



**\*\*CONFIDENTIAL COPY\*\***

# **Business Papers 2021**

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
**WEDNESDAY 4 AUGUST 2021**

*A prosperous and progressive  
community we proudly call home*







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28 July 2021

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
4 AUGUST 2021  
Public Forum at 5.30pm  
*Council Meeting commencing at conclusion of Public Forum*

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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.

In order to comply with Government guidelines on social distancing, the meeting will be closed to the public to minimise numbers in the Council Chambers. 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", written over a horizontal line.

BRAD CAM  
GENERAL MANAGER



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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 21 July 2021**

Council Decision:

That the Minutes of the Ordinary Meeting held on 21 July 2021 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

<b>SUBJECT</b>	<b>RESOLUTION NO. &amp; DATE</b>	<b>RESOLUTION</b>	<b>ACTION</b>
Indoor Pool Feasibility Study	Res 325/19 Ordinary Meeting 16/10/2019	That Council request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	<b>To be reported to Council at a future meeting</b>
Banner Poles Gulgong	Res 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	<b>To be reported to Council at a future meeting</b>
Cox Street Rail crossing	Res 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox Street.	<b>To be reported to Council at a future meeting</b>
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.	<b>To be reported to Council at a future meeting</b>
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.	<b>To be reported to Council at a future meeting</b>
Purchase of Land Opportunity	Res126/21 Ordinary Meeting 21/04/2021	That Council note that the details around this property purchase are to remain confidential until the purchase is confirmed or until the opportunity passes, after which the details in this report will become available to the public	<b>To be reported to Council at a future meeting</b>
Water Sharing Plan	Res 171/21 Ordinary Meeting 21/06/2021	That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.	<b>To be reported to Council at a future meeting</b>
Kandos Lookout	203/21 Ordinary Meeting 21/07/2021	That Council do further investigation into the ownership of the site of the lookout at Kandos on the Bylong Valley Way with the possibility of developing it for a lookout again.	<b>To be reported to Council at a future meeting</b>
Community Grants Program July 2021	215/21 Ordinary Meeting 21/07/2021	That Council investigate the purchase of the Angus Avenue building and potential long term lease to Cementa, and bring a report back to a future Council meeting.	<b>To be reports to Council at a future meeting</b>



## Item 5: Mayoral Minute

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Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 Tree Removal - Mortimer Street, Mudgee

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088,

#### **MOTION**

**That Council remove the tree on the southern side of the pedestrian crossing on Mortimer Street, adjacent to Woolworths.**

#### Background

The tree, on the southern side of the pedestrian crossing on Mortimer Street adjacent to Woolworths, blocks the light that shines over the crossing, even when it has no leaves. The tree needs to be removed and replaced with a more appropriate tree for this location.

#### Officer's comments

Council is in the process of installing new lights at this crossing. When the work is complete the tree will no longer impede the lighting of the crossing.

## 6.2 Pedestrian Crossings in the Mudgee CBD

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088,

### MOTION

**That Council raise the three pedestrian crossings in the Mudgee CBD being; Market Street (between Church and Perry Streets), Church Street (between Market and Mortimer Streets) and Mortimer Street (between Church and Perry Streets).**

### Background

Raising these three pedestrian crossings will help slow down the traffic and improve safety for pedestrians.

### Officer's comments

Council, at its 21 July 2021 Council Meeting, resolved to implement the High Pedestrian Activity Area in the Mudgee CBD. When instigated, the effect will be a permanent change in speed limit from 50km/h to 40km/h.

This proposal is supported by Transport for NSW and NSW Police, and is to be fully funded by Transport for NSW.

