term visitor accommodation income and it might not be in fact due to lack of availability? Such a consideration should be the subject of targeted stakeholder engagement and could be part of a region wide response, not just site-specific reactionary response.

The HSDA states there is anticipated to be implied demand for an additional 2,130 dwellings within MWRC to 2041. Council's URS states there is an estimated future demand for 2,987 dwellings in Mudgee alone. The lot capacity within land currently zoned and identified is detailed in the URS and demonstrates there is an 18-year supply remaining.

Is the planning proposal the best means of achieving the objectives and intended outcomes, or is there a better way?

The Planning Proposal is the only means to accommodating the proposed increased height.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) and SEPPs?

The Planning Proposal has provided in Appendix 2 consistency with State Environmental Planning Polices and in Appendix 3, consistency with section 9.1 Ministerial Directions.

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

The subject site is predominantly cleared of vegetation. The existing palms trees are detailed on the concept plans indicating that will be retained as part of any future development application for the site. Site specific constraints will be considered during the assessment of any future development application.

Has the planning proposal adequately addressed any social and economic effects?

The site can under current permissibility support the development of a residential flat building, providing additional housing for the Region. However, the Planning Proposal does not adequately justify why the additional storey is required. The Planning Proposal does state *'the Planning Proposal will make feasible a development that will improve stock and provide much needed diversity to the Mudgee housing market'*.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

If the Planning Proposal were to gain support, the views of authorities and government agencies will be sought post Gateway. The Gateway determination will stipulate which authorities or government agencies are required to consult with.

NEXT STEP

If Council supports the recommendation not to support the proposed rezoning, the next step would involve notifying the applicant of the decision not to proceed with the Planning Proposal.

If Council wishes to support the increase to the building height for the subject site, Council will need to resolve provide initial support for the Planning Proposal and submit to the DPHI via the Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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

Mudgee and Gulgong Urban Release Strategy, 2023 Update.
Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

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

Legislation

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

Financial implications

Nil.

Associated Risks

Nil.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

12 June 2024

- Attachments:*
1. Planning proposal submission form. (separately attached)
 2. Planning Proposal. (separately attached)
 3. AHIMS search. (separately attached)
 4. Architectural Drawings. (separately attached)
 5. Flood Impact Assessment (Amended). (separately attached)
 6. Geotechnical Report. (separately attached)
 7. Housing Supply and Demand Analysis. (separately attached)
 8. Infrastructure Report. (separately attached)
 9. Preliminary Site Investigation. (separately attached)
 10. Statement of Heritage Impact (Amended). (separately attached)
 11. Traffic Management Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Planning Proposal Lot 122 DP 1074283 - 10-12 Burrundulla Avenue, Mudgee - Post Exhibition

REPORT BY THE MANAGER STRATEGIC PLANNING

TO 17 JULY 2024 ORDINARY MEETING

GOV400103, LAN900189, PP-2024-806

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Lot 122 DP 1074283 - 10-12 Burrundulla Avenue, Mudgee - Post Exhibition; and**
2. **request the NSW Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the *Mid-Western Regional Local Environmental Plan 2012* via the NSW Planning Portal.**

Executive summary

At Council's 17 April 2024 ordinary meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination. The Planning Proposal on Lot 122 DP 1074283, at 10-12 Burrundulla Ave, Mudgee seeks to amend the *Mid-Western Regional Local Environmental Plan 2012* for part rezoning to R3 Medium Residential, with 600m² minimum lots size and an 8.5 metre height limit.

A conditional DPHI Gateway Determination was granted on 21 May 2024. The Planning Proposal was placed on public exhibition from 24 May 2024 until 11 July 2024, in accordance with Condition 1. Two submissions were received during the exhibition period. Council consulted with the Department of Planning and Environment. The submissions have been provided as attachment 1. The matters raised in the submissions have been summarized and a staff comment has been provided.

The purpose of this report is to provide Council with a post exhibition report, consider submissions and progress the Planning Proposal to Stage 6: Finalisation of the LEP making process.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the application and process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. The Department of Planning, Housing and Infrastructure (DPHI) has issued *Local Environmental Plan Making Guideline*, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPE's *Local Environmental Plan Making Guideline*.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff prepared the Planning Proposal	✓	Jan - April 2024
Council Decision to Support Proposal	✓	17 April 2024
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	April 2024
DPE Issues Gateway Determination	✓	May 2024
Gateway Conditions Satisfied	✓	May 2024
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: - NSW Department of Climate Change, Energy, the Environment and Water.
Public Exhibition	✓	24 May - 21 June 2024
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 17 July 2024 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 16 May 2024 and included two standard conditions. The Planning Proposal was placed on Public Exhibition according to gateway condition 1. With no actions required from condition 2.

CONSULTATION

Community Consultation

Condition 1 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 20 business days. During the public exhibition two submissions were received.

Issues raised	Staff comment
<ul style="list-style-type: none"> • Providing support for the rezoning but objecting to the removal of the minimum lot size. Referring to the area being zoned as “low density residential”. • Reference to their lot not being included in the Planning Proposal on pages 7 and 9. 	<ul style="list-style-type: none"> • The planning proposal seeks to amend the rezoning of 10-12 Burrundulla Avenue from RE2 Private Recreation to R3 Medium Density Residential. All adjoining lots are zoned R3 Medium Density and lots to the east of Burrundulla Avenue are zoned R1 General Residential. • Lot 2 DP1236567 is included in both images on page 7. On page 9 is a draft of the subject site plan with very rough adjoining lots sketched. This is acknowledged that this is not included in this.
<ul style="list-style-type: none"> • Concerns around “affordable housing” and behaviours of the residents 	<ul style="list-style-type: none"> • The Planning Proposal is seeking to rezone the lot to be more relevant in its location, being that the adjoining lots are R3 Medium Residential. • The site plan is a draft of key worker/ more affordable housing. The development is to provide more diversity in Mudgee and attract people to the region. E.g. Keyworkers.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed to Stage 6: Finalisation. Stage 6 is the last stage in the LEP making process.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the

Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Local Environmental Plan 2012.

Financial implications

Nil

Associated Risks

If Council does not wish to proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise DPHI accordingly.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

14 June 2024

Attachments: 1. Gateway Determination.
2. Submissions.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-806): Amendment to Mid-Western Regional LEP 2012 to rezone land from RE2 Private Recreation to R3 Medium Density Residential, apply a minimum lot size of 600m² and amend the height of building map at Lot 122 DP1074283, 10-12 Burrundulla Avenue, Mudgee.

I, the Acting Director, Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone, apply a minimum lot size and amend the height of buildings map on the subject land should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 25 April 2025.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 16 April 2024



Graham Towers
Director, Southern Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces



17 June 2024

To: The General Manager
Mid Western Regional Council
PO Box 156
Mudgee NSW 2850

By email to council@midwestern.nsw.gov.au

To the General Manager

Re: The Planning Proposal seeks an amendment to Mid-Western Regional Local Environmental Plan 2012 (LEP) to rezone part of Lot 122 DP1074283 from RE2 Private Recreation with no maximum height limit to R3 Medium Density Residential with a maximum height limit of 8.5m.

We are writing further to our correspondence of 8 April 2024 and restate the objections contained in that letter.

It is concerning that you continue to issue plans that do not reflect that our property exists which leads us to conclude you have not considered our objections as required, in particular see Planning Proposal April 2024 Figure 2 Page 7 and page 9.

We do not object to the zoning reclassification from recreational to residential we do however object to the removal of the minimum lot size and increase to medium density residential where the rest of the area is low density residential. It not only undermines the character of the area it devalues it for existing residents and no regard appears to have been given to that.

It continues to remain unclear what the alleged benefits are for local residents. The argument that it brings employment is flawed as construction roles will only be temporary.

There is ample land to develop high density housing on the edge of town consistent with the existing high density housing for instance at Caerleon.

Do not hesitate to contact us if you have any further questions.

Yours sincerely

Michael Marsh

Jessica Blomfield

General Manager,

With putting more affordable housing in the area you're just creating a mess. Half of Winbourne st is terrible once the sun goes down. The fights and arguments that go on are ridiculous and that's still after the residents in the flats have been removed part time while the flats are getting renovated. Before they got removed the commotion was nearly every night, the police would be in the street 2 or 3 times a night. Now once the flats get renovated and your proposed affordable housing and units get built who knows what we're in for, and on a busy street like Burrundulla Ave they'll be on the street creating traffic hazards. For the families who call Burrundulla Avenue home, with these constant commotions create an uneasy environment which will see our kids go from playing safely in our front yards to retreating to inside to not be subjected to their poor and unsafe behaviors.

There is to much traffic speeding up Burrundulla Ave already without bringing affordable housing to the area, put it out of town and run a bus service.

The land is zoned for recreation 20million would build a great indoor sports venue for kids. The more the town grows the more options for kids sports would be a valuable addition to Mudgee. You cant just rely on glen willow which mostly is for winter sports, only touch football in summer.

Have affordable venues for for your indoor sports of all kinds, give people options and keep it affordable where the organizations can afford the rent and have great facilities. An indoor recreation sports venue would also generate tourism and income to the area, which is a benefit to our locally owned businesses, big or small.

We do not want affordable housing. Its time to put our children to the forefront and create more opportunities for sports and recreation to represent Mudgee.

Thanks,

Kaine Munn, 

8.5 Draft Employment Lands Strategy (Industrial) 2024 - Post Exhibition

REPORT BY THE MANAGER STRATEGIC PLANNING
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, LAN900156

RECOMMENDATION

That Council:

1. receive the report by the Manager Strategic Planning on the *Draft Employment Lands Strategy (Industrial) 2024 - Post Exhibition*; and
2. adopt the *Draft Employment Lands Strategy (Industrial) 2024*.

Executive summary

The purpose of this report is to consider the submissions received the exhibition period and adopt the *Draft Employment Lands Strategy (Industrial) 2024 (Draft ELSI 2024)*, prepared by PSA Consulting (and Bull + Bear Economics) on behalf of Council.

The Strategy has been prepared to guide the planning and identification of the suitable supply of employment lands (industrial), meeting projected demands for sustainable employment growth in the Mid-Western Region (Region). The Draft ELSI 2024 will shape the future employment land in the Region. The ELSI focuses on the E3 – Productivity Support, E4 – General Industrial and E5 - Heavy Industrial zonings across the towns of the Region.

The Draft ELSI 2024 is based on a comprehensive economic analysis of the Region prepared by Bull + Bear Economics which is provided as an appendix to the Strategy. The economic analysis made the recommendation that additional land be identified in the Region.

The Draft ELSI 2024 will provide direction in terms of considering any planning proposals relating to employment land (industrial).

During the exhibition three submissions were received and Council accepted one late submission. Three submissions relate to Mudgee and the fourth is regarding Charbon. The submissions have been considered, summarised and staff comment has been provided in the body of this report. The submissions have not resulted in recommended changes to the exhibited *Draft Employment Lands Strategy (Industrial) 2024*.

The staff recommendation is to adopt the Draft ELSI 2024 as exhibited.

Detailed Report

STRUCTURE OF THE DRAFT EMPLOYMENT LANDS STRATEGY (INDUSTRIAL) 2024

The Strategy has been structured as follows:


1. Introduction
2. Employment lands within the Region

3. Demographics and key employment issues
4. Industrial demand and supply analysis
5. Stakeholder consultation
6. Industrial employment opportunities
7. Summary of recommendations

The Draft ELSI 2024 details opportunity areas in the towns of Gulgong, Kandos, Mudgee and Rylstone. The Draft ELSI 2024 as exhibited is provided as Attachment 1.

PUBLIC SUBMISSIONS

The Draft ELSI 2024 was placed on public exhibition for a period of 28 days. During this period Council received a total of four submissions. The submissions are provided as Attachment 2. The issues raised have been summarised in the table following and a staff comment provided below:

<i>Issue raised in the submission</i>	<i>Council response</i>
<p>18 Castlereagh Highway, Mudgee (Lot 40 DP1124695)</p> <p>Consider including land located within 18 Castlereagh Highway, Mudgee (Lot 40 DP1124695) as a potential area of consideration for an employment zone under the Draft ELSI.</p>  <p>3.88ha of potential employment land identified in Opportunity Map 2 of the Draft ELSI seems to be unsuitable for the uses anticipated under the RU4 zone and will create fragmentation of the prime agricultural land on the site. Should consider Lot 40 DP1124695 instead.</p>	<p>The Draft ELSI 2024 identifies a range of sites as being potentially suitable for short (1-5years), medium (5-10years) and long term (10years+) industrial supply, particularly in locations such as Mudgee and Gulgong.</p> <p>The additional 140+ hectares of land identified for these purposes provides over double the amount of raw land identified as being required. Therefore, there is no need for further future industrial land to be identified as part of the ELSI.</p> <p>The subject site was explored during the initial industrial site investigation phase of the ELSI. However, Lot 40 DP1124695 was ultimately removed from considerations due to the following reasons:</p> <ul style="list-style-type: none"> - It is acknowledged that whilst the site adjoins the new Bunnings site, there is an existing residence (sensitive use) on the site, which will limit the feasibility of it being developed for industrial purposes in the short term. - The site also serves as an important gateway/entrance point into Mudgee which is valued by the community. It is not considered that a future industrial use on this site would be the most landmark entrance point into the Mudgee township.
<p>38 Hill End Road, Caerleon (Lot 18 DP 1113002 Lot 1 DP 1181749) and 637 Castlereagh Highway, Menah (Lot 10 DP 1147292)</p> <p>In 2022 Barnson Pty Ltd lodged a rezoning scoping proposal on behalf of landowners at 38 Hill End Road Caerleon to Council, proposing a masterplan to rezone the land for a mix of land uses including urban, residential, industrial and rural uses. The masterplan was recently amended to include a school. This rezoning scoping proposal and updated masterplan has been submitted with the submission to the Draft ELSI 2024.</p> <p>The Draft ELSI 2024 is proposing a large section of the subject site (being 38 Hill End Road, Caerleon) to become industrial uses which is inconsistent with the proposed masterplan provided to Council.</p>	<p>As outlined in the Draft ELSI 2024, Opportunity 1 Map showing the potential short-medium term expansion opportunities for the existing North-West Mudgee industrial precinct off Hill End Road has been considered for future employment land.</p> <p>It is considered that the site identified for future employment land (as mapped in the Opportunity 1 Map) is the most ideal site for further industrial expansion, as it represents a logical extension to the existing approved and established industrial estate. The extent of Opportunity 1 aimed at responding to the topography of the landscape.</p> <p>The presence of a residential zoning or a school development within the vicinity of an existing or future industrial zoning would fundamentally impact the operation or cause cessation of existing and future industrial uses. This would lead to Council's inability to attract economic investment, if adjoining land uses constrain industrial activity.</p>



There is an existing riparian zone which creates a buffer between the existing industrial area and future school site/residential lands, as shown on the masterplan.

Suggest reconsidering the mapped area for proposed employment land for Map No.4 within the Draft ELSI 2024.

The Draft ELSI 2024 does not advocate for the land identified for future Industrial purposes to be rezoned, but recognises that developer-led Planning Proposals for rezoning would be needed, which must then be subject to ordinary application processes through Council.

It is noted that the rezoning Scoping Proposal for rezoning of land located at 38 Hill End Road has been submitted to Council in 2022, with an amended masterplan received June 2024, however this is subject to a separate process. Council maintains the position that the proposal to introduce a sensitive land use located adjacent to the existing industrial land is of significant concern to Council and in attracting future economic investment to the Region.

Part of 3B Castlereagh Highway, Burrundulla Lot 6 DP1269918

Suggest expanding the proposed employment land area in Opportunity 2 Map, to include 11 hectares of land on Lot 6 DP1269918. Has available services and is close to town



Suggest the Draft ELSI 2024 to provide accurate depiction of suitable available land in the locations identified – also supported by some additional clarification of the 'constraints' that the demarcation of land had been based upon.

Clarify whether the mapping included in the documented opportunity area is more akin to a 'general indication' of the location identified and not a defined limit.

If the Employment Land Strategy (Industrial) is to be used as a basis for determining substantial fees, it is requested that it be clearly noted in the Strategy that the total developable area is not absolutely defined, for the basis of determining a hard limit to a future Planning Proposal and consistency with mapping.

A larger extent of Lot 6 DP1269918 was initially considered during the industrial site investigation phase of the ELSI and has since been refined as shown in Opportunity 2 Map, taking into consideration the flooding constraints on the site.

The current extent of Lot 6 indicated as potentially suitable for future employment purposes is considered to represent a reasonable extent, considering that the ELSI identifies an additional 140+ hectares of land for these purposes, which provides over double the amount of raw land identified as being required. Therefore, there is no need for further future industrial land to be identified as part of the ELSI.

The draft ELSI has provided some clarity in terms of the constraints that the identification of potential employment lands was based upon.

The mapped area for future employment land both in Opportunity 2 Map and all other maps is indicative only and is not absolutely defined. Further clarity could be provided at any future planning proposal scoping stage.

Charbon

Charbon has not been considered under the Draft ELSI 2024.

Charbon has a considerable brownfield site suitable for heavy industry at the now non-operating Centennial Coal colliery. This site has major rail and water assets and sufficient space to be energy independent and potentially energy exporting.

Charbon currently has no employment zoned land, notwithstanding that industrial uses may have operated in the area previously. However, the analysis conducted as part of the Draft ELSI 2024 did not identify the area as being strategically significant for future employment land.

Kandos, as the neighbouring suburb of Charbon, contains sufficient supply of employment zoned land that should more than meet the long term demand of industrial uses in the area, including to service Charbon.

18 Castlereagh Highway, Mudgee (Lot 40 DP1124695)

Staff recommendation

1. That the submission for 18 Castlereagh Highway, Mudgee (Lot 40 DP1124695) be noted, and that no amendment be made to the Draft ELSI 2024.

Option

1. That Council amend the Draft ELSI 2024 to include 18 Castlereagh Highway, Mudgee (Lot 40 DP1124695) as an opportunity in the Draft ELSI 2024; and

2. Place the amended Draft ELSI 2024 for a period of 28 days.

38 Hill End Road, Caerleon (Lot 18 DP 1113002 Lot 1 DP 1181749) and 637 Castlereagh Highway, Menah (Lot 10 DP 1147292)

Staff recommendation

1. That the submission for 38 Hill End Road, Caerleon (Lot 18 DP 1113002 Lot 1 DP 1181749) and 637 Castlereagh Highway, Menah (Lot 10 DP 1147292) be noted and that no amendment be made to the Draft ELSI 2024.

No option

There is no option provided. The consideration of any future planning proposal should progress independent to Draft ELSI 2024.

Part of 3B Castlereagh Highway, Burrundulla (Lot 6 DP1269918)

Staff recommendation

1. That the submission relating to part of 3B Castlereagh Highway, Burrundulla (Lot 6 DP1269918) be noted and that no amendment be made to the Draft ELSI 2024.

Option

1. That Council amend the Draft ELSI 2024 to include part of 3B Castlereagh Highway, Burrundulla (Lot 6 DP1269918) as an opportunity in the Draft ELSI 2024; and

2. Place the amended Draft ELSI 2024 for a period of 28 days.

Charbon

Staff recommendation

1. That the submission relating Charbon be noted and that no amendment be made to the Draft ELSI 2024.

Option

1. That Council amend the Draft ELSI 2024 to include an opportunity at Charbon in the Draft ELSI 2024; and

2. Place the amended Draft ELSI 2024 for a period of 28 days.

The staff recommendation does not require any substantive changes to the Draft ELSI 2024, accordingly the recommendation is to adopt the Draft ELSI 2024 and publish on Council’s website.

Should Council resolve to amend the Draft ELSI 2024, the document will need to be again placed on public exhibition.

Disclosure of Interest

Nil

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Council Comprehensive Land Use Strategy 2010 Part A, B and C.

Council Policies

The adoption of the Draft ELSI 2024 will not require any change to relevant polices.

Legislation

Environmental Planning and Assessment Act 1979
Mid-Western Regional Local Environmental Plan 2012.

Financial implications

Nil

Associated Risks

Underestimating demand for additional land supply could have a negative impact on the community through price increases or dislocation. However, overestimating demand can also negatively impact the community through Council funding additional infrastructure works that may not be required.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

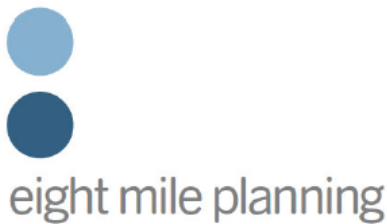
ALINA AZAR
DIRECTOR DEVELOPMENT

18 June 2024

Attachments: 1. Submissions redacted.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



14th June 2024

General Manager
Mid-Western Regional Council
Via email council@midwestern.nsw.gov.au

Attention Sarah Armstrong, Manager Strategic Planning

Dear Sarah,

RE: Submission – Draft Employment Lands Strategy – 18 Castlereagh Highway

The following submission has been prepared on behalf of Ann and Terry Quinn and relates specifically to the land at 18 Castlereagh Highway, Mudgee being Lot 40, DP 1124695 with an area of approximately 2ha.

We would like Council and PSA Consulting to consider including the site as a potential area of consideration for an employment zone under the Draft Employment Lands Strategy (ELSI). We acknowledge that it will still require site specific investigation and a planning proposal prior to rezoning.

There have been a number of discussions between Terry and council staff over more than 20 years over the potential future use of the land and a suitable zone that will facilitate a good development outcome for the land.

The site is currently zoned RU4 Primary Production Small Lots. The zone objectives include the promotion of employment and primary industry. Under the current zone, the land could accommodate a rural shed with a height of 7m and maximum area of 500sqm as exempt development under the code. Despite these provisions, this form of structure would be undesirable at this location given the gateway location.

In the context of the ELSI, broadening the opportunities for employment and commercial activities of the site would provide for a greater and potentially more suitable industrial or commercial outcome than that which exists under the current zone.

Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that land is available for intensive plant agriculture.*
- ***To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.***

In addition, agriculture, including intensive plant agriculture is permitted without consent and there is a questions as to the suitability of the site for any form of agriculture and/or farm infrastructure in this visually prominent location.

The site is also an isolated rural zone with no potential to expand as a rural holding. A site compatibility certificate over rides the RU4 zone land immediately south which is currently being development for seniors housing. Council have also recently rezoned the adjoining land for a new Bunnings Store. A DA has been approved for the development of this land and as result in a significant building structure on the western boundary of the Quinn land, eroding the residential amenity currently enjoyed from the property.

The position of the land coupled with Council’s decision to rezone the Bunnings site makes it a key site at the entrance to Mudgee from Sydney. The ELSI provided an opportunity for the site to be identified as a site for consideration, consistent with the adjoining land uses.

Figure 1 Subject Site



The ELSI provides an evidence base to support the identification of additional industrial/employment land. The ELSI analysis included:

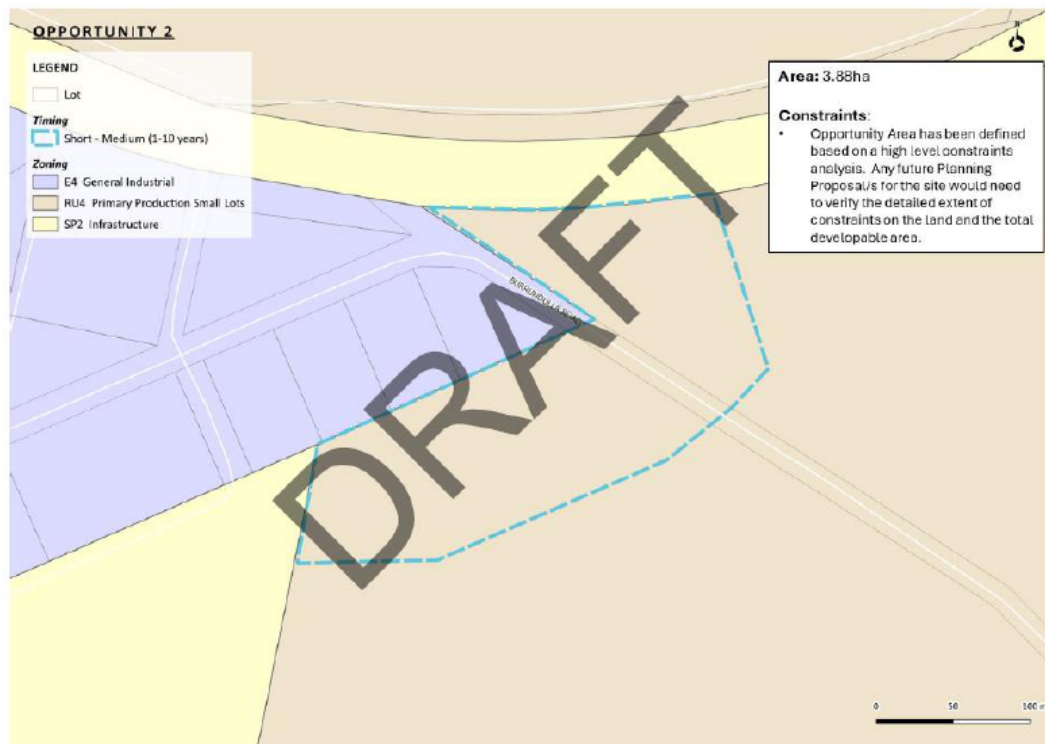
1. Site location in proximity of existing industrial zoned lands;
2. Site access and accessibility to major transport networks;

3. Proximity to existing or future sensitive land uses;
4. Constraints and limitations to potential development;
5. Ability to be serviced;
6. Timeframes for delivery (i.e. short, medium or long term, based on the above factors); and
7. Feedback from stakeholder consultation conducted.

This has resulted in a small parcel of land being identified on Burrundulla Road (**Figure 2**). The Quinn land, when assessed against the same criteria, is equally, if not more suitable. Unlike the site identified, the Quinn land does not impact prime agricultural land, nor does it result in unnecessary fragmentation of prime agricultural land.

The zone of the Quinn land is unsuitable for the uses anticipated under the RU4 zone. An extension of the E3 zone will allow for the development of the site having regard to the Bunnings development and enable Council to manage and mitigate the visual impact of the approach to Mudgee.

Figure 2 Extract ELSI – South East Mudgee Opportunity Area



Summary

The site is an important and key parcel of land at the gateway to Mudgee. The current zone is unsuitable. Rural industrial development or exempt development more suited to larger, less prominent locations.

The inclusion of an additional 2ha in South East Mudgee under the ELSI seems insignificant in terms of the total area proposed in the ELSI increasing the area to 5.88 ha increasing and the overall area identified by only 3.25%.

As is clear in the ELSI it will still need to go through a site specific rezoning application and will afford both the landowners and Council the opportunity refine the planning controls and ensure that the future development on the land is consistent with an objective of enhancing the gateway to Mudgee.

Thank you for the opportunity to comment of the ELSI and we would be happy to meet with Council and/or PSA Consulting to discuss the site further.

Yours sincerely



Liz Densley
Director



eight mile planning



date,
12.06.2024



reference,
39182-PL02_A

to,

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

Dear Sir/Madam,

Submission – Draft Employment Lands Strategy (Industrial) 2024

Reference is made to the above-mentioned matter and Council’s request for submissions to be made by Friday, 14th of June 2024. This letter, along with the enclosures, form part of the submission to the exhibited document.

Barnson Pty Ltd were engaged by the owners of 38 Hill End Road, DJ Woods and Co, towards the end of 2022 to prepare a Rezoning Scoping Proposal for the rezoning of land north of Caerleon Estate, predominately known as 38 Hill end Road, Caerleon. Ongoing discussions are being made with Council.

Upon review of the Draft Employment Lands Strategy (Industrial) 2024, it has been found that a large section of the subject site has been earmarked for industrial purposes. Figure 1 below shows the area in question.

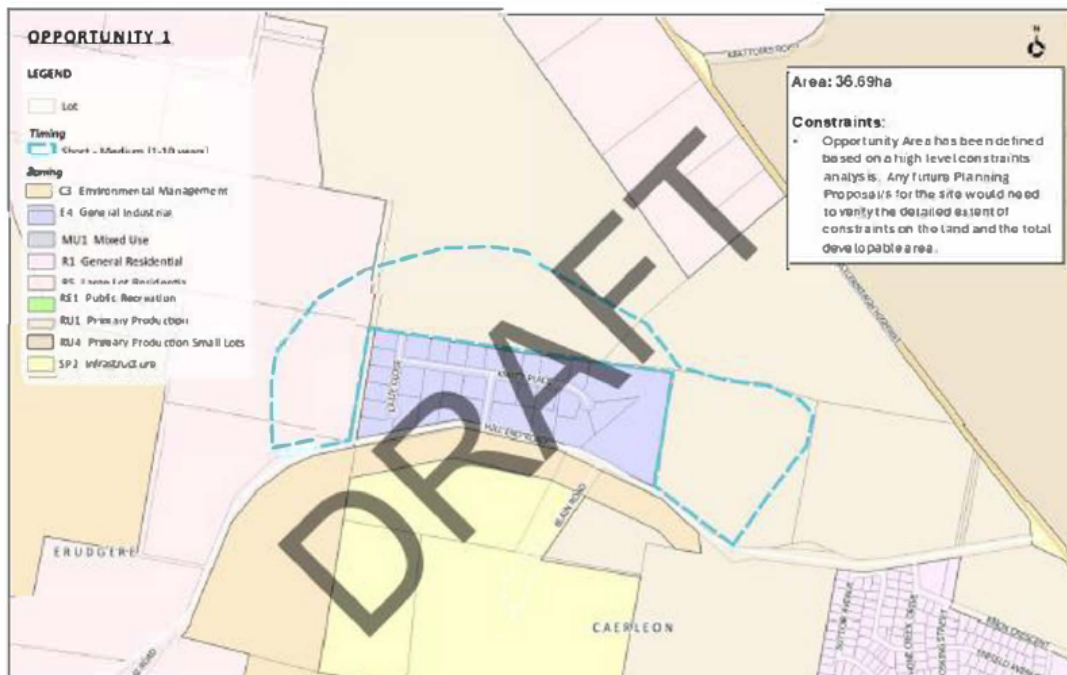


Figure 1 – Map 4 of the Draft Employment Lands Strategy (Industrial) 2024

This is inconsistent with the master plan (Figure 2 below) provided to Council as part of the Scoping Report process.

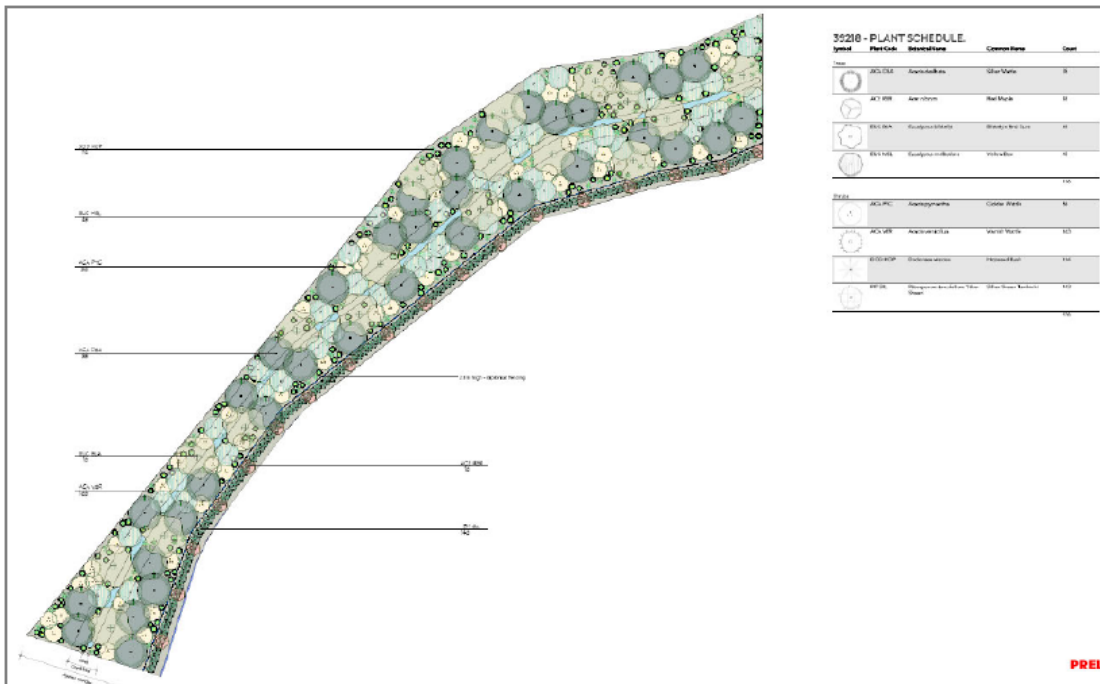


Figure 2 – Master Plan with school site and proposed buffer (prepared by Barnson Pty Ltd)

Note. Red indicates existing industrial zoned land and yellow indicates proposed industrial zoned lands under the Draft Industrial Lands Strategy 2024. This is an approximate representation only.

The following objections are provided in relation to the Draft Employment Lands Strategy (Industrial) 2014 currently on exhibition.

- A master plan has been prepared and is enclosed to this letter. The master plan shows a variety of proposed land uses, being Rural Residential, Employment and Residential lands on the subject site. The Draft Employment Lands Strategy (Industrial) 2024 is inconsistent with this master plan and the property owners future development intentions;
- The masterplan includes the expansion of the existing industrial area to the north, which is consistent with existing Strategic Documents (in particular the Comprehensive Land Use Strategy 2012);
- There is a significant riparian corridor traversing through the subject site between the proposed school site and the existing industrial area, measuring approximately 50m in distance. This presents an opportunity to create a substantial buffer between the industrial estate and residential lands to the south/southeast of the existing industrial area;
- A School is proposed within the existing industrial zoned area. It would be proposed to rezone this portion of land to R1 General Residential (or similar) with the existing riparian zone creating a buffer between the existing industrial area and future school site/residential lands. Figure 3 below shows the anticipated buffering arrangement;



The proposed buffer is a native restoration theme within the existing riparian corridor. The proposed school site shall be secured by diplomat fencing, lined/screened with soft evergreen hedging and decorative deciduous trees.

- Extending the industrial precinct to the east will impact the visual main entry point into Mudgee. Protecting Mudgee’s main entrance point from the visual impact of industrial land uses should be paramount;
- One of the main drivers of the master plan is to avoid future land use conflict with the various zones. In doing so, the riparian corridors have been nominated as natural buffer zones and shall be heavily landscaped to ensure there is adequate separation between the industrial area and existing/future residential precinct. This shall adequately avoid land use conflict between the zones and also provide greenspace for future residential occupants;
- The master plan document has considered the Mudgee Sewerage Treatment Plant (STP) buffer zone, of which the Employment and Residential lands are partially impacted by it. It is unclear as to whether the Carleon developer has undertaken an Odour Assessment to determine the associated impacts and actual required buffer to the STP. An Odour Assessment shall be commissioned as part of the Planning Proposal to determine the required buffer zone and adjustment to the layout as required;
- It is imperative that Hill End Road be considered in Council’s Strategic documents as a growth area, especially considering its proximity to Caerleon Estate, industrial lands and the presence of existing infrastructure in the locality. Caerleon represents the majority of residential growth and industrial for the Mudgee market, and as such, this area is considered to be the growth of the town.

In light of the above and enclosed documentation, it is requested that Council re-consider the mapped areas Map No. 4 as part of the Draft Employment Lands Strategy (Industrial) 2024. We



respectfully implore that Council consider this letter, the proposed master plan and rezoning scoping proposal in detail and request that the Draft Strategy be put back on notification, enabling our client to assess the supplementary information provided by Council. If this is unable to be pursued, it is requested that our clients concerns are raised at a Council meeting.

Yours faithfully,

BARNSON PTY LTD



Jack Massey
Senior Town Planner

Enclosed:

- Master Plan
- Rezoning Scoping Proposal

From: [Buzz Sanderson](#)
To: [Council](#)
Subject: Draft Employment Lands Policy
Date: Tuesday, 11 June 2024 8:56:43 AM

Dear Council

I was surprised that the draft policy did not make mention of Charbon where there is an operating lime/cement plant.

Charbon also has a considerable brownfield site suitable for heavy industry at the now non-operating Centennial Coal colliery. This site has a major rail and water assets and sufficient space to be energy independent and potentially energy exporting.

Charbon should be identified in the policy.

Regards, Buzz Sanderson

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



04 June 2024

The General Manager
Mid-Western Regional Council
Via email – council @midwestern.nsw.gov.au

Dear Sir/Madam,

**SUBMISSION TO DRAFT EMPLOYMENT LANDS STRATEGY (INDUSTRIAL) 2024
LOT 1 DP810562 AND LOT 6 DP1269918 –
PART OF 3B SYDNEY ROAD BURRUNDULLA**

Please accept this submission on behalf of the landowner of the abovementioned land. The subject land falls within the land identified as South-East Mudgee Industrial Expansion Opportunity (Burrundulla Road). Based on interpretation of the Draft document it is assumed the land is earmarked as opportunity for future E4 General Industrial land. Overall, the Strategy is supported by the landowner for inclusion. However, the addition of a greater area of Lot 6 DP 1269918 is requested to be mapped, as part of the identified opportunity area.

It is understood the total developable area would need to be defined in a future planning proposal. It is suggested that the Strategy would be strengthened by having a more accurate depiction of suitable available land in the locations identified; also supported by some additional clarification of the 'constraint/s' the demarcation of land had been based upon. Alternatively, clarification whether the mapping included in the documented opportunity area is more akin to a 'general indication' of the location identified and not a defined limit.

Having clarity through mapping and descriptors used is encouraged. This is to avoid misinterpretation and hindrance to future development. The map identifies that constraints are defined to a high level only, and the future planning proposal would need to verify the extent of a developable area. The landowner had made a previous submission to Council regarding a greater area of land in the Opportunity area 2 that would be acceptable from their perspective for future development. The landowner is an experienced developer and has previously released industrial lots in the vicinity. In this context, and with the long-term experience and understanding of the constraints of the RU4 zoned land as farm managers, the review of the developable area is



requested. With the limited time available for a submission to the Draft Strategy, commissioning of constraint assessments is not practicable.

It is agreed the land in South-East Mudgee is well positioned and further opportunities for industrial development would be capitalised upon. However, a developer will likely only act upon feasible economic development. The inclusion of Lot 1 was previously addressed in a submission by the landowner. They acknowledge that this land would be more costly to develop and is currently associated with easements. This leaves an area of approx. 2.3ha within Lot 6 south of Burrundulla Road (based on the Map 3). This identified part of Lot 6, is limited in area, which is not likely to yield any significant supply of employment land and with limited return, is not likely to be sufficient to encourage a developer-led planning proposal. A greater developable area is available and should be nominated at this stage. The limited mapped section of Lot 6 identified as Opportunity 2 is considered too small and the part of Lot 1 in Opportunity 2 is not likely to be developed in the short-medium term without the landowner support.

In addition, Council is currently seeking upfront payment of \$10,370 for Planning Proposals which are identified as 'inconsistent' with a strategy, and this is expected to increase in the new financial year. If the Employment Land Strategy (Industrial) is to be used as a basis for determining substantial fees, it is requested that it be clearly noted in the Strategy that the total developable area is not absolutely defined, for the basis of determining a hard limit to a future Planning Proposal and consistency with mapping. Concern is raised that the Strategy is restrictive and limiting the identified areas without real constraint analysis. Please refer to the attached maps and greater area of land within Lot 6 DP 1269918 proposed to be considered as part of Opportunity 2 (**Attachment 1 - Maps**).

In summary, the landowner will support the rezoning of the land identified and the additional land identified below by virtue of its topography, availability of services and proximity to the town. In their opinion and market research, other commercial and light industrial businesses consider it ideally suited for the purpose and far superior to other land referred to in the draft strategy. From the speed of the sale of blocks recently developed by the landowner, it is evident there is pent up demand which is not satisfied by the alternative locations already available and zoned employment land. The landowner would be encouraged to proceed with a proposal in the short term to accommodate industrial land demand growth in support of the existing South-East Mudgee industrial lands, where additional land was recognised in Lot 6.

Should you require further information in relation to this matter or the contents of this correspondence, please do not hesitate to contact me on mob [REDACTED]

Yours Sincerely,



EMMA YULE
BAppSc, Grad Dip URP
t/a Atlas Environment and Planning
Attachment 1 – Maps

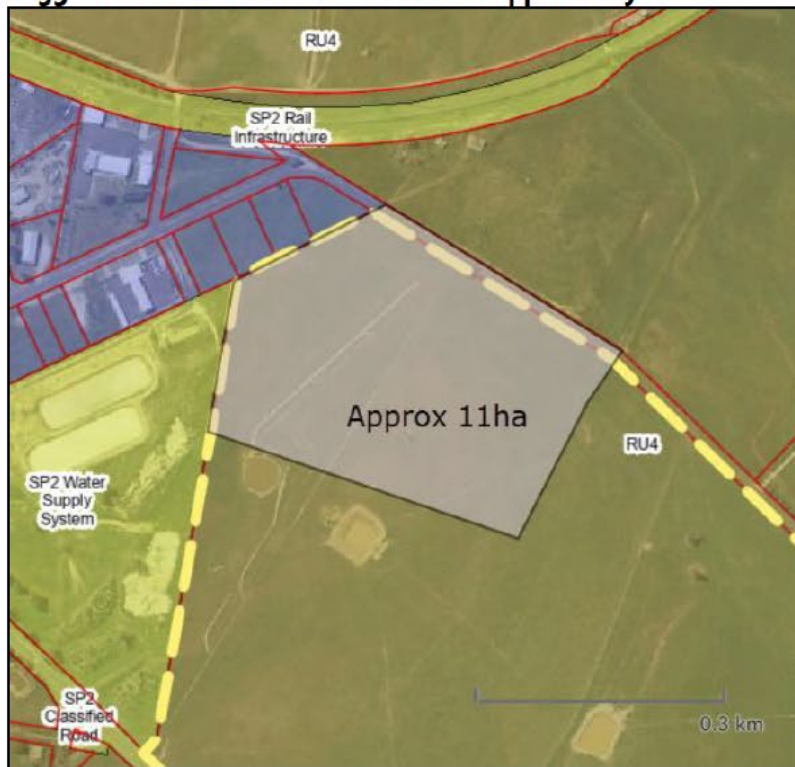
Attachment 1 - Maps

See Page 21 of Draft Mid-Western Employment Lands Strategy (Industrial) 2024



Map 3 – South-East Mudgee Industrial Expansion Opportunity (Burrundulla Road)

Suggested additional area to include in Opportunity 2:



LOT 6 DP1269918 – expanded area approximated in Lot 6. *No expansion of land mapped within Lot 1 is proposed in this submission.*

8.6 Smart Community Strategy

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, ECO800001

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Smart Community Strategy;**
2. **place the Smart Community Strategy on public exhibition for 28 days; and**
3. **receive a further report following the conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, if no submissions are received, adopt the Smart Community Strategy as proposed.**

Executive summary

The Smart Community Strategy has been developed to provide direction for Council and the community to ensure focus on relevant initiatives that provide the most appropriate benefits to the community both now and into the future. This Strategy establishes the roadmap to guide and accelerate smart community action in the Mid-Western Region.

Disclosure of Interest

Nil

Detailed report

The Smart Community Strategy describes a portfolio of services that can be implemented to transform and improve the way residents, visitors, businesses and governments interact with their environment in the course of their lives. Smart Communities utilise information and communications technology to connect people, processes data and things in ways that make the community more liveable, workable and sustainable.

The objective of the Strategy is to create a community that is economically, environmentally and technologically efficient supporting Council's vision to develop a prosperous and progressive community that we are proud to call home.

The Strategy has been aligned to the five themes of the Community Plan, being:

- Looking after our community
- Protecting our natural environment
- Building a strong local economy
- Connecting our region
- Good government

And further broken into live, short term (1-2 years), medium term (2-5 years) and to investigate initiatives, and are as follows:

Live Initiatives

Protecting our environment	<ul style="list-style-type: none"> • Smart water meters and monitoring • Drones for weeds monitoring • LED street lighting
Building a strong local economy	<ul style="list-style-type: none"> • Smart economic analytics tool • Virtual reality marketing videos
Connecting our region	<ul style="list-style-type: none"> • Mt Misery live feed • Electric vehicle charging stations

Short Term Initiatives (12-24 months)

Looking after our community	<ul style="list-style-type: none"> • Digitalising our heritage assets
Protecting our natural environment	<ul style="list-style-type: none"> • Council solar energy farm
Connecting our region	<ul style="list-style-type: none"> • Smart warning systems
Good government	<ul style="list-style-type: none"> • Public mapping

Medium Term Initiatives (2-5 Years)

Looking after our community	<ul style="list-style-type: none"> • Free CBD Wi-Fi • Smart benches and seats • Smart sensors for passive and active parks lighting
Protecting our natural environment	<ul style="list-style-type: none"> • Smart irrigation solutions for parks and gardens • Smart lighting in restrooms
Building a strong local economy	<ul style="list-style-type: none"> • Smart digital town signage • Pedestrian sensor movements
Connecting our region	<ul style="list-style-type: none"> • Cameras on vehicles
Good government	<ul style="list-style-type: none"> • Introduce electric vehicles to Council fleet • Mobile request system • Automation and efficiency using AI

To Investigate Initiatives

Looking after our community	<ul style="list-style-type: none"> • CCTV in CBD • Digital arts expansion in cultural centre
Protecting our natural environment	<ul style="list-style-type: none"> • Smart waste bins • Smart street lighting
Building a strong local economy	<ul style="list-style-type: none"> • Soil moisture live reporting (agriculture)
Connecting our region	<ul style="list-style-type: none"> • Automated vehicles • Smart parking sensor solutions • Ride-share solutions
Good government	<ul style="list-style-type: none"> • Smart community digital platforms • Utilise data to optimise facility hire • 3D modelling of urban planning

It is recommended that Council place the Smart Community Strategy on public exhibition and receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, if no submissions are received, adopt the Smart Community Strategy as proposed.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Support the expansion of essential infrastructure and services to match business and industry development in the region

Strategic implications

Council Strategies

Community Plan
Mid-Western Regional Economic Development Strategy – 2023 Update
ITC Strategy
Mid-Western Region Emergency Plan
MWRC Cultural Plan 2023-2033
Pedestrian Access and Mobility Plan
Recreation Strategy
Community Engagement Strategy

Council Policies

Asset Management Policy
Camera Surveillance Policy
Community Engagement Policy
Compliance and Enforcement Policy
Informational and Directional Signage Policy

Legislation

Privacy Act 1988
Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

If the Smart Community Strategy is not adopted, there is a risk of Council falling behind technologically, leading to outdated infrastructure and increased maintenance costs. This can result in economic disadvantages, such as reduced competitiveness and slower economic growth, as well as environmental impacts due to inefficient resource use and failure to meet sustainability goals. Additionally, the quality of life for residents may decline without the benefits of smart technologies, and operational inefficiencies may persist, leading to slower, more labour-intensive processes and poor data management.

Moreover, the absence of a Smart Community Strategy can increase the region's vulnerability to security breaches and emergencies and may result in non-compliance with evolving regulations. Embracing smart technologies is essential for Council to remain competitive, efficient, and responsive to community needs.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

25 June 2024

Attachments: 1. Smart Community Strategy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING
TO 17 JULY 2024 ORDINARY MEETING
GOV400103, A0420109

RECOMMENDATION

That Council receive the report by the Manager Planning 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 June 2024 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; and
- 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

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

2 July 2024

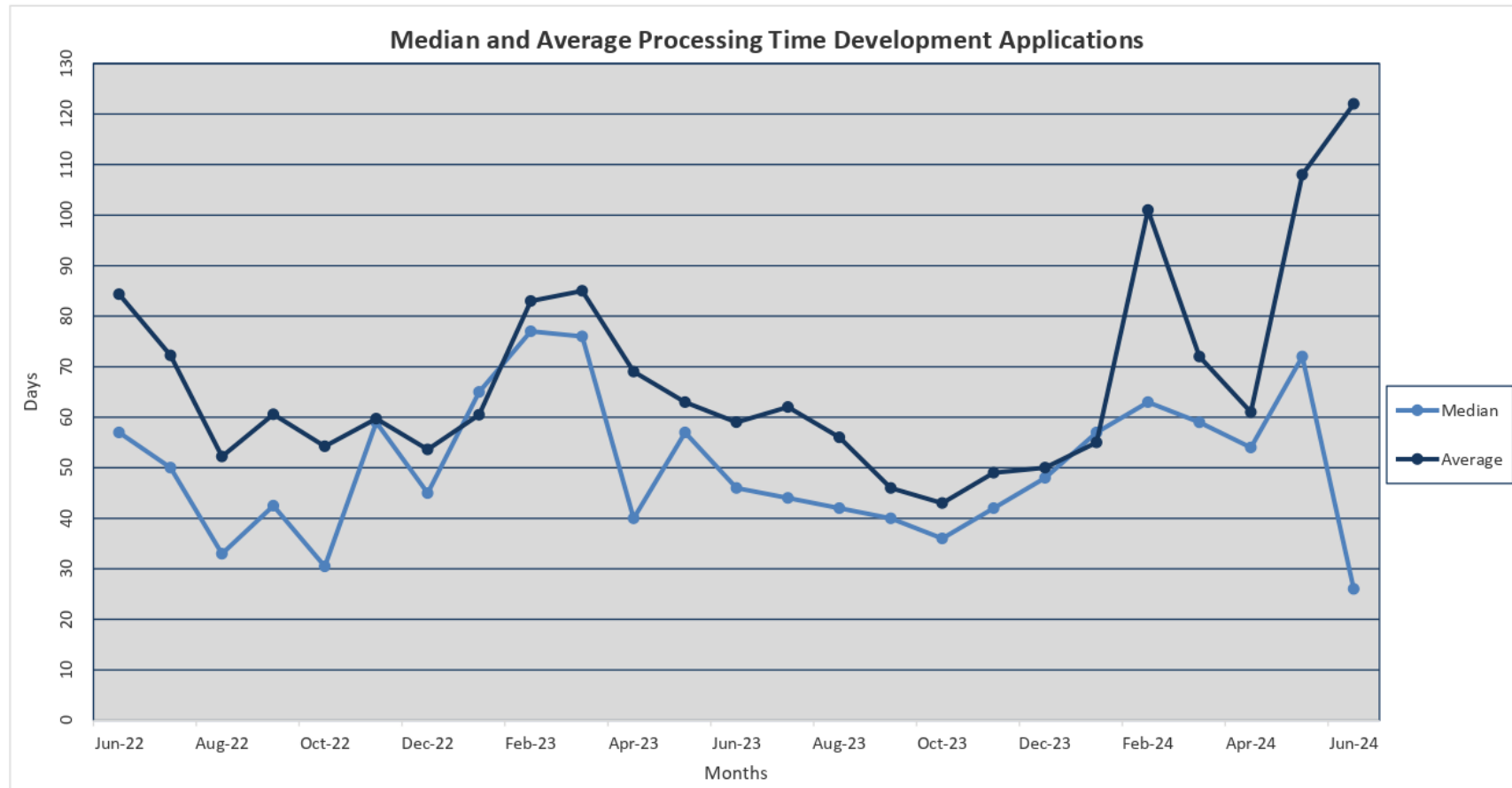
Attachments: 1. Monthly Development Application Processing and Determined - June 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

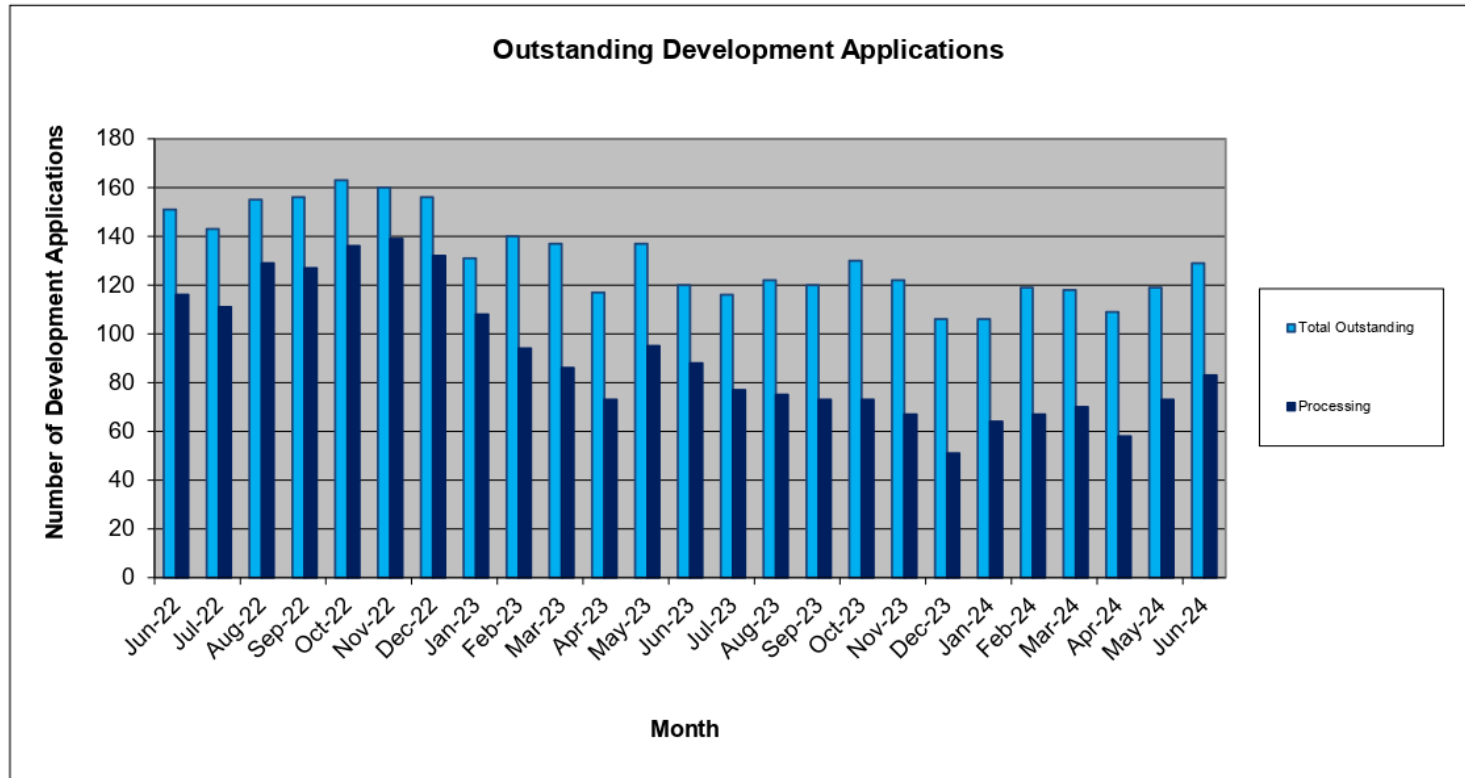
Monthly Development Application Processing Report – June 2024

This report covers the period for the month of June 2024. Graph 1 indicates the processing times up to 30 June 2024 with the month of June having an average of 122 days and a median time of 26 days.



Monthly Development Application Processing Report – June 2024

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 83 and the number on “stop clock” is 46.



Monthly Development Application Processing Report – June 2024

The Planning and Development Department determined 13 Development Applications either by Council or under delegation during June 2024.

Development Applications Determined – JUNE 2024

App/Proc ID	Description	House No	Street Name	Locality
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0151/2024	Shed	47	Madeira Road	MUDGEE NSW 2850
DA0223/2024	Seniors Housing	27	Mayne Street	GULGONG NSW 2852
DA0231/2024	Secondary Dwelling	87	Henry Bayly Drive	MUDGEE NSW 2850
DA0239/2024	Subdivision (3 into 2 Lots)	68	Bergalin Road	GULGONG NSW 2852
DA0267/2024	Demolition	86	Depot Road	MUDGEE NSW 2850
DA0277/2024	Dwelling House	364	Corishs Lane	TALLAWANG NSW 2852
DA0283/2024	Residential Shed	79	Henry Lawson Drive	BOMBIRA NSW 2850
DA0285/2024	Moveable dwelling	799	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0292/2024	Alterations & Additions	489	Barneys Reef Road	STUBBO NSW 2852
DA0298/2024	Residential Shed	3	Rouse Street	GULGONG NSW 2852
DA0303/2024	Swimming Pool	150	Tongbong Road	RYLSTONE NSW 2849
DA0312/2024	Residential Shed	69	Barneys Reef Road	GULGONG NSW 2852

***NOTE – NO Development Applications were approved with a variation to the DCP during June 2024.**

Monthly Development Application Processing Report – June 2024

Development Applications currently being processed – June 2024.

App/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use - shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0199/2021	Change of use - to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEE NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850
DA0096/2024	Demolition, Alterations and Additions to Existing Dwelling	23	Mortimer Street	MUDGEE NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848

Monthly Development Application Processing Report – June 2024

DA0139/2024	Alterations & Additions	8	Goolma Road	GULGONG NSW 2852
DA0143/2024	Subdivision - 1 into 3 lots	2232	Bylong Valley Wa	RYLSTONE NSW 2849
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0175/2024	Dwelling and Retaining Walls	11	Coomber Street	RYLSTONE NSW 2849
DA0177/2024	Subdivision 1 into 2 lots	1223	Castlereagh Highway	BERYL NSW 2852
DA0180/2024	Dwelling with attached secondary dwelling	18	Shearman Street	CAERLEON NSW 2850
DA0184/2024	Dual Occupancy (Detached) and Subdivision	8	Davis Crescent	CAERLEON NSW 2850
DA0189/2024	Alterations and Additions to Dwelling	637	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0194/2024	Secondary dwelling	433	Kaludabah Road	PIAMBONG NSW 2850
DA0195/2024	Dwelling and Shed	150	Tongbong Road	RYLSTONE NSW 2849
DA0198/2024	6x Serviced Apartments	106	School Lane	BUDGEE BUDGEE NSW 2850
DA0200/2024	Patio Cover and Deck	12	Barigan Street	MUDGEE NSW 2850
DA0201/2024	Patio Cover and Deck	14	Horatio Street	MUDGEE NSW 2850
DA0202/2024	Dwelling with Swimming Pool and Shed	27	Wurth Drive	BOMBIRA NSW 2850
DA0204/2024	Dual Occupancy	17	Davis Crescent	CAERLEON NSW 2850
DA0205/2024	Indoor Recreation Facility - Dance Studio	12	Sydney Road	MUDGEE NSW 2850
DA0209/2024	Farm building	63	Anderson Road	GRATTAI NSW 2850
DA0210/2024	Demolition	162	Gladstone Street	MUDGEE NSW 2850
DA0212/2024	Dwelling	21	McLachlan Street	KANDOS NSW 2848
DA0218/2024	Dwelling House	88	Gibsons Lane	ERUDGERE NSW 2850
DA0222/2024	Alterations and Additions	1043	Castlereagh Highway	APPLE TREE FLAT NSW 2850
DA0224/2024	Subdivision (1 into 3 lots)	295	Lower Piambong Road	MENAH NSW 2850
DA0227/2024	Educational Establishment	269	Henry Lawson Drive	EURUNDEREE NSW 2850
DA0228/2024	Light Industrial Premises	20	Sydney Road	MUDGEE NSW 2850
DA0229/2024	Farm building	686	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0236/2024	Residence & Garage	43	Hosking Street	CAERLEON NSW 2850
DA0237/2024	Shed	47	Webster Street	BOMBIRA NSW 2850
DA0240/2024	Shed	32	Knox Crescent	CAERLEON NSW 2850
DA0241/2024	Continued use of illegal verandah and spa	36	Bywong Lane	YARRAWONGA NSW 2850
DA0242/2024	Caravan Park	313	Magpie Lane	GALAMBINE NSW 2850

Monthly Development Application Processing Report – June 2024

DA0244/2024	Multi Dwelling Housing	4	Glenmore Street	MUDGEE NSW 2850
DA0248/2024	Alterations & Additions	13	Mulgoa Way	MUDGEE NSW 2850
DA0249/2024	Subdivision - Torrens Title	264	Carramar Road	STUBBO NSW 2852
DA0250/2024	Extractive Industry	2152	Goolma Road	TWO MILE FLAT NSW 2852
DA0252/2024	Swimming Pool	45	Winter Street	MUDGEE NSW 2850
DA0256/2024	Multi dwelling housing	10	Burrundulla Avenue	MUDGEE NSW 2850
DA0258/2024	Subdivision - Torrens Title	24	Flirtation Hill Lane	GULGONG NSW 2852
DA0260/2024	Dwelling House	6	Enfield Avenue	CAERLEON NSW 2850
DA0261/2024	Dual Occupancy	26	Rifle Range Road	MUDGEE NSW 2850
DA0264/2024	Subdivision - Torrens Title	13	Fairydale Lane	MUDGEE NSW 2850
DA0265/2024	Alterations & Additions	25	Horse Flat Lane	MULLAMUDDY NSW 2850
DA0268/2024	secondary dwelling	319	Lue Road	MILROY NSW 2850
DA0269/2024	Subdivision - Torrens Title	42	Guntawang Street	GULGONG NSW 2852
DA0275/2024	Residential Shed	79	White Circle	MUDGEE NSW 2850
DA0278/2024	Demolition	28	Robison Street	ULAN NSW 2850
DA0279/2024	Secondary dwelling	239	Upper Piambong Road	PIAMBONG NSW 2850
DA0286/2024	function centre	63	Oaklands Road	MOUNT FROME NSW 2850
DA0290/2024	Dual Occupancy	219	Lowes Peak Road	ST FILLANS NSW 2850
DA0291/2024	Subdivision - Torrens Title	2	Fitzroy Street	GULGONG NSW 2852
DA0293/2024	Industrial training facility	87	Lions Drive	MUDGEE NSW 2850
DA0301/2024	Home Industry	19	Rouse Street	GULGONG NSW 2852
DA0302/2024	transport depot	4	Industrial Avenue	GULGONG NSW 2852
DA0306/2024	Subdivision - Torrens Title	179	Tinja Lane	EURUNDEREE NSW 2850
DA0309/2024	Shed	51	Burrundulla Avenue	MUDGEE NSW 2850
DA0311/2024	Dual Occupancy	14	Davis Crescent	CAERLEON NSW 2850
DA0314/2024	Dual Occupancy	66	Pipeclay Lane	BUDGEE BUDGE NSW 2850
DA0316/2024	Dwelling House	95	Bellevue Road	MUDGEE NSW 2850
DA0322/2024	Subdivision - Torrens Title	1188	Wallawaugh Road	HARGRAVES NSW 2850
DA0330/2024	Dual Occupancy	1530	Henry Lawson Drive	ST FILLANS NSW 2850
DA0333/2024	Dwelling House	1119	Crudine Road	CRUDINE NSW 2850
DA0334/2024	Secondary dwelling	29	Robert Hoddle Grove	BOMBIRA NSW 2850

Monthly Development Application Processing Report – June 2024

DA0274/2024	Dwelling House	189	Montaza Road	TALLAWANG NSW 2852
DA0281/2024	Subdivision - Torrens Title	1	Tallawang Road	GULGONG NSW 2852
DA0287/2024	Residential Shed	35	Wurth Drive	BOMBIRA NSW 2850
DA0289/2024	Residential Shed	38	Knox Crescent	CAERLEON NSW 2850
DA0294/2024	Alterations & Additions	987	Black Springs Road	ST FILLANS NSW 2850
DA0299/2024	Residential Shed	15	Lions Drive	MUDGEE NSW 2850
DA0300/2024	Alterations & Additions	159	Mayne Street	GULGONG NSW 2852
DA0304/2024	Residential Shed	412	Corishs Lane	TALLAWANG NSW 2852
DA0310/2024	Farm building	1870	Coricudgy Road	KELGOOLA NSW 2849
DA0315/2024	Residential Shed	8	Macquarie Drive	MUDGEE NSW 2850
DA0318/2024	Alterations & Additions	223	Robertson Road	SPRING FLAT NSW 2850
DA0319/2024	Alterations & Additions	9	Bumberra Place	BOMBIRA NSW 2850
DA0320/2024	Dwelling House	31	Webster Street	BOMBIRA NSW 2850
DA0327/2024	Residential Shed	16	Swords Court	MUDGEE NSW 2850
DA0328/2024	Residential Shed	11	Henry Bayly Drive	MUDGEE NSW 2850
DA0338/2024	Residential Shed	22	Webster Street	BOMBIRA NSW 2850
DA0340/2024	Residential Shed	35	Fairydale Lane	MUDGEE NSW 2850

Heritage Development Applications currently being processed – June 2024.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Stree	MUDGEE NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0146/2024	Dwelling and Shed	9	Robinson Street	GULGONG NSW 2852
DA0159/2024	Dual Occupancy	90	Douro Street	MUDGEE NSW 2850
DA0160/2024	Demolition	94	Horatio Street	MUDGEE NSW 2850
DA0191/2024	Shed	217	Gladstone Street	MUDGEE NSW 2850
DA0203/2024	Carport	127	Mortimer Street	MUDGEE NSW 2850
DA0216/2024	Secondary dwelling	10	Lawson Stree	MUDGEE NSW 2850

Monthly Development Application Processing Report – June 2024

DA0225/2024	Alterations & Additions @ Lawson Park Hotel	1	Church Street	MUDGEES NSW 2850
DA0232/2024	Shed	105	Louee Street	RYLSTONE NSW 2849
DA0246/2024	Dwelling House	64	Lawson Street	MUDGEES NSW 2850
DA0259/2024	Carport	7	Bulga Street	GULGONG NSW 2852
DA0262/2024	Fence	14	Perry Street	MUDGEES NSW 2850
DA0305/2024	Cafe	36	Church Street	MUDGEES NSW 2850
DA0270/2024	Subdivision - Torrens Title	112	Louee Street	RYLSTONE NSW 2849
DA0272/2024	Subdivision - Torrens Title	100	Belmore Street	GULGONG NSW 2852
DA0282/2024	Dwelling House	66	Cox Street	MUDGEES NSW 2850
DA0297/2024	Residential Shed	147	Horatio Street	MUDGEES NSW 2850
DA0307/2024	Residential Shed	3	Grevillea Street	GULGONG NSW 2852
DA0321/2024	Alterations & Additions	22	Cainbil Street	GULGONG NSW 2852
DA0326/2024	Swimming Pool	10	Lowana Close	MUDGEES NSW 2850

8.8 Policy Amendment - Street Banner Usage Policy

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, ECO800001

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Policy Amendment - Street Banner Usage Policy;**
2. **place the revised Street Banner Usage Policy on public exhibition for 28 days; and**
3. **adopt the revised Street Banner Usage Policy if no submissions are received during the exhibition period.**

Executive summary

The Street Banner Usage Policy requires amendment due to changed lighting infrastructure in Church and Market Streets.