## Item 7: Office of the General Manager

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### 7.1 Council Meeting Schedule 2021/22

REPORT BY THE DIRECTOR COMMUNITY  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, GOV400088

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Council Meeting Schedule 2021/22; and**
2. **reschedule the dates for Council Meetings due to the postponement of the Local Government Elections until 4 December 2021; and**
3. **endorse the following dates for Council meetings:**
  - **15 September 2021**
  - **13 October 2021**
  - **3 November 2021**
  - **12 January 2022**
  - **2 February 2022**
  - **16 February 2022**
  - **16 March 2022**

#### Executive summary

The State Government has advised that the date of the Local Government elections has been postponed until 4 December 2021 due to concerns regarding the COVID-19 pandemic. This requires Council to reconsider its meeting dates to meet the requirements of the Code of Meeting Practice.

#### Disclosure of Interest

Nil

## Detailed report

With the advice that has been received from the State Government regarding the postponement of the Council elections until 4 December 2021, changes are required to the Council meeting dates.

It is proposed to include a regular meeting in September as would normally occur, on the third Wednesday (being 15 September 2021). The October meeting date had already been brought forward to the 13 October for financial reporting reasons. The November meeting is now brought forward to 3 November 2021 to ensure that any major decisions are made prior to the caretaker period beginning on 6 November 2021.

Following the declaration of election results, it is a requirement that the mayoral election be held within three weeks. The declaration of results is scheduled to be finalised by 23 December 2021. Therefore the first meeting of the new Council will be held on Wednesday 12 January. At this meeting, Councillors will take the oath of office and elections will be held for the Mayor and Deputy Mayor. Any urgent matters will also be dealt with.

As no full meeting will have been held since 3 November 2021, it is proposed to hold an additional meeting in February to provide further information and training to new Councillors, as well as ensure that we can proceed through any backlog of reporting to Council. Council will then return to its regular schedule from the meeting on the third Wednesday in February.

It is noted that ultimately it is a decision of the new Council to determine the dates, days, times and frequency of Council meetings and this will be discussed with the new Council in January and February. The intent of this report is to provide some certainty to Councillors and candidates as to the schedule for the early weeks of the new term.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Not applicable

### **Legislation**

Local Government Act 1993

## Financial implications

Not applicable

## Associated Risks

It is important to be clear to the community when Council meetings will be held and also ensured that there is some guidance for the early meetings of the new Council to ensure continuity of governance.

SIMON JONES  
DIRECTOR COMMUNITY

21 July 2021

*Attachments:* 1. Office of Local Government Circular to Councillors 21-20.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

<b>Circular Details</b>	21-20/ 25 July 2021
<b>Previous Circular</b>	20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i>
<b>Who should read this</b>	Councillors / General Managers / All council staff
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information

### Postponement of the local government elections to 4 December 2021

#### What's new or changing

- The Minister for Local Government has published an order in the Gazette under section 318C of the *Local Government Act 1993* (the Act) postponing all council elections to **4 December 2021**.
- The decision to postpone all council elections has been made in response to the escalating outbreak of the Delta variant of the COVID-19 virus in Greater Sydney and the potential for further outbreaks in regional areas.
- The decision has been made in consultation with and on the advice of the NSW Electoral Commissioner and NSW Health

#### What this will mean for your council

- Current councillors and popularly elected mayors will continue to hold their civic offices until council elections are held on 4 December 2021.
- The order made under section 318C continues the suspension of the requirement to hold by-elections to fill vacancies for the period specified in the order.
- Councils will not be required to hold by-elections to fill vacancies or to apply to the Minister to dispense with the requirement to hold a by-election before ordinary council elections are held on 4 December 2021.
- The making of the order will not affect the requirement to hold mayoral elections.
- Mayoral elections must be held for mayors elected in September 2019 when their two year-terms expire in September 2021.
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- Chairpersons of county councils now hold office for two years.
- Chairpersons of county councils elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The composition of joint organisation boards may need to change in September 2021 if mayors of member councils elected by councillors are not re-elected.
- The postponement of the next ordinary local government elections will not affect the timing of future council elections, and the subsequent ordinary local government elections will still proceed in September 2024.

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**Key points**

- The local government elections were previously postponed to 4 September 2021 by orders made under section 318B of the Act.
- The order made under section 318C revokes the previous order and appoints 4 December 2021 as the day on which all council elections will be held.