Disclosure of Interest

Nil

Detailed report

Mid-Western Regional Council Street Banner Usage Policy is designed to:

- promote significant events in the Mid-Western Region;
- visually enhance the Mudgee and Gulgong streetscape;
- promote major events identified in Council's major events calendar; and
- stimulate local economic activity and promote the region as a great place to live, work, invest and visit.

On 15 May 2024 the Policy Review – Street Banner Usage Policy was presented to Council and adopted following 28-day public exhibition. In July 2024, Essential Energy replaced the streetlights that previously held banners on Market and Church Streets. The new infrastructure does not support street banners, necessitating an amendment to the adopted Street Banner Usage Policy.

Changes are tracked in the attached policy and include:

- Street banner poles/locations within the Mid-Western LGA:
 - Mudgee: Church Street x 16 – removed
 - Mudgee: Market Street x 13 – removed
- Dimensions:
 - Church Street: 1500mm x 350mm – removed
 - Market Street: 1500mm x 350mm - removed

The recommendation is to place the revised Street Banner Usage Policy on public exhibition for 28 days and adopt the revised Street Banner Usage Policy if no submissions are received during the exhibition period.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

Usage of the street banners assists in the promotion of local events which assist in promoting the region as a great place to live, work, invest and visit. By supporting events which provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region

Council Policies

Street Banner Usage Policy

Legislation

Environmental Planning and Assessment Act 1979
Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

If the Street Banner Usage Policy is not in place there is a risk of banners being placed in an untidy and ad hoc way that can detract from the aesthetics and events in the towns and region.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

2 July 2024

Attachments: 1. Street Banner Usage Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Street Banner Usage Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	VERSION 3.0
COUNCIL MEETING MIN	94/24	REVIEW DATE	JUNE 2028
DATE:	15 MAY 2024	FILE NUMBER	ECO800001

Objective

Mid-Western Regional Council's banner program is designed to:

- Promote significant events in the Mid-Western Region
- Visually enhance the Mudgee and Gulgong Streetscape, whilst being consistent and on brand with the Mid-Western Region
- Promote major events identified on the MWRC major events calendar
- Stimulate local economic activity and promote the region as a great place to live, work, invest and visit

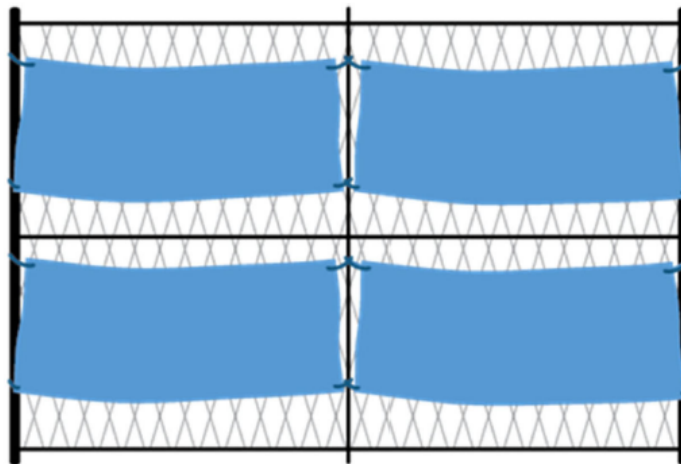
Policy

- Street banner poles/locations within the Mid-Western LGA:
 - Mudgee: Horatio Street x 10
 - Mudgee: Church Street x 16 – [remove as streetlight poles have been changed by Essential Energy as of July 2](#)
 - Mudgee: Market Street x 13 – [remove as above](#)
 - Mudgee: Tennis Courts (Cnr Horatio and Church Streets) x 1 booking
 - Gulgong: Castlereagh Hwy (near the intersection of Caledonia Street) x 5
 - Gulgong: Castlereagh Hwy (near the intersection of Guntawang Street) x 5
- Dimensions:
 - Horatio Street: 1400mm x 1000mm
 - Church Street: 1500mm x 350mm – [N/A](#)
 - Market Street: 1500mm x 350mm – [N/A](#)
 - Gulgong (Caledonia Street): 1800mm x 1000mm
 - Gulgong: (Guntawang Street): 1800mm x 1000mm

POLICY: STREET BANNER USAGE POLICY | VERSION 3.0, 15 MAY 2024

■ **Tennis Court Banner:**

- Preferred size is 3000(w) x 900 (h)mm with eyelets in each corner and must be secured to the banner poles on site
- Not project more than 100mm from the fence, and
- Not be higher than 5m above ground level (existing), and
- Not be permanently fixed to the fence, and
- Not be illuminated, and
- Not be displayed earlier than 14 days before the event, and
- Be removed within 2 days after the event
- No more than 4 x banners to be booked/installed at any one time and not intrude into other positions. Please refer to image for positions.



- Use of the banner locations is restricted to Council, Federal and State Government Departments, recognised “not for profit” or community organisations and organisers of community and major events (recognised on the MWRC major events calendar) within the Mid-Western LGA. Commercial promotions are not permitted.
- Council usage of street banner poles shall take priority over all other bookings.
- External organisations may make applications to book street banner locations when not in use for Council events and activities.
- Street banners can be booked using the following process:
 - Contact MWRC Customer Service on 6378 2850
 - Complete the street banner booking form, available online or through Customer Service

POLICY: STREET BANNER USAGE POLICY | VERSION 3.0, 15 MAY 2024

- The booking period is to be negotiated with Council and will be dependent on other bookings and use of banner poles for council promotions. The maximum booking period is six weeks.
- Council reserves the right to decline any booking request that is not consistent with the purposes of this policy.
- All banner costs, design and production is the responsibility of the hirer and must be of professional standards.
- All artwork requires approval by Council prior to printing.
- Installation of banners is the sole responsibility of the hirer. Hirers are required to remove any existing Council banners at the time of installing banners and replace them at the conclusion of the hire period. Council accepts no responsibility for the installation of banners.
- Banners must be removed no later than 48 hours following the event which is being promoted. Failure to do so will result in Council removing the banners with all costs passed on to the hirer. Banners installed without an approved booking will also be removed and associated cost passed onto the owning organisation.
- Logo recognition on banners must be limited to a maximum of 10 per cent of the size of the banner. The preferred logo placement is along the bottom of the banner. No more than three sponsor logos are allowed per banner.
- It is recommended that banner design remains generic in order for hirers to re-use banners in future years and reduce costs of banner production.
- Should any damage occur to a banner for circumstances such as extreme weather conditions, vandalism, or any other circumstances which makes a banner unsafe or unsightly the hirer is to remove banner at the earliest opportunity.
- Council is not liable for any damage to, or loss of, any banner during the period that the banners are on display or being erected or removed.

Item 9: Corporate Services

9.1 New and Amended Fees and Charges 2024/25

REPORT BY THE FINANCIAL PLANNING COORDINATOR
 TO 17 JULY 2024 ORDINARY MEETING
 GOV400098, FIN300117

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2024/25; and
2. amend the following fee amounts, as written;

<i>Service Type</i>	<i>Amended Fee</i>	<i>Current Fee amount (\$)</i>	<i>Amended fee amount (\$)</i>
ANIMAL & STOCK CONTROL Companion Animals Lifetime Registrations	Dog - Desexed (by relevant age)	\$75.00	\$78.00
	Dog - Desexed (by relevant age eligible pensioner)	\$32.00	\$34.00
	Dog - Desexed (sold by pound/shelter)	\$0.00	\$0.00
	Dog - Not Desexed or Desexed (after relevant age)	\$252.00	\$262.00
	Dog - Not Desexed (not recommended)	\$75.00	\$78.00
	Dog - Not Desexed (not recommended eligible pensioner)	\$32.00	\$34.00
	Dog - Not Desexed (recognised breeder)	\$75.00	\$78.00
	Cat - Desexed or Not Desexed	\$65.00	\$68.00
	Cat - Desexed (eligible Pensioner)	\$32.00	\$34.00
ANIMAL & STOCK CONTROL Companion Animals Lifetime Registrations	Cat - Desexed (sold by pound/shelter)	\$0.00	\$0.00
	Cat - Not Desexed (not recommended)	\$65.00	\$68.00
	Cat - Not Desexed (not recommended eligible pensioner)	\$32.00	\$34.00

	Cat - Not Desexed (recognised breeder)	\$65.00	\$68.00
	Registration Late Fee	\$0.00	\$0.00
ANIMAL & STOCK CONTROL Companion Animals Annual Permit Fees	Cat not desexed by four months of age	\$92.00	\$96.00
	Dangerous Dog	\$221.00	\$230.00
	Restricted Dog	\$221.00	\$230.00
	Permit Late fee	\$21.00	\$22.00

Executive summary

This report recommends the amendment of companion animal fees. These are legislative fees under the Companion Animals Regulation 2018. Fees which are legislated are not required to be placed on public exhibition.

Disclosure of Interest

Nil

Detailed report

Amended Fees Amounts

The following table provides information about the reason for amendment of the current fee amounts:

Fee Name	Reason for amended fee
Dog - Desexed (by relevant age)	Annual Adjustment has now been released for inflation as determined by the Companion Animals Regulation 2018
Dog - Desexed (by relevant age eligible pensioner)	
Dog - Desexed (sold by pound/shelter)	
Dog - Not Desexed or Desexed (after relevant age)	
Dog - Not Desexed (not recommended)	
Dog - Not Desexed (not recommended eligible pensioner)	Annual Adjustment has now been released for inflation as determined by the Companion Animals Regulation 2018
Dog - Not Desexed (recognised breeder)	
Dog - Working	
Dog - Service of the State	
Assistance Animal	
Cat - Desexed or Not Desexed	
Cat - Desexed (eligible Pensioner)	
Cat - Desexed (sold by pound/shelter)	
Cat - Not Desexed (not recommended)	
Cat - Not Desexed (not recommended eligible pensioner)	
Cat - Not Desexed (recognised breeder)	
Registration Late Fee	
Cat not desexed by four months of age	
Dangerous Dog	

Restricted Dog	
Permit Late fee	

Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Strategic implications

Council Strategies

If the recommendation is approved the 2024/25 Fees and Charges will be amended.

Council Policies

Not Applicable

Legislation

In accordance with Section 608 of the Local Government Act, Council may charge and recover an approved fee for any service it provides other than an annual charge made under section 496 or 501.

Section 610F (1) of the Local Government Act states that a Council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.

These fees must be set with the Operational Plan and can only be amended after the date, if:

1. a new service is provided, or the nature or extent of an existing service is changed; or
2. the regulations in accordance with which the fee is determined are amended.

Financial implications

This report recommends that the fees and charges within the 2024/25 Operational Plan be amended. Revenue associated with these changes is not anticipated to have a material impact on the 2024/25 Operational Plan or future years.

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

25 June 2024

Attachments: 1. Companion Animals Registration Fees.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Registration Fees

New registration fees are in accordance with sections 18 and 27 of the *Companion Animals Regulation 2018*.

Fee changes from 1 July 2024

Registration Type	Registration description	Previous Fee	Fee from 1 July 2024
Dog – Registration	Registration fee for dogs at 12 weeks of age or when first transferred	\$75	\$78
Dog – Registration including additional fee	Combined registration fee and additional fee for an animal not desexed by the relevant desexing age	\$252	\$262
Dog – Registration (sold by pound/shelter)	Desexed animal sold by an eligible pound or shelter	\$0	\$0
Dog –Registration (eligible pensioner*)	Animal owned by an eligible pensioner	\$32	\$34
Dog – Registration (recognised breeder)	Animal not desexed and kept by a recognised breeder for breeding purposes	\$75	\$78
Dog – Registration (desexing Not Recommended)	Registration fee for dogs at 12 weeks of age for animal with written notification from a vet that it should not be desexed	\$75	\$78
Dog – Registration (desexing Not Recommended - Eligible pensioner*)	Animal owned by an eligible pensioner with written notification from a vet that it should not be desexed	\$32	\$34
Dog – Service of the State	Dog in the service of the State, for example, a police dog	\$0	\$0
Dog – Working	Working dog	\$0	\$0
Assistance Animal	Animal under 6 months of age training to be an Assistance Animal, for example a Guide Dog	\$0	\$0
Cat – Registration	Registration fee – for cats at 12 weeks	\$65	\$68
Cat – Registration (eligible pensioner*)	Animal owned by an eligible pensioner	\$29	\$32
Cat – Registration Desexed (sold by pound/shelter)	Desexed animal sold by an eligible pound or shelter	\$0	\$0
Cat – Registration (desexing not recommended – eligible pensioner*)	Animal owned by an eligible pensioner with written notification from a vet that it should not be desexed	\$32	\$34
Cat – Registration (desexing not recommended)	Animal with written notification from a vet that it should not be desexed	\$65	\$68

Cat – Registration (recognised breeder)	Animal not desexed and kept by a recognised breeder for breeding purposes	\$65	\$68
Registration late fee	A late fee is applicable if a registration is not paid for by 28 days after the registration requirement.	\$21	\$22
Additional Fee	Additional fee id due of the animal is not desexed by 6 months	\$177	\$184
Permit Type	Permit descriptions	Previous Fee	Fee from 1 July 2024
Cat not desexed by four months of age	Cat not desexed by 4 months of age	\$92	\$96
Dangerous dog	Dog declared to be dangerous	\$221	\$230
Restricted dog	Dog declared to be a restricted breed or restricted by birth	\$221	\$230
Permit late fee	Payable if the permit fee has not been paid 28 days after the date on which a permit was required to own the companion animal.	\$21	\$22

*An eligible pensioner includes a person in receipt of the aged pension, carer payment, disability support pension, jobseeker, youth allowance and parenting payment and including Department of Veteran Affairs (DVA) payment. If you are unsure whether you are an eligible pensioner, please contact your local council.

9.2 Memorandum of Understanding for realignment of Barigan Road and Maree Road

REPORT BY THE MANAGER - PROPERTY AND REVENUE
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, LAN900086

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Property and Revenue on the Memorandum of Understanding for realignment of Barigan Road and Maree Road;**
2. **agree to the realignment of Barigan Road and Maree Road as set out in Attachment 1 to this Report;**
3. **authorise the General Manager to make any necessary amendments to negotiate and finalise the memorandum of understanding for the realignment of Barigan Road and Maree Road (the MOU);**
4. **authorise the General Manager (or their delegate) to sign the MOU; and**
5. **receive a further report(s) at the appropriate juncture as may be required in the execution of the Council functions required by the MOU.**

Executive summary

The purpose of this report is to seek Council's agreement to enter into a Memorandum of Understanding (MOU) with Wollar Solar Development Pty Ltd (WSD) for the realignment of Barigan Road and Maree Road corridors near Wollar.

Disclosure of Interest

Nil

Detailed report

Wollar Solar Development Pty Ltd (WSD) is the proponent of a State Significant Development SSD-9254 which was granted development consent on 24th February 2020 for the construction of a greenfield solar power generation project near Wollar. This SSD consent requires Barigan Road to be upgraded, and also for Maree Road to be upgraded if it is required for alternate access to the development.

The physical works to reconstruct and upgrade Barigan Road to allow appropriate access to the development site were completed some time ago. Maree Road has not been required for the purposes of the development at this stage so has not been upgraded to date. However, during the planning, assessment and approval processes, it was identified that parts of the physical, as built, Barigan & Maree Roads lie outside of the dedicated road reserves. WSD wishes to enter into a memorandum of understanding with Council that would see Council undertake the legal and

administrative processes to formalise the road corridor over the as built Barigan Road, and if required, the as built Maree Road in satisfaction of the development consent. Formalisation of the road reserve(s) is important to WSD to ensure legal and physical access to the development, and also for Council as owner of the road assets.

Part of the as built road(s) that lie outside existing road reserves are owned by either the State of NSW (Crown Land) or a single private landowner. The processes for re-alignment of the Roads involves one or more of the following:

- (a) the opening and dedication of Land as public road by Council in accordance with the Roads Act and the EP&A Act. This will involve acquisition processes of both Crown and privately owned land.
- (b) the closing of existing road reserves where the as built road does not exist in accordance with the Roads Act and the EP&A Act. It is intended to transfer those parcels to the adjoining landowner in part compensation for the acquisitions mentioned above.
- (c) identifying the boundaries of parts of the Road(s) where the road boundaries have not been previously identified or where survey marks cannot be found or ascertained in accordance with Division 1 of Part 3 of the Roads Act.

Further reports would be presented to Council as the above processes progress as there will be specific resolutions required by legislation relating to the acquisitions and the road closures.

The terms of the MOU would see WSD reimburse Council for all costs properly incurred in the carrying out of these processes, including any acquisition compensation costs. It is also anticipated that external consultants or contractors are likely to be engaged to carry out part of these processes. The MOU also includes provision for WSD to provide other support to the processes required, and to reimburse Council for those costs.

A full copy of the MOU is attached to this report as attachment 1, which includes plans of the various sections of road subject to the proposed realignment.

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 – Contains conditions relevant to the acquisition of land by agreement or compulsory process, including establishing appropriate compensation amounts.

Legislation

Roads Act, 1993

Local Government Act, 1993

Land Acquisition (Just Terms) Compensation Act, 1991

Financial implications

There will be a need for budget allocations to be made in relation to the costs that will be incurred in undertaking these processes. These amounts cannot be determined at this stage. Budget amendments will be put to Council at future points as the budgetary impacts become clearer. All costs will ultimately be reimbursed to Council by WSD.

Associated Risks

Any risks to Council that could arise from the existing misalignment of these road sections will be resolved once the actions proposed in the MOU are complete.

IAN CLAYTON
MANAGER - PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

26 June 2024

Attachments: 1. MoU Council and Wollar Solar Development - Barigan Rd and Maree Rd.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Monthly Budget Review - July 2024 Budget Variations

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 17 JULY 2024 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2024 Budget Variations; and
2. amend the 2024/25 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

Executive summary

This report provides Council with initial budget variations to the 2024/25 Operational Plan. Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

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 Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks associated with all Council activities
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Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2021, 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
2021/22	x	-	-
Future Years	-	-	✓

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

27 June 2024

Attachments: 1. Monthly Budget Review Attachment - July 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MONTHLY BUDGET REVIEW – JULY 2024 BUDGET VARIATIONS

17 JULY 2024

MID-WESTERN REGIONAL COUNCIL
FINANCE



FINANCE | MONTHLY BUDGET REVIEW – JULY 2024 BUDGET VARIATIONS

THIS DOCUMENT HAS BEEN PREPARED BY AMANDA AVNELL, FINANCIAL REPORTING COORDINATOR FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
AMANDA.AVNELL@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 17 JULY 2024

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1. Budget Variations

2024/2025

Fund	Project Name	Variation Description	Expense Change	Revenue Change	Funding Source 1
General	HOUSING STRATEGY	Additional funds required to engage the preferred consultant to prepare the housing strategy.	9,020	0	Unrestricted cash
General	SPEED REVIEW ON BYLONG VALLEY WAY	Speed Zone Authorisation and installation of Curve Alignment Markers. Funded by grants.	69,060	-69,060	Grants
General	UNLEADED PETROL LINE REPLACEMENT	Testing undertaken shows that the Unleaded Petrol lines need replacing.	28,000	0	Asset Replacement Reserve

9.4 Community Grants Program - July 2024

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, GRA600009

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - July 2024; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

• Mid-Western Region Community Music Association Incorporation	\$5,000
• Windeyer Crown Land Managers	\$3,000
• Alesha Bennetts	\$2,000
• Jarrod Emeny	\$1,000
• Mudgee Aero Club Incorporated	\$4,500
• Mudgee Lions Club	\$2,500
• Wollemi Physical Culture	\$5,000
• Community Charity Shop Inc	\$5,000
• Radschool Association Inc	\$690
• Back to Gulgong Inc	\$2,500

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 2040 Community Plan.

All applications except for those under the Youth Representative Grants and the Mudgee Sports Advisory categories 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 \$
Mid-Western Region Community Music Association Incorporation	Mid-West Music Quest	5,000	8	5,000
Windeyer Crown Land Managers	Windeyer and Surrounds Hoedown/Dance	3,000	9	3,000
Alesha Bennetts	World U20 Athletic Championship	2,000	-	2,000
Jarrold Emeny	University of Illinois College Basketball	3,000	-	1,000
Mudgee Aero Club Incorporated	Concrete ramp from taxiway to hanger	18,000	6	4,500
Mudgee Lions Club	Mudgee Lions Community Twilight Market and Festival 2024	2,500	9	2,500
Wollemi Physical Culture	Hire of Kandos Hall for practice every week	7,540	8	5,000
Community Charity Shop Inc	Waver of Tip fee	5,000	7	Up to 5,000
Radschool Association Inc	Scootaville	690	8	690
Back to Gulgong Inc	Back to Gulgong Weekend Home Rule	2,500	8	2,500
Total				31,190

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.

Mid-Western Region Community Music Association Incorporation

Mid-Western Region Community Music Association Incorporation requests \$5,000 for Mid-West Music Quest. Encourage all local musicians to be a part of the Mid West Music Quest which is designed to give up and coming music performers a chance to perform in front of a crowd and display their skills. We will hold auditions in Gulgong, Rylstone and Mudgee with the Final in the form of a public concert.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.4.2 Support arts and cultural development across the Region, 1.4.1 Support programs which strengthen the relationships between the range of community groups

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 5,000

Windeyer Crown Land Managers

Windeyer Crown Land Managers requests \$3,000 for Windeyer and Surrounds Hoedown/Dance. Barn Dancing is one of the best ways to get everyone up dancing and having a great time together, it is a way for people to meet and not feel so isolated within the community and surrounding smaller districts.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.4.2 Support arts and cultural development across the Region, 1.2.1 Respect and enhance the historic character of our Region and heritage value of our towns and villages

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 3,000

Alesha Bennetts

Alesha Bennetts requests \$2,000 for World U20 Athletic Championship. I (Alesha) am thrilled to share that I have been chosen to represent Australia at the World U20 Athletic Championships for the 400m hurdles in Lima, Peru. This will mark my first international competition, and I am honoured to represent the Green and Gold. However, there is a team payment levy of \$6000 to cover the travel and competition expenses.

COMMUNITY GRANT CATEGORY

Youth Representative Grants Category: Cap \$ 2,000

RECOMMENDATION:

\$ 2,000

Jarroed Emeny

Jarroed Emeny requests \$3,000 for University of Illinois College Basketball. This is for my second year of my masters program playing wheelchair basketball for the university of Illinois. I have received a full scholarship that covers my tuition and living costs, however I have to cover my flights.

COMMUNITY GRANT CATEGORY

Disability Representative Grants Category: Cap \$ 1,000

RECOMMENDATION:

\$ 1,000 (Recommended the maximum cap amount)

Mudgee Aero Club Incorporated

Mudgee Aero Club Incorporated requests \$18,000 for Concrete ramp from taxiway to hanger.

Link to Community Plan:3.2.3 Support the expansion of essential infrastructure and services to match business and industry development in the Region 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap \$25,000 or 50% of actual cost.

RECOMMENDATION:

\$ 4,500*

*Due to limited benefits raised in the application, the panel scored the application at 6 out of a possible 10. This results in a recommendation from the panel to reduce the grant amount to half of the capped assessment (that is, half of 50% of actual costs).

Mudgee Lions Club

Mudgee Lions Club requests \$2,500 for Mudgee Lions Community Twilight Market and Festival 2024. Combined market and fun festival for the whole community with a festive, Christmas theme. Held each year since 2014 (the 2020 and 2021 event was held in April due to COVID restrictions), the principal focus is on fun and activities for all of the family while keeping costs as low as possible and also to get the involvement of as many community groups as possible.

Link to Community Plan:1.4.1 Support programs which strengthen the relationships between the range of community groups 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles, 1.4.2 Support arts and cultural development across the Region

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 2,500

Wollemi Physical Culture

Wollemi Physical Culture requests \$7,540 for Hire of Kandos Hall for practice every week. Physical Culture is a competitive not for profit dance sport available to girls and ladies ages 2-100 years old Physie Clubs are run throughout NSW - Metropolitan Sydney, North Coast, Central Coast, Blue Mountains and beyond, our Wollemi club is one of only 3 EP Physie Clubs in the Central West, other two being Lithgow and Bathurst.

Link to Community Plan:1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 1.4.1 Support programs which strengthen the relationships between the range of community groups

COMMUNITY GRANT CATEGORY

Community Grants Category - In-kind Grant: Cap \$ 5,000

RECOMMENDATION:

\$ 5,000 (Recommended the maximum cap amount)

Community Charity Shop Inc

Community Charity Shop Inc requests for Waiver of all Tip fee going forward. Charity Shop have a storage shed for extra furniture which has been broken into and vandalized so we will have some loads to the tip. Also, at times we are donated the contents of a deceased estate which means we can clean out the whole house unfortunately sometimes are unsaleable and have to go to the tip.

Link to Community Plan:1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 1.4.3 Provide equitable access to a range of places and spaces for all in the community

COMMUNITY GRANT CATEGORY

Community Grants Category - In-kind Grant: Cap \$ 5,000

RECOMMENDATION:

Up to \$5,000 in kind - They are requesting the tip fee to be waived going forward.

Radschool Association Inc

Radschool Association Inc requests \$690 for the hire of the Showground Pavilion for Scootaville. Scootaville is an event organised by the Radschool Association Inc, a registered charity, which raises funds to benefit Legacy and homeless Veterans. Participant, who are ex-ADF men and women, ride small motor scooters across the country raising funds.

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 Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 690 in-kind

Back to Gulgong Inc

Back to Gulgong Inc requests \$2,500 for Back to Gulgong Weekend Home Rule. The Back to Gulgong Weekend will be held on the 5th October long weekend. This year will be the Home Rule bands 40th anniversary. On Saturday night there will be a concert held. On Sunday night there will be a play which will give tribute to the volunteers who built Gulgong. The schools in the area will be having a reunion at the same time which brings visitors to the area.

Link to Community Plan: 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, 1.4.2 Support arts and cultural development across the Region

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 2,500

Community Plan implications

Theme	Good Government
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 \$110,000 is provided in the Operational Plan for financial assistance. Based on the scoring system above, and the recommendation of Council officers, an amount of \$31,190 in financial assistance is proposed. Should Council approve the recommendations in the report, an amount of \$78,810 remains in the budget.

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

28 June 2024

Attachments: 1. Community Grant July 2024 attachment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Classification of Land - Lot 1002 DP 1301844 Drainage Reserve located at 27 Mervyns Lane, Spring Flat

REPORT BY THE PROPERTY OFFICER
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, COU500013

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 1002 DP 1301844 located at 27 Mervyns Lane, Spring Flat;
2. authorise the General Manager and Mayor, where additionally required to do so, sign all documentation necessary to classify Lot 1002 DP 1301844 as Operational Land;
3. authorise the Common Seal of Council to be affixed, where necessary, in relation to the classification of Lot 1002 DP 1301844 as Operational Land; and
4. notify the public of its intention to classify the Drainage Reserve at Lot 1002 DP 1301844 as Operational Land in accordance with Chapter 6, Part 2 Division 1 of the *Local Government Act 1993*, by publicly exhibiting the proposal for 28 days, and should there be no submissions received from the public, the subject land be so classified as Operational Land.

Executive summary

This report seeks to commence the classification process for the Drainage Reserve identified as Lot 1002 DP 1301844 located at 27 Mervyns Lane, Spring Flat as Council *Operational Land*.

Disclosure of Interest

Nil

Detailed report

The allotment of land located at 27 Mervyns Lane, Spring Flat was transferred to Council under development on 12 June 2024. A Map identifying the subject land is appended as Attachment 1.

In accordance with the *Local Government Act 1993*, all public land must be classified as either "Community" or "Operational" land. The purpose of classification is to clearly identify that land which should be kept for use by the public (Community Land) and land can be used by Council (Operational Land).

The *Local Government Act 1993* provides:

31 Classification of land acquired after 1 July 1993

(2) Before a council acquires land, or within 3 months after it acquires land, a council may

resolve (in accordance with this Part) that the land be classified as community land or operational land.

The purpose of classification is to clearly identify land that should be kept for use by the general public (Community Land) and land which facilitates the functions of Council (Operational Land). Community Land will ordinarily incorporate land such as a public park. Land that is classified as operational includes land held as an asset, or land that is not open to the public, such as in this case, where a land parcel is required for drainage purposes.

It should be noted that any land acquired by a Council, or vested through development that is not classified or resolved under the Act within 3 months, is automatically classified as Community Land according to s.31 of the Act.

Given the stipulated use of Lot 1002 DP 1301184 is for a Drainage Reserve, it is therefore recommended to commence the classification process, with Council resolving its intentions to classify the land as Operational Land. Council must then publicly advertise its proposal for a period of 28 days, so that written submissions regarding can be accepted from the public.

Should there be no submissions from the public, it is advocated that the land be so classified as Operational Land.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1 of the *Local Government Act* 1993, states that all public land must be classified as either Community or Operational land.

Financial implications

Not Applicable

Associated Risks

Any land parcel acquired by a Council, or vested through ownership that is not classified under the Local Government Act 1993, is taken to have been classified as Community Land.

As the land parcel is required for a Drainage Reserve, the land must be classified as Operational Land within the stipulated timeframe.

LEIGH CUSHWAY
PROPERTY OFFICER

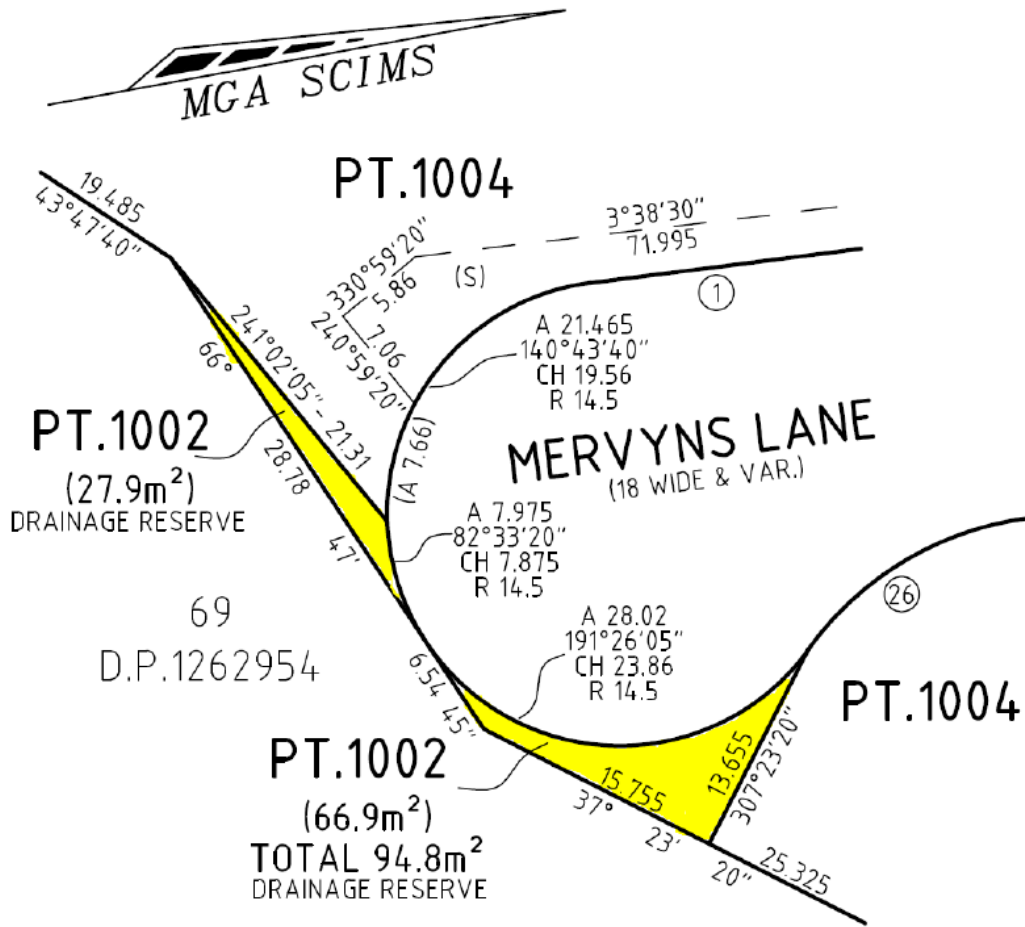
LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

1 July 2024

Attachments: 1. Map Identifying Lot 1002 DP 1301844 Drainage Reserve at 27 Mervyns Lane, Spring Flat (highlighted in yellow).

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



9.6 Classification of Land - Lot 1003 DP 1301844 Drainage Reserve at 11 Mervyns Lane, Spring Flat

REPORT BY THE PROPERTY OFFICER
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, COU500013

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 1002 DP 1301844 Drainage Reserve at 11 Mervyns Lane, Spring Flat;
2. authorise the General Manager and the Mayor, where additionally required to do so, to sign all documentation necessary to classify Lot 1003 DP 1301844 as Operational Land;
3. authorise the Common Seal of Council to be affixed, where necessary, in relation to the classification of Lot 1003 DP 1301844 as Operational Land; and
4. notify the public of its intention to classify the Drainage Reserve at Lot 1003 DP 1301844 as Operational Land in accordance with Chapter 6, Part 2 Division 1 of the *Local Government Act 1993*, by publicly exhibiting this proposal for 28 days, and should there be no submissions received from the public, the subject land be so classified as Operational Land.

Executive summary

This report seeks to commence the classification process for the Drainage Reserve identified as Lot 1003 DP 1301844 located at 11 Mervyns Lane, Spring Flat as *Operational Land*.

Disclosure of Interest

Nil

Detailed report

The allotment of land located at 11 Mervyns Lane, Spring Flat was transferred to Council under development on 12 June 2024. A Map identifying the subject land is appended as Attachment 1.

In accordance with the *Local Government Act 1993*, all public land must be classified as either "Community" or "Operational" land. The purpose of classification is to clearly identify that land which should be kept for use by the public (Community Land) and land can be used by Council (Operational Land).

The *Local Government Act 1993* provides:

- 31 Classification of land acquired after 1 July 1993
 - (2) Before a council acquires land, or within 3 months after it acquires land, a council may

resolve (in accordance with this Part) that the land be classified as community land or operational land.

The purpose of classification is to clearly identify land that should be kept for use by the general public (Community Land) and land which facilitates the functions of Council (Operational Land). Community Land will ordinarily incorporate land such as a public park. Land that is classified as operational includes land held as an asset, or land that is not open to the public, such as in this case, where a land parcel is required for drainage purposes.

It should be noted that any land acquired by a Council, or vested through development that is not classified or resolved under the Act within 3 months, is automatically classified as Community Land according to s.31 of the Act.

Given the stipulated use of Lot 1003 DP 1301184 is for a Drainage Reserve, it is therefore recommended to commence the classification process, with Council resolving its intentions to classify the land as Operational Land. Council must then publicly advertise its proposal for a period of 28 days, so that written submissions regarding can be accepted from the public.

Should there be no submissions from the public, it is advocated that the land be so classified as Operational Land.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1 of the *Local Government Act 1993*, states that all public land must be classified as either Community or Operational land.

Financial implications

Not Applicable

Associated Risks

Any land parcel acquired by a Council, or vested through ownership that is not classified under the Local Government Act 1993, is taken to have been classified as Community Land.

As the land parcel is required for a Drainage Reserve, the land must be classified as Operational Land within the stipulated timeframe.

LEIGH CUSHWAY
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

1 July 2024

Attachments: 1. Map Identifying Lot 1003 DP 1301844 Drainage Reserve at 11 Mervyns Lane, Spring Flat (highlighted in yellow).

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Monthly Statement of Investments as at 30 June 2024

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 June 2024; 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 30 June 2024.

It is noted that at the time of publishing the 30 June report the TCorp managed fund balances were not finalised. These balances may be subject to change.

Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks associated with all Council activities
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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 2021 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

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

2 July 2024

Attachments: 1. Statement of Investments June 2024.

APPROVED FOR SUBMISSION:

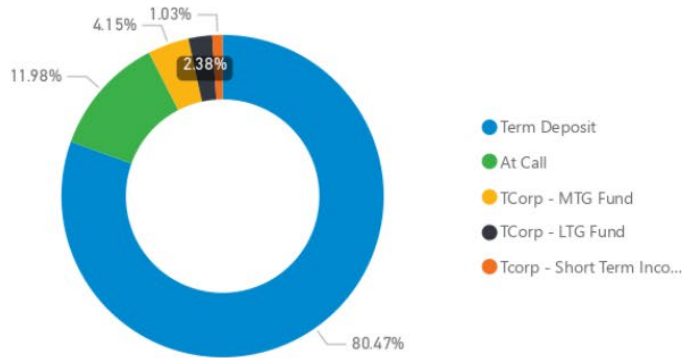
BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council Cash and Investments as at 30 June 2024

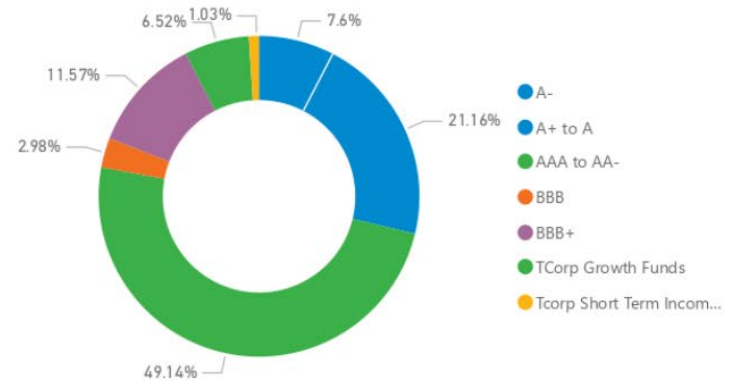
Total Investment Portfolio (\$)

151.23M

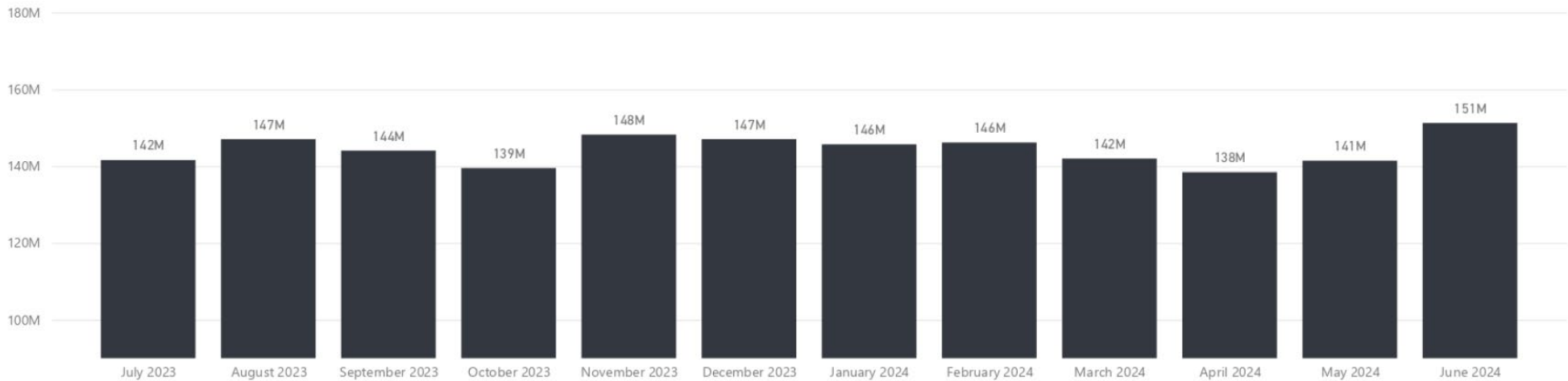
Investments by Type

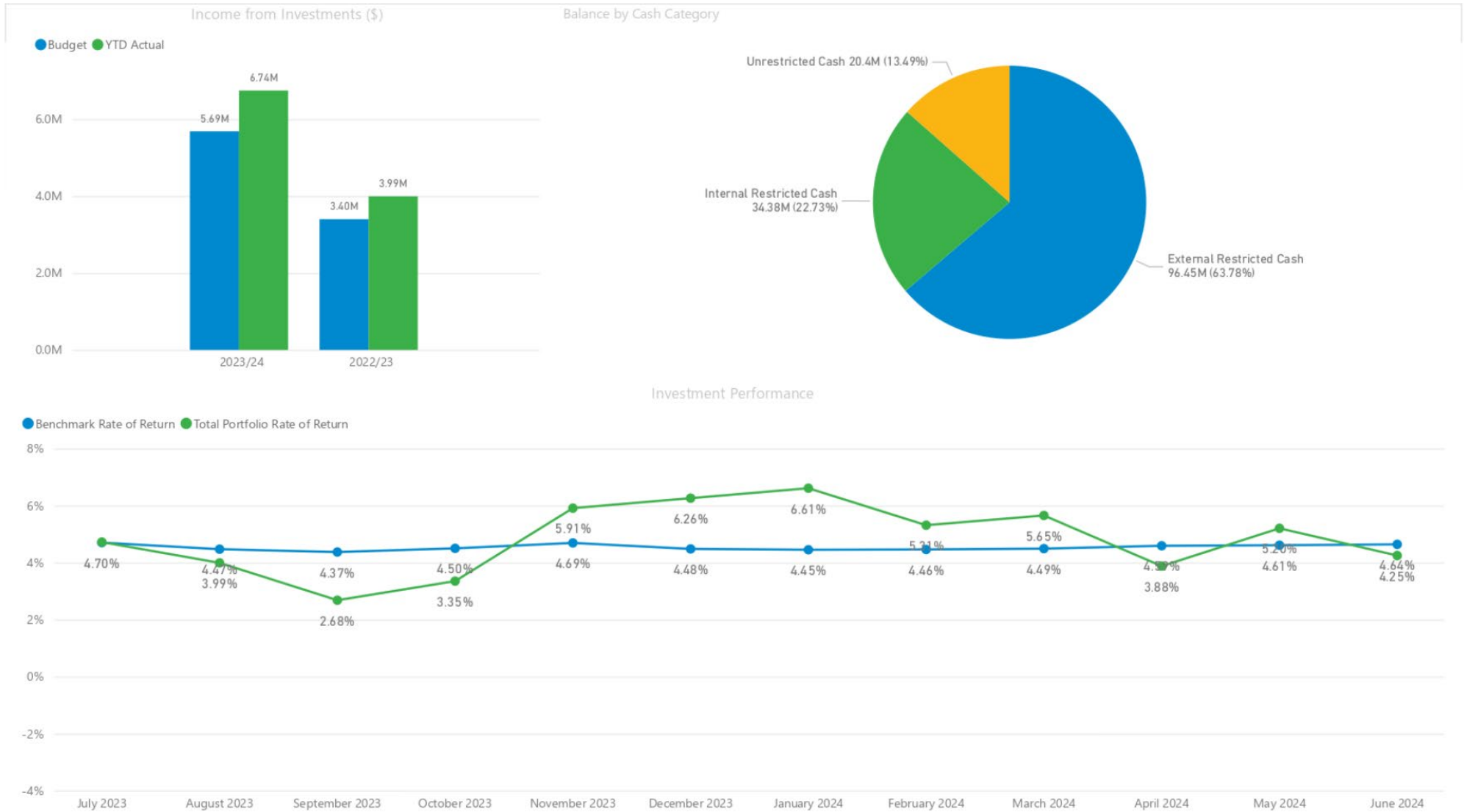


Investments by Long Term Rating



Portfolio Balance at End of Month (\$)