**Where to go for further information**

- Further information is provided in the FAQ which is available on the Office of Local Government's website [here](#).
- For further information, please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Kiersten Fishburn**

**Coordinator General, Planning Delivery and Local Government**



## Item 8: Development

### 8.1 DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243)

REPORT BY THE TOWN PLANNER  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, DA0246/2021

#### RECOMMENDATION

##### That Council:

- A. receive the report by the Town Planner on the DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243);
- B. refuse DA0246/2021 Dual Occupancy at 90A Louee Street, Rylstone (Lot 3 DP1239243) for the following reason:
  - A) The view corridor from Cox Street to the former Presbyterian Church will be blocked by the proposed development. This is contrary to the objectives of Section 5.10 "Heritage Conservation" of the Mid- Western Regional Local Environmental Plan 2012 in that the application does not conserve the heritage significance of the heritage conservation area or the heritage item.

#### Executive summary

OWNER/S	Matthew Cover and Melissa Craze
APPLICANT:	Matthew Cover
PROPERTY DESCRIPTION	90A Louee Street, Rylstone (Lot 3 DP 1239243)
PROPOSED DEVELOPMENT	Detached dual occupancy
ESTIMATED COST OF DEVELOPMENT:	\$90,000
REASON FOR REPORTING TO COUNCIL:	Application called up by two councillors
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0246/2021 that seeks approval for dual occupancy (detached), located at 90A Louee Street Rylstone NSW 2849, Lot 3 DP 1239243, received by Council on 3 February 2021.

The subject site is "T" shaped with frontage to Cox and Louee Streets and contains the former Presbyterian Church now approved for use as a dwelling. The proposal involves the construction of a new one bedroom dwelling and car port to the north side of the existing church building and fronting Cox Street.

The site is located within the Rylstone Heritage Conservation area and is also identified as Heritage Item I32R under Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) being the former Presbyterian Church.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 26 February 2021. During the notification period, no submission/s were received.

The proposed development has been assessed in accordance with Council's Development Control Plan 2013 (DCP 2013) and the MWLEP 2012. The application includes one variation to Council's DCP which relates to the front setback of the new carport to Cox Street.

The application is recommended for refusal. The proposed development is considered to be inconsistent with the heritage controls under the MWLEP 2012 as the proposed new dwelling and car port will block views to the church building from Cox Street.

The application has been referred to Council for determination as two Councillors have called up the application in writing.

## Disclosure of Interest

Nil

## Detailed report

### Description of site and background

The subject site is identified as Lot 3 DP1239243 and is 1128m<sup>2</sup> in size. The lot is "T" shaped with frontage to Cox and Louee Streets, Rylstone. Figure 1 provides an aerial view of the site and surrounds and Figure 2 shows the subdivision layout of the area. The site contains the former St Andrews Presbyterian Church which is identified as Heritage Item I32R under Schedule 5 of the MWLEP and is also located within the Rylstone Heritage Conservation Area. Views to the church are currently retained from Cox Street and Louee Street.

Historically, the lot was part of a multi dwelling housing development and subdivision (DA0004/2015) consisting of the construction of five new dwellings and alterations and additions to the existing church building for use as a dwelling. The proposed dwellings and additions to the church have now been constructed and the land has also been subdivided in accordance with this consent. Of relevance to this application, the Statement of Heritage Impact submitted with DA0004/2015 noted the following in relation to the views to the church from Cox Street (in its "Summary" section):

*"The proposed new development includes 5 houses within the general setting of the former Presbyterian church, which will cause loss of historic view, both towards and away from the item. Generally, however the main view corridors are to be retained through careful planning so that the view of the church from the northern gateway in Cox Street and the view of the church from Louee Street, will be retained."*

Contrary to the above, the current proposal will block the view which the corridor was designed to provide, which was secured and approved, as part of the redevelopment of the site for multi dwelling housing.



Figure 1: Aerial view of subject site (Source: Google maps)