At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 18,112,662	0
TCorp - Long Term Growth Fund	3.00%	\$ 3,595,422	5
TCorp - Medium Term Growth Fund	3.00%	\$ 6,268,717	5
Tcorp - Short Term Income Fund	3.00%	\$ 1,553,928	5
Total		\$ 29,530,729	

Current Term Deposits

Institution	Yield	Principal Amount	Term to Maturity
Australian Military Bank	5.10%	\$ 1,000,000	24
Australian Unity	5.60%	\$ 1,000,000	38
Australian Unity	5.50%	\$ 2,000,000	157
Australian Unity	5.10%	\$ 3,500,000	283
Bank Of Queensland	5.52%	\$ 1,500,000	52
Bank Of Queensland	5.62%	\$ 1,500,000	66
Bank Of Queensland	5.62%	\$ 2,000,000	80
Bank Of Queensland	5.28%	\$ 2,500,000	129
Bank Of Queensland	5.40%	\$ 2,000,000	150
Bank Vic	5.28%	\$ 1,500,000	332
Bank Vic	5.33%	\$ 2,000,000	514
Bank Vic	5.33%	\$ 2,000,000	535
Bendigo & Adelaide Bank	5.30%	\$ 2,000,000	45
CBA	0.77%	\$ 1,000,000	73
CBA	0.85%	\$ 2,500,000	115
CBA	5.36%	\$ 2,400,000	108
Defence Bank	5.25%	\$ 2,500,000	234
G&C Mutual	5.35%	\$ 1,500,000	311
G&C Mutual	5.36%	\$ 1,000,000	381
Great Southern Bank	5.16%	\$ 2,000,000	227
ING	4.62%	\$ 1,500,000	3
ING	5.65%	\$ 3,000,000	10
ING	5.10%	\$ 3,500,000	255
ING	4.57%	\$ 2,500,000	101
ING	5.05%	\$ 2,000,000	17
ING	5.40%	\$ 3,000,000	731
ING	5.18%	\$ 3,000,000	899
ING	5.28%	\$ 3,000,000	528
ING	5.22%	\$ 2,000,000	199
MyState Bank	5.37%	\$ 2,000,000	325
NAB	0.80%	\$ 1,500,000	59
NAB	4.49%	\$ 2,500,000	171
NAB	4.45%	\$ 2,000,000	87
NAB	5.30%	\$ 2,000,000	31
NAB	5.22%	\$ 1,800,000	94
NAB	5.22%	\$ 2,500,000	122
NAB	5.15%	\$ 2,000,000	136
NAB	5.20%	\$ 3,000,000	164
NAB	5.20%	\$ 1,000,000	220
NAB	5.13%	\$ 2,000,000	59
NAB	5.11%	\$ 3,000,000	73
Rabo Bank	5.37%	\$ 2,500,000	339
Rabo Bank	5.35%	\$ 2,000,000	353
Rabo Bank	5.37%	\$ 2,000,000	367
Rabo Bank	5.36%	\$ 2,000,000	535
Westpac	4.89%	\$ 2,500,000	213
Westpac	4.35%	\$ 1,500,000	17
Westpac	5.05%	\$ 1,000,000	45
Westpac	3.70%	\$ 2,000,000	31

Institution	Yield	Principal Amount	Term to Maturity
Westpac	4.88%	\$ 4,000,000	787
Westpac	5.28%	\$ 1,000,000	115
Westpac	5.44%	\$ 1,500,000	143
Westpac	5.34%	\$ 2,000,000	374
Westpac	5.10%	\$ 2,500,000	192
Westpac	4.98%	\$ 2,000,000	360
Westpac	5.19%	\$ 2,000,000	241
Westpac	5.16%	\$ 2,500,000	269
Westpac	5.17%	\$ 2,500,000	297
Total		\$ 121,700,000	

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 61,030,729	40%	40%	20%	OK
Between 3 months and 1 year	\$ 66,200,000	44%	84%	40%	OK
Between 1 year and 2 years	\$ 14,000,000	9%	93%	50%	OK
Between 2 years and 4 years	\$ 10,000,000	7%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 151,230,729				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	4%	\$ 5,900,000
	NAB	40%	OK	27%	\$ 41,412,662
	Westpac	40%	OK	18%	\$ 27,000,000
A	ING	20%	OK	16%	\$ 23,500,000
	Rabo Bank	20%	OK	6%	\$ 8,500,000
	Australian Military Bank	10%	OK	1%	\$ 1,000,000
BBB+	Australian Unity	10%	OK	4%	\$ 6,500,000
	Bank Vic	10%	OK	4%	\$ 5,500,000
	G&C Mutual	10%	OK	2%	\$ 2,500,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
	Defence Bank	5%	OK	2%	\$ 2,500,000
BBB	Great Southern Bank	5%	OK	1%	\$ 2,000,000
	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,595,422
	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 6,268,717
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,553,928
A-	Bank Of Queensland	20%	OK	6%	\$ 9,500,000
	Bendigo & Adelaide Bank	20%	OK	1%	\$ 2,000,000
	Grand Total			100%	\$ 151,230,729

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	49%	\$ 74,312,662
BBB+	20%	OK	12%	\$ 17,500,000
BBB	5%	OK	3%	\$ 4,500,000
TCorp Growth Funds	15%	OK	7%	\$ 9,864,139
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,553,928
A+ to A	50%	OK	21%	\$ 32,000,000
A-	40%	OK	8%	\$ 11,500,000
Grand Total			100%	\$ 151,230,729

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Movement	Closing Balance
NAB (At call account)	10,281,139	7,831,523.51	18,112,662
TCorp - Cash Fund	-	-	-
TCorp - Long Term Growth Fund	3,559,881	35,540.67	3,595,422
TCorp - Medium Term Growth Fund	6,248,319	20,397.92	6,268,717
TCorp - Short Term Income Fund	1,624,413	- 70,484.97	1,553,928
Total	21,713,752	7,816,977.13	29,530,729

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	0.72%	5/06/2024	2,000,000	43,082
CBA	4.15%	26/06/2024	2,000,000	170,321
CBA	4.63%	19/06/2024	4,000,000	277,075
NAB	5.15%	12/06/2024	1,500,000	59,431
Total			9,500,000	549,908

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Rabo Bank	5.35%	18/06/2025	2,000,000	110,811
Bank Vic	5.33%	17/12/2025	2,000,000	163,551
G&C Mutual	5.36%	16/07/2025	1,000,000	58,593
Defence Bank	5.25%	19/02/2025	2,500,000	88,099
Rabo Bank	5.37%	2/07/2025	2,000,000	108,871
Rabo Bank	5.36%	17/12/2025	2,000,000	158,010
Total			11,500,000	687,935

Item 10: Operations

10.1 Review of NSW Waste Levy

REPORT BY THE MANAGER WASTE AND ENVIRONMENTAL SERVICES
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, F0570008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Waste and Environmental Services on the Review of NSW Waste Levy;**
 2. **note EPA document “Review of the NSW Waste Levy Issues Paper” and Netwaste’s response on behalf of member councils; and**
 3. **formally oppose any extension of the waste levy area.**
-

Executive summary

The Environment Protection Authority (EPA) have released an issues paper “Review of the NSW Waste Levy. They are seeking responses via written feedback and by response to a survey.

The Levy is paid by certain EPA-licenced waste facilities, such as landfills, located within or receiving waste from the Metropolitan Levy Area or Regional Levy Area. These levy paying areas must pay the waste levy for each tonne of solid waste they receive. The levy for 2024/25 is \$97.90 per tonne for the regional levy area and \$170.10 for the metropolitan levy area.

Disclosure of Interest

Nil

Detailed report

The EPA contacted councils and Netwaste late last year to advise they were conducting a review of the waste levy. A meeting was held in Dubbo, late November 2023 between council staff and EPA officers to obtain feedback from Netwaste member councils on a possible extension of the levy area. At the meeting all Netwaste Councils strongly opposed the extension of the levy area to include any Netwaste councils.

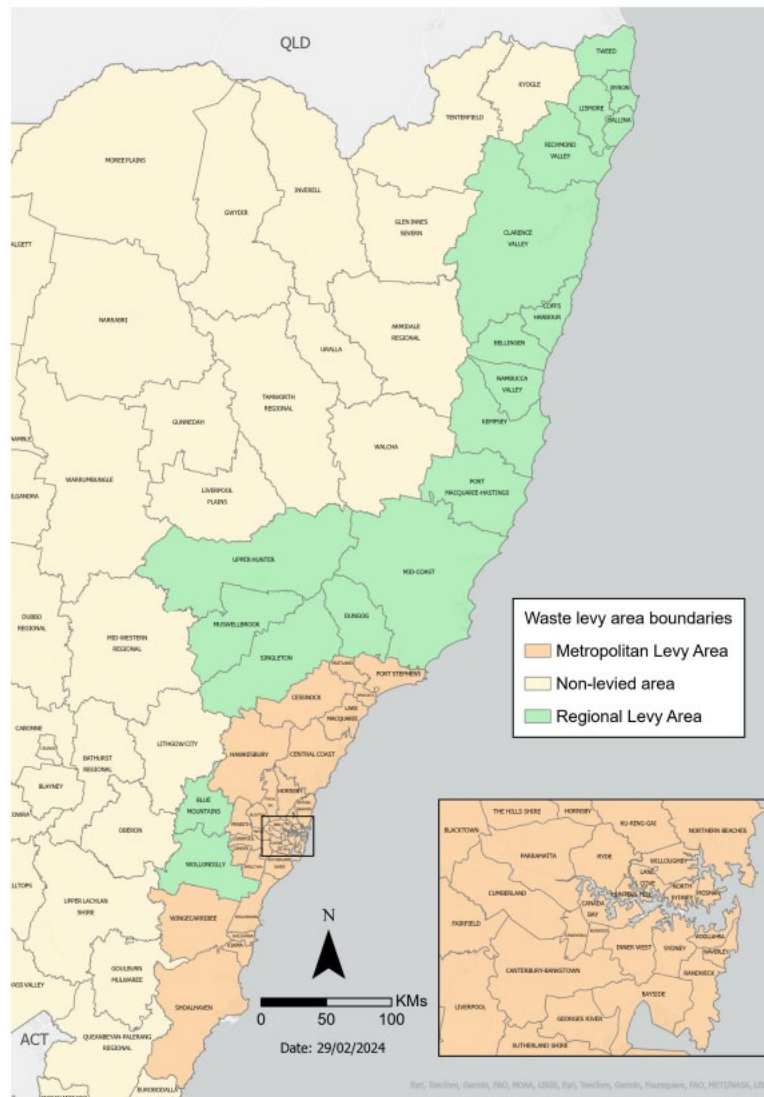
The next stage of the EPA consultation process is the release of an issues paper “Review of the NSW Waste Levy” and seeking feedback in response to this document.

According to the EPA, Waste levies aim to incentivise resource recovery by increasing the cost of landfilling so that recycling becomes a more cost competitive option.

The Levy is paid by certain EPA-licenced waste facilities, such as landfills, located within or receiving waste from the Metropolitan Levy Area or Regional Levy Area and they must pay the waste levy for each tonne of solid waste they receive.

Revenue from the waste levy is collected by the EPA and then added to the NSW Government’s general revenue pool, known as the Consolidated Fund, on a regular basis.

\$365 million per year is used for waste and resource recovery issues and initiative, this is only one sixth of the approximate \$800M in levies collected.

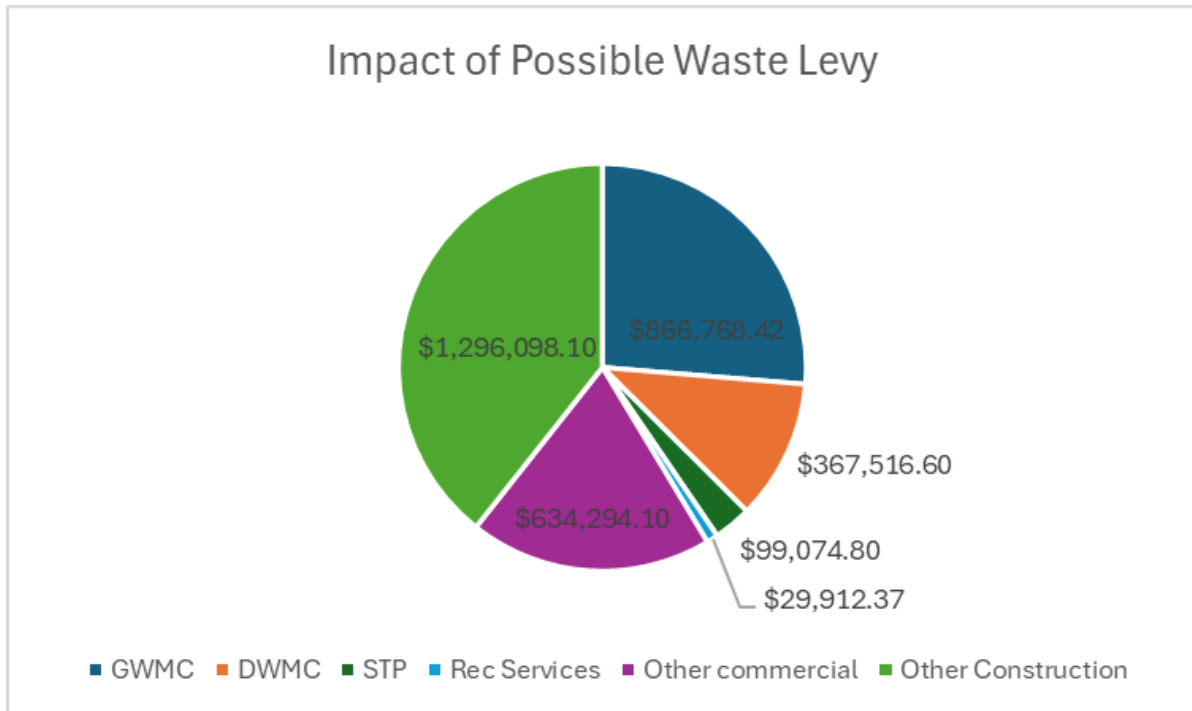


Map Showing LGA's that Currently Pay the Waste Levy

Expansion of the Levy Paying Area - What this could mean to Mid-Western

The current rate of levy for the Regional Levy Area is \$97.90 per tonne and the metropolitan levy area is \$170.10 per tonne.

Based on the current Regional Levy area rate and the waste received into our landfill each year the impact on the Mid-Western area could be \$3.3M per annum.



Operational Issues

Should a waste levy be introduced it would create a number of operational challenges if it was to be used as the intended incentive for reducing waste and increasing recycling in various forms.

With the levy paid per tonne of waste it could be considered unfair to spread the levy across the waste base, however the only way to apply it to the kerbside service is to share the cost between all those rated for the services. Indicative costs based on the current regional levy would increase the Domestic Waste Management Charge by \$43.22 per service. If we are to include waste delivered to our rural facilities we would need to increase the General Waste Management Charge by \$57.18 per service.

Based on these indicative costs, the impact on a residential service in the kerbside collection area would be an increase of over \$100 per year, which is a 29% increase.

Potentially on-site charges (gate fee) would need to be applied to all customers. The increased cost makes the current system more inequitable with no real incentive or reward for the residents who recycle well and make responsible consumer and waste decisions. It is considered increases in prices and gate fees across the weighbridge will increase deceptive behaviour of those trying to avoid waste fees.

For a user pay system to work with the model MWRC has for rural waste transfer stations, staff would need to be on site to weigh waste and apply appropriate charges, therefore rural waste transfer stations may only be opened limited hours to control the amount and type of waste delivered. Otherwise, the levy is just applied to all customers evenly. It is possible Mudgee would need a second weighbridge to cope with the additional weighing to apply accurate charges and potentially Kandos and Gulgong may need weighbridges.

There is also additional resourcing required to administer levy collection on behalf of the NSW Government.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Live in a clean and environmentally sustainable way
Strategy	Work regionally to implement strategies that will enhance environmental outcomes in regards to waste management and minimisation

Strategic implications

Council Strategies

Not applicable.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Although the EPA document “Review of the NSW Waste Levy” is an issues paper, it is important that Council is aware of the potential implications as the cost to our community has the potential to be significant.

The costs below are indicative and show how the costs will likely be spread across the community. These estimated costs are based on the current regional levy rate.

Waste Sector/ Type	Indicative Cost Increase per Annum
Municipal Waste including kerbside waste and waste from rural transfer stations.	\$1,230,000
Biosolids from Sewer Treatment Plant	\$100,000
Construction and Demolition Waste, includes fill, brick and concrete and mixed building waste.	\$1,300,000
Commercial Waste, includes mixed commercial, pallets and commercial garden waste.	\$630,000

Associated Risks

The initial risks to Council are the potential significant on-going operational costs to administer the levy, increased inconvenience and costs to the community and potential lack of tangible outcomes.

KYLIE STEWART
MANAGER WASTE AND ENVIRONMENTAL SERVICES

JULIAN GEDDES
DIRECTOR OPERATIONS

8 July 2024

Attachments: 1. Submission from Netwaste on Review of NSW Waste Levy Issues Paper. (separately attached)
2. EPA Document Review of the NSW Waste Levy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Community and Cultural Services Quarterly Report

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, COS300010

RECOMMENDATION

That Council:

- 1. receive the report by the Acting Director Community on the Community and Cultural Services Quarterly Report; and**
 - 2. note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.**
-

Executive summary

This report aims to familiarise Council with services and activities provided by its Community & Cultural Services Department, and to inform it of issues and events of note that arose during the period April to June 2024 (inclusive).

Disclosure of Interest

Nil

Detailed report

Details of Community & Cultural Services quarterly activities, events, milestones, and points of note are contained in the attachment to this report. Of particular interest:

- Community Transport will continue to campaign for more volunteer drivers after a recent recruitment drive resulted in two new drivers being registered. They will also continue to run social outings for clients.
- Youth Services delivered a comprehensive autumn school holiday program, the Level Up gaming program continues to be popular, and the TOTEM skate workshop and jam attracting 49 participants. The new Youth Services Van wrap will provide highly visible promotion of Youth Services activities and events.
- Club Mudgee has engaged a new supplier for fresh meals for Meals on Wheels and the standard will continue to be monitored.
- Family Day Care were found compliant after the results of the spot check from the Department of Education in March. They will continue to try and recruit new educators as the waitlist increased. They were also approached by the Department of Education regarding the possibility of offering Before and After School care at Gulgong Public School as there is keen support for the service from families in the area.

- Community Development delivered activities for Reconciliation week 27 May – 3 June in Mudgee and Gulgong and both were well attended with excellent feedback provided.
- A two day Mental Health First Aid training course was held 6-7 June with 22 community members attending and feedback was overwhelmingly positive.
- Healthy Communities programs from April – June had 852 attendees with pool activities wrapping up in April, light exercise classes continue in Gulgong, Mudgee, and Kandos.
- After essential repairs to Town Hall Cinema equipment, the movies returned in May with over 320 patrons attending.
- The Mudgee Arts Precinct hosted the successful Julian Meagher Triple Rainbow exhibition between February and April with over 4,900 visits to the exhibition. Guwayu: for all time exhibition of First Nations artists curated by Mudgee-based Wiradjuri woman, Aleshia Lonsdale opened on 3 May and runs until 28 July with over 5,700 visits to the exhibition in May and June. Waste2Art Mid-Western 2024 a community art exhibition and competition opened on 14 June and runs until 21 July with this year's theme recycled packaging. 91 entries were received with 9 finalists going forward to represent the regional exhibition in Parkes. The Culture Dose for Kids program concluded in April, feedback was extremely positive, and the Mudgee Arts Precinct plans to run the program again.

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

Cultural Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

RACHEL GILL
ACTING DIRECTOR COMMUNITY

3 July 2024

Attachments: 1. Community Services Quarterly Report Q2 Apr-Jun 2024.
2. Mudgee Arts Precinct Quarterly Report April - June 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Community Services Quarterly Report April - June 2024

Community Transport

Transport figures	
Commonwealth Home Support Program trips	806
Community Transport Program trips	96
National Disability Insurance Scheme trips	52
Department of Veterans Affairs trips	24
Health related transport trips	79
Full cost recovery trips	205
Non reportable trips	6
TOTAL	1268

Unmet requests for transport	
Requests made when service was already fully booked	5
Cancellations by clients and/or medical service	19
No drivers available for Sydney or long-distance trips	1
TOTAL	25

Volunteers – 19 registered
<ul style="list-style-type: none"> Two new volunteer drivers have commenced, with one having capacity to do Sydney trips.

Vehicles - 6
<ul style="list-style-type: none"> 2 x Kia Carnivals 1 x Subaru 4WD 3 x Camry sedans
2 Vehicles need to be replaced having over 300,000km on the odometer.

Community Transport will again run social outings for clients including shopping trips and trips to areas such as Kandos, Rylstone, Hill End etc. Fees for social outings have been decreased to encourage uptake and make the trips more cost-effective with multiple clients in each vehicle. These trips are designed to limit social isolation and will add to outputs required under CHSP & CTP funding.

A recruitment drive has been for Volunteer Drivers, resulting in two new drivers being registered. Community Transport will continue campaigning to attract more volunteer drivers.

Family Day Care

Family Day Care Educators	
Mudgee	2
Gulgong	3 (1 on maternity leave)
Kandos	1
Wellington	3
TOTAL	9

The waiting list has increased to 110 children requiring care and we continue to take calls and emails from families seeking care within the region. Family Day Care will continue to try to recruit educators for this valuable service.

The Department of Education approached Family Day Care to investigate the possibility of offering Before and After School care at Gulgong Public School under the Family Day Care banner of in-venue care. The Department are working through the legislative changes required for this to occur. The Coordination Unit fielded several calls and emails from families in Gulgong after a Councillor mentioned at the Gulgong Public School P & C meeting that there may be an opportunity for FDC to undertake this much needed service. All families were very keen to support this if it can proceed.

Family Day Care received a spot compliance check from the Department of Education in March 2024, where they visited six Educators and the Coordination Unit. The Coordination Unit was offered guidance to comply with provisions and evidence was provided to demonstrate these provisions were rectified. The service was found to be compliant with all other provisions of the National Law and National Regulations that were monitored during this visit so there will be no further action as a result.

Youth Services

Programs	21 activities	459 participants
The Autumn school holiday program included a scavenger hunt, an excursion to Dubbo cinema and ten pin bowling, fishing and a variety of workshops. The workshops included skateboarding, aerials, drama, Waste2Art and Minecraft.		
The TOTEM skate workshops and jam attracted 49 participants. The Youth Services sponsored screening of Kung Fu Panda in May attracted 200 participants.		

The Youth Services Van, funded through ClubGrants and Council, is being utilised by Youth Services. The van wrap design is complete after consultation with the Youth Council and will provide highly visible promotion of Youth Services activities and events.

Youth Council met in May and discussed Youth Councillor recruitment and the new Youth Opportunities project – Tell Your Story which will culminate in an exhibition at MAP.

The Level Up gaming program held in Mudgee each month continues to be popular. A felting workshop was held in Kandos in June, attended by eight young people.

Meals on Wheels

	Main Meals (including, hot, frozen meals, chilled desserts, sandwiches & soups)
April	1078
May	935
June	831
TOTAL	2844

Current number of clients for Meals on Wheels	
Active	43
New	7
Exited	10

Volunteers
94 in total
10 individual volunteers
13 organisations contributing 84 volunteers

Club Mudgee has been engaged as a new supplier for fresh meals. There have been issues with consistency of the quality and size of meals which has resulted in the loss of some clients or clients transferring back to frozen meals.

Meetings have been held with the supplier regarding corrective actions and they will continue to be monitored with a potential for return to frozen options only if meals do not improve to required standard.

Community Development

Mudgee & Gulgong Interagency

Monthly meetings for Mudgee & Gulgong Interagency members have continued to be consistently attended over the past quarter. Meetings have been held mostly via MS-teams with a hybrid meeting held in June giving the attendees the opportunity to meet face-to-face and network after the meeting. The group suggested holding specific events to provide individualised support to those in the community facing housing issues/homelessness. A 'Life Admin Day' has been organised to assist in obtaining birth certificates, forms of ID, and government accounts.

Attendance	
April	19
May	16
June	19

Types of services attending meetings
Health NSW, Transport NSW, Services NSW (Centrelink), Housing and Homelessness (Housing Plus), Mental Health (Marathon Health, TAFE NSW, Disability, Family Support) etc.
Lobbying members to complete the Registration of their organisations to Interagency and complete relevant surveys.

Kandos & Rylstone Interagency

Attendance		Types of services attending meetings
May	7	Western Community Legal Service, Barnardos, Rylstone HealthOne, Marathon Health, Warrabinga, Services Australia, Uniting Care, Wellways, NALAG
June	8	

Groups & Activities

On Friday 28th of June around 65 people attended the Wirimibili Indigenous Community Garden Open Day coordinated by Council. There was live music, a BBQ, weaving, an Indigenous Plants knowledge and cuttings workshop, and a Welcome to Country and song activity. The feedback from the community regarding this event was very positive.

Community Development delivered activities for Reconciliation Week (27 May-3 June), including a boomerang making workshop in Gulgong and a workshop making products from indigenous plants in Mudgee. These activities were both well-attended with excellent feedback provided by attendees.

Community Development provided secretarial support to the Mid-Western People Against Violence Committee who meet monthly to discuss issues such as DV support and awareness.

In partnership with Lifeline, Men’s Growth Rooms in Rylstone and Mudgee were run once a month, providing an opportunity for men to talk with other men about issues important to them.

The Wollemi Singers met weekly during the school term and is rehearsing for events later in the year.

Healthy Communities

A free two-day Mental Health First Aid training course was held on 6-7 June. The course was attended by 22 community members from across the region, representing service organisations, sports clubs, churches, aged and disability support services and local businesses.

Participants gained the knowledge, confidence and skills to provide initial mental health support and information to others in their community. Feedback has been overwhelmingly positive with several participants contacting Council directly to thank them for running the course.

Pool-based activities wrapped up in April, with light exercise classes continuing in Gulgong, Mudgee and Kandos. There were 852 attendances at Healthy Communities programs from April-June.



Quarterly Report: Mudgee Arts Precinct April - June 2024

Mudgee Arts Precinct April – June 2024 Visitation:

Main Gallery: 7,965

Upstairs: 1,700

TOTAL VISITATION TO MAP: 9,665 instances of visitation to MAP over 91 days.

Average of 106 instances of visitation per day.

Programming:

Julian Meagher: Triple Rainbow 2 February – 28 April 2024

Julian Meagher's latest exhibition *Triple Rainbow* was a series of hyper-romantic artworks by Australian painter Julian Meagher, focusing specifically on landscapes from around Mudgee. During visit to the region, the artist became fascinated with the subliminal transition from the night cycle into day. As a result the paintings emerge almost as 'dreamscapes,' blurring the line between what is real and what is imagined. As the exhibition title suggests, Julian uses the rainbow as a symbol of extreme hope and unconditional love.

Julian's figurative works depict his children adrift in their own dreamscapes. All titled *Rapid Eye Movement*, these paintings also reflect on the subliminal space between day and night, waking reality and the deep subconscious journey between sleep cycles. They are deeply personal but also universal – existing as a loving record of a moment in time. Without any interaction from the subject matter, the paintings immerse us into a voyeuristic escape with the representation of peacefulness, compelling us to momentarily forget our daily mundanities.

A masterful manipulator of oil paint, Julian applies thin, translucent layers that are intensely blended and also removed with rags. He subsequently veils and gently drips over the initial layers, reacting to what is underneath, thereby creating fleeting opportunities to achieve his trademark pared-back effect. The final art works breathe with a meditative quality and stillness.

The landscapes around Mudgee, particularly *Triple Rainbow over Mount Frome* will be instantly recognisable to local residents, capturing the ephemeral moment one's eyes adjust to the colour of the new morning light. The fleeting, fractured rainbow is mirrored throughout the series, breaking down the everyday into moments of divine poetry.

EXHIBITION VISITATION DATA

Julian Meagher: Triple Rainbow

2 Feb 2024 - 28 April 2024

87 days

Total instances of visitation: **4947.5**

Average 57 instances of visitation per day

Guwayu: for all time 3 May – 28 July 2024
Funded by Regional Arts NSW

This powerful exhibition of First Nations artists illuminates and honours the past we have inherited and looks to the future we will leave behind. Curated by Mudgee-based Wiradjuri woman, Aleshia Lonsdale, *Guwayu: for all time* will showcase the meta-temporal nature of Australia's history where the past, present and future exist together.

The exhibition examines dispossession, Indigenous activism, organisation, and resistance, marking hugely significant events for Aboriginal people, including the declaration of martial law in 1824 and the launch of Australia's first united and politically organised Aboriginal activist group, the Australian Aboriginal Progressive Association (AAPA) in 1924. By walking backwards into the future, *Guwayu: for all time* lays bare intergenerational trauma whilst celebrating the resilience, strength, and aspirations of First Nations' peoples.

The exhibition contains works by some of Australia's most renowned First Nations artists including Tony Albert, Nicole Chaffey, Jo Clancy, Lorraine Connelly-Northey, Karla Dickens, Blak Douglas, Fiona Foley, Amala Groom, Aleshia Lonsdale, Juanita MacLaughlan, Danie Mellor, Vincent Namatjira, Joel Sherwood Spring, Jason Wing, Maddison Wing and Judy Watson.

It is accompanied by a catalogue including an essay by renowned First Nation's academic and curator, Djon Mundine OAM.

Guwayu: For all Time
Visitation Figures 3 May - 30 June (progress report)

Total Instances of Visitation: **5740**
Average 97 people per day

Opening (Friday 3 May): **487**
Artist Talk (Saturday 4 May): **351 instances of visitation**

Waste 2 Art
Seminar Room: 14 June – 21 July 2024

Waste 2 Art Mid-Western 2024 is a community art exhibition and competition open to all local residents. It showcases creative works made from reused and recyclable waste materials. The aim is to challenge people's perceptions about 'rubbish' and to celebrate the reuse and recycling of waste through arts and crafts.

Waste to Art provides an innovative approach to waste education, invites individuals, artists, makers, schools, and community groups to take up the challenge and create a new life for materials that would otherwise have been thrown away. Instead of ending up in landfill, these waste materials can be turned into fantastic works of art.

This competition gives aspiring and professional artists the chance to explore and share their "waste reduction message." It also provides a wonderful opportunity for the entire Mid-Western Regional Council community to showcase their creativity.

This year's waste theme is recycled packaging.

51 entries were received
9 finalists going forward to represent Mid-Western in the regional exhibition to be held this year in Parkes.

Waste 2 Art

Visitation Figures 16 June - 30 June (progress report)

Total Instances of Visitation: **502**

Average 33 people per day

Education

Culture Dose for Kids

Culture Dose for Kids was an eight-week art appreciation and making program for children with mild anxiety. The program, which concluded in April, was run in association with the Black Dog Institute and the Art Gallery of New South Wales. 15 children and their parents participated in weekly two-hour sessions looking at artworks from the gallery, as well as that of local artists. An exhibition of participants' work from the Culture Dose for Kids program was held in the community gallery. Feedback from the program was extremely positive. The Mudgee Arts Precinct plans to run the program again and is currently investigating funding opportunities.

The program can be modified or used as a template for other groups including seniors and people with a disability. We are currently liaising with interested groups to develop a plan to offer this program.

Julian Meagher Triple Rainbow tours and workshops

Julian Meagher gave a live painting demonstration in the gallery surrounded by the works he had created for the Triple Rainbow exhibition.

The demonstration was very well attended with over 50 people attending throughout the 2 x 2- hour sessions. Many local artists as well as children and art enthusiasts had an opportunity to see how Julian works and to gain insights into his process and inspiration. Julian was extremely generous with his time, encouraging questions and even allowing audience members to participate in the creation of his painting.

Waste2Art

Following the successful professional development workshops, a bank of materials for schools, community groups and individuals was made available in the lead up to the Waste2Art competition. This bank of materials was accessed by a number of schools and preschools.

A second workshop was held called 'Weaving Waste into Art with Liz Mayberry'. The workshop attracted 20 participants, many of whom created entries on the day. This workshop was partly funded using a Country Arts Support program grant from Create NSW, administered by Arts Outwest.

A school holidays workshop was held in which children created waste2art entries with parents and guardians.

Two other workshops were held for groups from the Mudgee High School Learning Support Unit which facilitated a number of entries into the competition.

An increased number of entries and an improvement in the quality of entries was observed this year. It is our intention to offer workshops and to provide a resource bank again next year to maintain interest and participation in this important community event.

Artist study: A Brief History of Mudgee by Michael Bourke

Mudgee High School art teacher Jayne Blake contacted Cultural Officer and local artist Michael Bourke in order to arrange a talk to year 9 and 10 elective Art students. The class are studying a unit based on the Brief History of Mudgee exhibition that was held at the Mudgee Arts Precinct in 2022. Michael was able to show students some of his current works and to discuss his process and inspiration.

Guwayu: for all time

Guided tours have been given to a wide variety of groups from the schools and the wider community. Aleshia Lonsdale, who curated the exhibition has led some of these tours. Four classes from St Matthews Catholic School, two classes from Mudgee Community Preschool, and two classes from Mudgee High School have had tours so far. We were extremely fortunate to be able to offer students from Mudgee High School and St Matthews Catholic School an opportunity to meet Archibald winning artist Blak Douglas and to have him explain his artworks and experiences as an artist.

As part of the exhibition, Blak Douglas also gave a talk to local artists and art lovers in which he explained his experiences and inspiration.

All local schools have been contacted about tour opportunities. Cudgegong Valley Public School are currently in the process of booking tours.

Denise Faulkner Tea, Biscuits and Birds

As part of the Country Arts Support Program, we are holding two workshops with local watercolourist. One of these workshops will be targeted at seniors. Denise Faulkner is an accomplished artist who has exhibited in Australia and overseas. Denise will gain experience and support in developing a workshop by working with the Mudgee Arts Precinct. The Country Arts Support Program is aimed at building skills and interest amongst the local community as well as developing economic opportunities for local artists.

All spots have been filled with 15 people per workshop (30 in total).

Showground Mural

A workshop was held in the school holidays to create a mural for the Mudgee Showground. A small group of young people worked on four wooden boards that will later be installed at the Mudgee Showground. The Murals are still being completed. It is hoped that further mural projects will take place.

Tours and workshops

Waste 2 Art Teacher Training Day: Friday 15 March

20 Participants

Funded By: NetWaste and MAP

Artists Shani Nottingham, Aleshia Lonsdale and NetWaste Environmental Learning Advisor Bill Tink offered participants practical ideas and creative inspiration for educators to take and share with their students. The workshops provided information about environmental challenges and looked at some of the latest strategies that are being used to make a difference both locally and around the world. It was a fun and engaging day for all involved.



Waste 2 Art Weaving with Liz Mayberry: Sunday 21 April

17 participants

Funded by: CASP Funding Grant

Waste 2 Art – Sustainable Kids Art Making School Holiday Workshop: Monday 22 April

15 Participants (+a few parents)

Funded by: MAP / MWRC

Julian Meagher Live Artist Demonstration: Friday 19 April

35 Participants

Funded by: MAP and MWRC

Free live artist demonstration within the exhibition space at Mudgee Arts Precinct

School Holiday Mural Workshop: *Horse around with Michael Bourke*: Tuesday 23 April

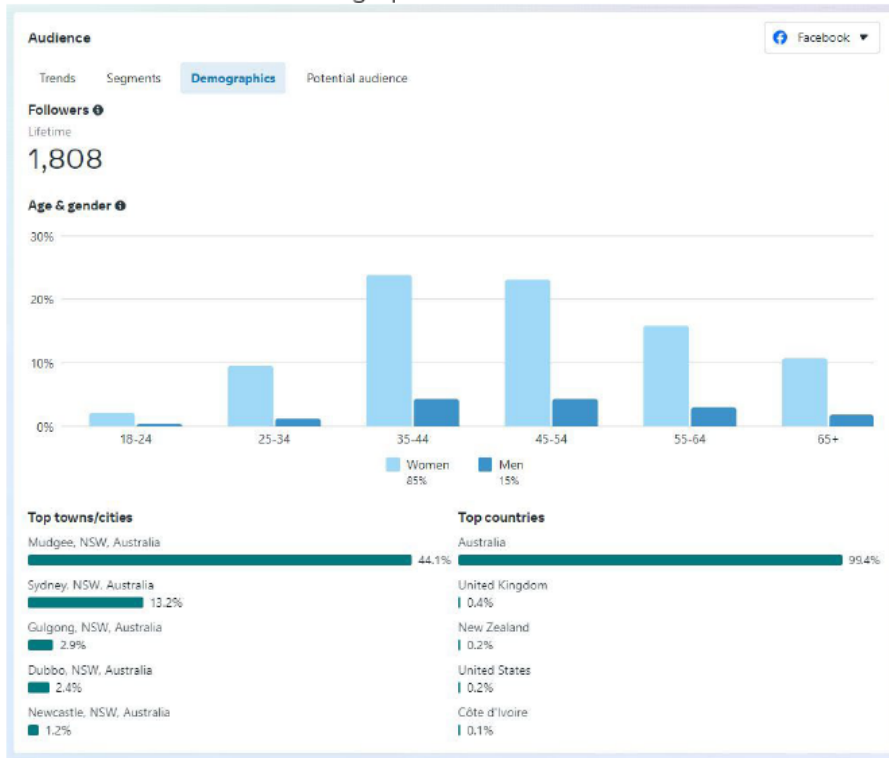
5 Participants

Funded by: MAP and MWRC

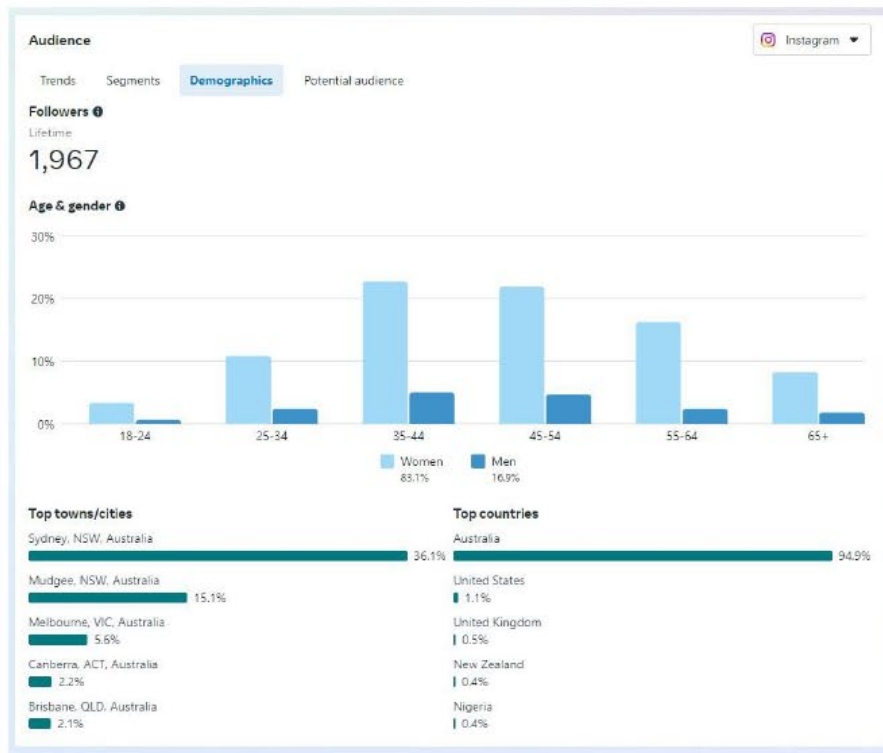
Participants assisted in the painting of a new mural for Mudgee Showground.

SOCIAL MEDIA DATA 1 April - 21 June 2024

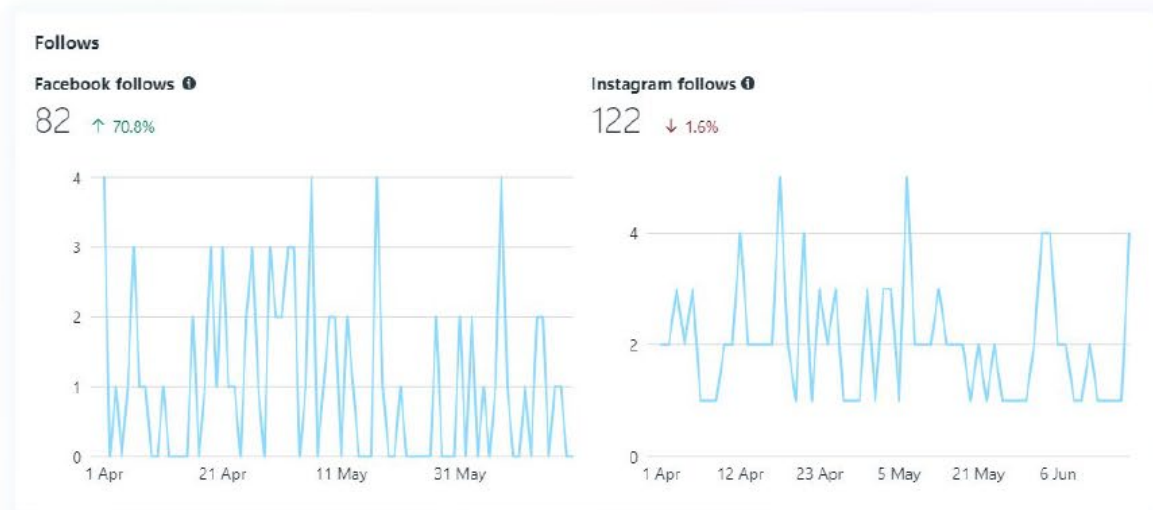
Facebook Audience Demographics



Instagram Audience Demographics



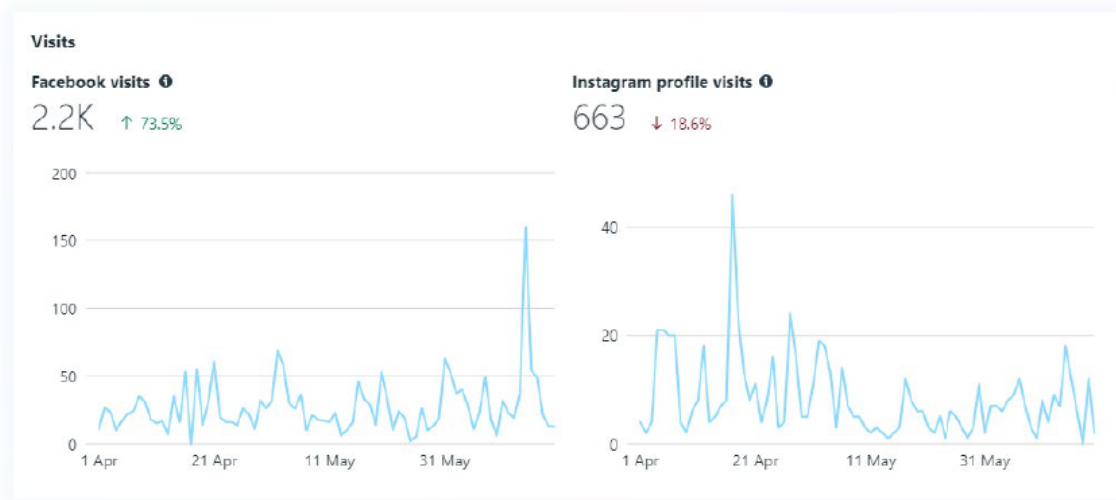
Follows



Reach



Visits



Mudgee Arts Precinct Bookings April – June 2024

During the period between 1 April 2024 and 30 June 2024 the Mudgee Arts Precinct including the Cultural Workshops had a total of 186 bookings. 36 external bookings and 150 internal bookings. The actual income taken from the external bookings was \$4,080. The total value of the 186 bookings including internal bookings during this period was \$43,905.

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Members

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, COR400236

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Members; and**
 2. **re-appoint John Stuart and John Bentley as two Independent Committee members to the Audit, Risk and Improvement Committee until November 2026.**
-

Executive summary

In accordance with Section 428A of the Local Government Act, a council must appoint an Audit, Risk and Improvement Committee (ARIC) by June 2022. Council's current ARIC Charter requires that the Councillors and independent members will be appointed for the term of the Council and independent members will be eligible for re-appointment.

Disclosure of Interest

Nil

Detailed report

In accordance with Section 428A of the Local Government Act, a council must appoint an Audit, Risk and Improvement Committee by June 2022.

In September 2018 Council adopted an Audit, Risk and Improvement Committee Charter and consequently appointed Council representatives to the Committee. Following an Expression of Interest in October 2018, Council appointed two independent members to the Committee John Bentley and John Stuart, who met the selection criteria and have a broad range of skills and management experience relevant to the Committee and also have a strong local knowledge of the region and Council's operations and services.

In relation to the term of office of Committee members the ARIC Charter states:

- Councillors and independent members will be appointed for the term of the Council (usually 4 years).
- Independent members will be eligible for re-appointment.

The recommendation to reappoint the independent members to the Committee until November 2026 will ensure that their total period of continuous membership on the committee does not exceed eight years in a ten year period under the requirements of the Audit Risk and Improvement Committee under the Local Government Act and will ensure continuity.

Community Plan implications

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

Strategic implications

Council Policies

Internal Audit Policy
Audit, Risk and Improvement Committee Charter
Enterprise Risk Management Policy

Legislation

Local Government Act 1993

Financial implications

Council has approved budget in the Operational Plan to fund the activities of the Audit, Risk and Improvement Committee.

Associated Risks

If Council operates without an Audit, Risk and Improvement Committee then it will be in breach of the Local Government Act and there is a greater chance that Council will not have an appropriate level of assurance that internal controls are working effectively to mitigate fraud and other risks throughout the organisation.

RACHEL GILL
ACTING DIRECTOR COMMUNITY

28 May 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

12.2 Local Traffic Committee Meeting Minutes - June 2024

REPORT BY THE ADMINISTRATION ASSISTANT - INFRASTRUCTURE PLANNING
TO 17 JULY 2024 ORDINARY MEETING
GOV400105, A0100009

RECOMMENDATION

That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - June 2024.

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, 21 June 2024. Two event reports were considered:

- *Mudgee Bike Ride (Marys Mayhem)* to be held 10 to 11 August 2024.
- *Flavours of Mudgee 2024* to be held 28 September 2024.

No traffic reports were considered. General Business items included:

- Several actions were discussed however there were no Local Traffic Committee action required.

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

Associated Risks

Not Applicable

JACQUALYN PERRING
ADMINISTRATION ASSISTANT -
INFRASTRUCTURE PLANNING

JULIAN GEDDES
DIRECTOR OPERATIONS

1 July 2024

Attachments: 1. MINUTES - Local Traffic Committee - 21.6.2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 21 June 2024

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 21 June 2024.

Present	Don Cottee (MWRC), Garry McGovern (NSW Police) (via Teams), Nathan Murphy (TfNSW), Samantha Cecchini (MWRC)
Apologies	Cr Alex Karavas, Mark Fehon (NSW Police), Peter Wormald, Thomas Worley (TfNSW)
Secretary	Jackie Perring (MWRC)

The LTC meeting commenced at 9:41AM.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders, past, present and emerging.

MINUTES OF PREVIOUS MEETING

MOTION CARRIED: Mr Garry McGovern / Jackie Perring

Recommendation

That the Minutes of the previous Local Traffic Committee held on 19 April 2024 be taken as read and confirmed.



MATTERS IN PROGRESS – APRIL 2024			
SUBJECT	RES NO. & DATE	CLOSE	ACTION
CAERLON BUS PICK UP	FEB2021-1		<p>15/3 STILL IN PROGRESS, EXPECTATIONS ARE THAT THIS IS A 2 YEAR PROCESS. ADDITIONAL ROAD TO BE ADDED BY COUNCIL.</p> <p>19/4 THE HONE CREEK DRIVE EXTENSION TO FAIRYDALE LANE WILL NOT BE COMPLETED UNTIL 2026. IN THE MEANTIME A TEMPORARY BUS TURN AROUND WITHIN CAERLEON ESTATE WILL BE PROVIDED BY THE DEVELOPER WITH THE CONSTRUCTION OF FUTURE STAGES OF THE SUBDIVISION.</p> <p>13/6/2024 – Don has visited site and has met with Ogdens.</p> <p>21/6/2024 – Don Cottee & Samantha Cecchini to speak with Ogdens & Department of Transport for other alternatives.</p>
RAINBOW DAY FOR 2024			<p>A POST EVENT DEBRIEF WITH MUDGEES HSC REMAINS OUTSTANDING –</p> <p>21/6/2024JP to make appointment for briefing with Garry McGovern and Samantha Cecchini. Email sent to MHS to arrange meeting.</p>
MEARES ST SPEEDING			<p>Various complaints re speeding on Meares St and entrance exit to Hospital car park. Samantha Cecchini would like to propose that we do a road study at multiple locations (including Robertson Rd due to other complaints) to identify any speeding trends.</p> <p>21/6/2024 – Speed & traffic study underway Meares & Robertson Sts. Will bring results to next meeting.</p>

PAST EVENT DEBRIEF

EVENT	
ANZAC DAY Mudgee & Gulgong 25/4/2024	The event went smoothly. No issues raised
Mudgee Classic 4-5/5/2024	The event overall was good. No issues apart from a few individual riders not doing the right thing.
Henry Lawson heritage Festival 8/6/2024	No issues raised.



CALENDAR OF EVENTS

2024		
MONTH	DATE	COMMENTS
FEBRUARY		
MARCH		
APRIL		
ANZAC DAY	25 TH APRIL	Approved by Police April 2024
MAY		
MUDGEES CLASSIC	4-5 TH MAY 2024	Complete
JUNE		
Henry Lawson Heritage Festival 2024	8/6/2024	Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024
JULY		
Mudgee Small Farm Field Days" Friday and Saturday,	12 th & 13 th July 2023	Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024
AUGUST		
MUDGEES BIKE RIDE "MARY'S MAYHEM"	10-11/8/2024	Tentative approval given 21/6/2024 with conditions re TGS & traffic control to be addressed. JP to action.
Mudgee running festival event	18/8/2024	Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024
SEPT		
2024 Flavours of Mudgee street festival	28/9/2024	Acceptance by LTC email to be emailed – JP to action
OCTOBER		
NOVEMBER		
DECEMBER		
Mudgee Cup		
Mudgee Show Carols		

Red = Unapproved
 Green = Approved



24/011 GENERAL BUSINESS

CEMENTA FESTIVAL BILLY CART DERBY 19-22/9/2024

Cementa Festival Billy Cart Derby dated 19-22 September 2024. This event was preliminarily approved at April meeting however is now not going ahead as the artist has withdrawn. No further action for LTC.

Attachments: Nil

For information only. No action required by LTC.

WINDEYER ENDURANCE RIDE 18-19/5/2024

Approval was requested to hold an Endurance Ride at Windeyer 18-19/5/2024 due to flooding at another location. Approval was requested 8/5/2024. Approval was sought from LTC via email 8/5/2024. No objection received via email from Thomas Worley - TfNSW, Simon Fogerty - NSW Police, Peter Wormald – Local members Representative, Samantha Cecchini – Roads safety officer. Approval email sent to Windeyer Progress Association 9/5/2024.

Attachments: Nil

WINDEYER ENDURANCE RIDE 21-23/6/2024

Approval was requested to hold an Endurance Ride at Windeyer 21-23/6/2024 to keep horses fitness up due to other rides being cancelled. Approval was requested 11/6/2024. Approval was sought from LTC via email 11/6/2024. No objection received via email from Thomas Worley - TfNSW, Garry McGovern – NSW Police, Simon Fogerty - NSW Police, Samantha Cecchini – Roads safety officer. Approval email sent 12/6/2024.

Secretary wishes to confirm the correct procedure for these. She understands some are emergency but what is actually required and what, if any, class are they?

Attachments: Nil

Continue assessing these events via email to Committee. Require NSW Police, TfNSW & Councils member consent.

VARIETY B TO B BASH – CHARITY RIDE

Variety B to B Bash – Charity ride – Rob Vincent contacted Dayna Stockton from Economic Development regarding their event 11-22/8/2024. Dates affecting Mudgee would be 22/8/2024 and they intended to muster, then drive into Mudgee up Church St and end their procession at the showground. Parks and Rec have advised that they have a large horse event at the Showground on that date so Variety B to B would not be able to finish there. LTC Secretary spoke to Rob 13/6/2024. They will be leaving Coonabarabran approximately 9am and will arrive in Mudgee from approximately 11.30 – 12.30pm. It will be 80 cars, rolling traffic with no congestion to traffic. They will enter Mudgee from Gulgong, turn right from Market St, onto Douro St, left onto Horatio St, left



on to Church St and finish their drive at AREC. Is there anything required from the LTC?

Attachments: Variety B to B program.

For information only. No action required by LTC.

PARKING AT INTERSECTION OF GRANT AND MEARES STREETS

MWRC have received several works requests regarding parking at intersection of Grant & Meares Sts. They have requested No stopping signs and road markings.

Attachments: Nil

JP to raise works request for road markings at intersection of Grant & Meares Sts. JP to contact customer and advise once road markings in place to contact NSW Police or MWRC Rangers for offences. **JP to action.**

HEAVY VEHICLE ROUTE SIGNAGE

A works request has been received requesting signage be erected directing heavy vehicles to the correct route being Lewis St & Douro St from Horatio St (Castlereagh Hwy). Trucks have been going down Church St and it is causing an issue, especially with trucks trying to navigate higher roundabouts at corners of Church/Mortimer Sts and Church Market Sts.

Attachments: Nil

JP to advise customer that a Survey was undertaken with no significant use by trucks registered. There will be some use of Church Street for deliveries and the occasional driver going wrong way but NSW Police monitor this area and advised that there was no significant use. No action to be taken by LTC. **Jackie Perring to action.**

BUS STOP OUTSIDE 180 CHURCH STREET

Request for the creation of a bus stop. Location Church Street. Outside property number, 180 Church Street. Ogden Coaches has made enquiry if the length of kerb side space can be established as a bus zone. At the present time there is a timed drop off and pick up zone associated with the preschool. This zone is quarter of an hour parallel parking 8AM -9.30 AM Monday to Friday and 2.30 PM to 4 PM Monday to Friday. This zone is 28 Meters long and has four parking spaces. Listed for the consideration of the committee. See diagram attached ratio 1:500

Attachments: Plan for Bus zone 180 Church St Mudgee

No action by LTC at this time. Don Cottee to liaise with Ogdens Buses and get clarification as to what exactly they want. Request indicates Bus Zone all day between drop off and pick up times. Parking required in area due to location of Hospital and Medical Centre. **Don Cottee to action.**



1B SYDNEY ROAD MUDGEES – DA0233/2023 – SUBDIVISION TORRENS TITLE (1 INTO 5 LOTS)

The subject site is located on the eastern side of Sydney Road and has an area of 3,696m². The site contains vacant grasslands with some scattered trees along the south-eastern boundary. The project will consist of the Torrens Title subdivision of Lot 2 DP 1336929 into five (5) Lots. The Lots are to be used for residential purposes. The site is zoned R1 General Residential pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012* (LEP). Access and traffic document attached.

TfNSW suggested a turning lane for southbound traffic and possibly no stopping on opposite side of road to ease congestion. Also no parking signs to be erected on eastern side of road (side of development) **Don Cottee to action.**

PARKING ON FOOTPATH OUTSIDE 8 OPORTO ROAD

Owner has put in works request for no parking sign to be erected in front of his home. People park on the grass, he can't mow and it's killing the grass.

Concerns over distance from Refuge island. Does the Refuge need to be there. To be looked into Not much LTC can do, have owner contact NSW Police or MWRC Rangers for illegal parking. **Don & Sammy to review.**

STRATEGIC REGIONAL INTEGRATED TRANSPORT PLAN FOR CENTRAL WEST & ORANA

Sammy Cecchini wanted to raise Strategic regional integrated transport plan for Central West & Orana to members.

Suggestions to be added – Lack of access to Public Transport to Caerleon, One way signs on Cudgegong & Ilford rest areas. Nathan will look into signage for rest areas. Email link to be sent to members. **JP to action.**



24/012 FLAVOURS OF MUDGEES 2024

01/24

RECOMMENDATION

That the Local Traffic Committee approve the event “Flavours of Mudgee Street Festival 2024” – 28th September 2024 and that it 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. 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 3.4 and submitted to and approved by Council prior to the event;**
- B. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- C. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;**
- D. Reimbursing Council for the cost of damage repairs;**
- E. Complying with any of Council’s Law Enforcement Officers’ reasonable directives;**
- F. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- G. the qualification of the person creating the Traffic Guidance Scheme must be a holder of the Prepare a Work Zone Traffic Management Plan or superseded Select and Modify Certificate or the Design and Audit Certificate which has not expired;**
- 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 list Council, TRANSPORT FOR NSW and NSW Police as Interested Parties;**
- 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;**
- K. Maintain a four-metre wide emergency vehicle lane;**
- L. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;**
- M. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.**
- N. Traffic Guidance Schemes are prepared in accordance with TRANSPORT FOR NSW Traffic Control at Worksites Manual.**

MOTION CARRIED: Nathan Murphy / Garry McGovern

MOTION:

That the above recommendation be accepted and approved.



24/013 MUDGEE BIKE RIDE (MARY'S MAHEM)

RECOMMENDATION

That the Local Traffic Committee Approve the event Marys Mahem (Mudgee bike ride) 10-11/8/2024 be classified as a Class 2 Event under the 'Guide to Traffic and Transport Management for Special Events Version 3.5', with the following conditions:

- a) **Events are to be undertaken in accordance with the "Guidelines for Bicycle Road Races";**
- b) **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the "Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;**
- c) **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- d) **Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;**
- e) **Reimbursing Council for the cost of damage repairs;**
- f) **Complying with any of Council's Law Enforcement Officers reasonable directives;**
- g) **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- h) **A Traffic Guidance Scheme (TGS) certified by a person with a 'Select & Modify 'or a 'Design and Audit' Certificate be included in the TMP;**
- i) **Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
- j) **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;**
- k) **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- l) **Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;**
- m) **Maintain a four-metre wide emergency vehicle lane;**
- n) **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
- o) **The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.**

MOTION CARRIED: Mr Garry McGovern / Nathan Murphy

MOTION:

That the above recommendation be tentatively accepted and approved providing conditions are proved to be met.

CLOSURE

There being no further business the meeting concluded at 11.32PM.

12.3 Botobolar Community Committee Meeting Minutes - 26 June 2024

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 17 JULY 2024 ORDINARY MEETING
GOV400103, A0060107

RECOMMENDATION

That Council:

1. receive the report by the Acting Director Community on the Botobolar Community Committee Meeting Minutes - 26 June 2024; and
2. endorse the minutes of the Botobolar Community Committee meeting held on 26 June 2024.

Executive summary

The Botobolar Community Committee recently held a meeting on 26 June 2024 and a range of matters were discussed. The minutes from the meeting are presented to Council for information and endorsement.

Disclosure of Interest

Nil

Detailed report

The Botobolar Community Committee recently held a meeting on 26 June 2024 and a range of matters were discussed. These matters included the new toilet construction, kitchen renovations, and general business.

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

Not Applicable

Legislation

Local Government Act 1993

Financial implications

There are no material financial considerations with this recommendation.

Associated Risks

Council assets and community events not having appropriate management and governance practices that may include insurance coverage is a risk to both Council and community groups. The Committee's work will focus on developing a framework for the use of the shed across Council, RFS and the local community.

Risk is mitigated by having clear documentation in place for the use of the Botobolar facility and ensuring all parties know who is responsible for matters that arise. As the facility is on Council land, it is important that the building asset is maintained in good condition.

RACHEL GILL
ACTING DIRECTOR COMMUNITY

1 July 2024

Attachments: 1. Minutes Botobolar Community Committee Meeting 26 June 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
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MINUTES **BOTOBOLAR COMMUNITY COMMITTEE**

Tuesday 26 June 2024 at the Botobolar Community Hall

Present: Diane Burnicle, Neil Williams, Troy Gersbach (RFS), David Sargeant, Garry Lynch, Wendy Lynch, David Swansson, Ben Edmunds (staff), Katelyn Kirby (staff).

1. Welcome

Council opened the meeting and welcomed everyone at 3:08pm.

2. Apologies

Apologies were noted from Cr Des Kennedy, Troy Porter, Adam Ellis, Michael Burnicle, Matt Lynch, and Peter Raines.

3. Minutes

The previous minutes were noted and accepted.

4. New Toilet Construction

- 4.1 Discussion around sinking toilet. Toilet is not sinking – the concreter did not check the heights to ensure door had clearance to open without scraping.

5. General Business

- 6.1 Roof cover to extend to the new toilets, not yet completed. Works are at a standstill due to financial concerns.
 - a. Discussion around spendings to-date, estimated upwards of \$30,000. Neil will ask RFS treasurer to confirm spendings to-date for it to be supplied to committee.
 - b. Asset auditors attend sites every 12 months to assess for insurance purposes. Independent auditors involved in this as well.
- 6.2 RFS to be included in emails as they are not receiving minutes or invites to the meeting. Emails to be provided to Council.
- 6.3 Key access and allocation:
 - a. RFS to provide key allocation list to Council. List to be attached to minutes when sent to committee.

- b. Council are to obtain a key through RFS directly, as per all other RFS sites.
- 6.4** Street signs not reinstalled after road works in Botobolar. Ben to discuss with works officers re. signage at Bara Road and Upper Botobolar Road.
- 6.5** Kitchen renovations discussed:
 - a. Council's financial contribution has already been spent. Ben to review quotes for renovation (obtained by Diane) to provide Council recommendations. Ben to seek further funding for renovations based on successful quote.
 - i. Some quotes provided by Diane are not like-for-like – prices varying between \$8,000 and \$64,000.
 - b. All agreed stove does not require replacing as it is still functional.
 - c. Existing air-conditioner discussed:
 - i. Marty Rayner (contractor) reluctant to reinstall due to age of unit. Discussions around the cost of replacement and the cost of reinstalling the existing one for it to be replaced in future.
 - ii. All agreed that existing unit not to be reinstalled until all renovations completed. If there are any leftover funds post-renovation, new unit to be installed.
 - d. Window above kitchen sink is leaking. Lack of flashing on awning could be cause. Ben to see if this can be included in quotes.
 - e. All agreed internal wall cladding to be done with corrugated iron rather than gyprock.
 - f. Ben to potentially see if contractors on trade services panel can provide extra quotes for the renovation.
- 6.6** RFS will widen external door so that the mower can fit through to the rear area of the site.
- 6.7** June long-weekend event did not go ahead due to personal commitments. All like-events currently on hold due to same.
 - a. RFS confirmed that functions can continue to be held in the RFS shed post-renovation, prior approval will need to be sought from RFS to ensure space is available and can be cleared of RFS vehicles.
- 6.8** All agreed meetings to become 6 monthly once works are completed.
- 6.9** Discussion held around fundraising items. Neil advised that Barry Baker would be aware of who own which items between RFS and Community. Current understanding is that items are to be shared between all.

Meeting closed at 3:40pm.

Next Meeting scheduled for 26th September 2024 at 3pm.

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

Nil

CONFIDENTIAL
SESSION

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure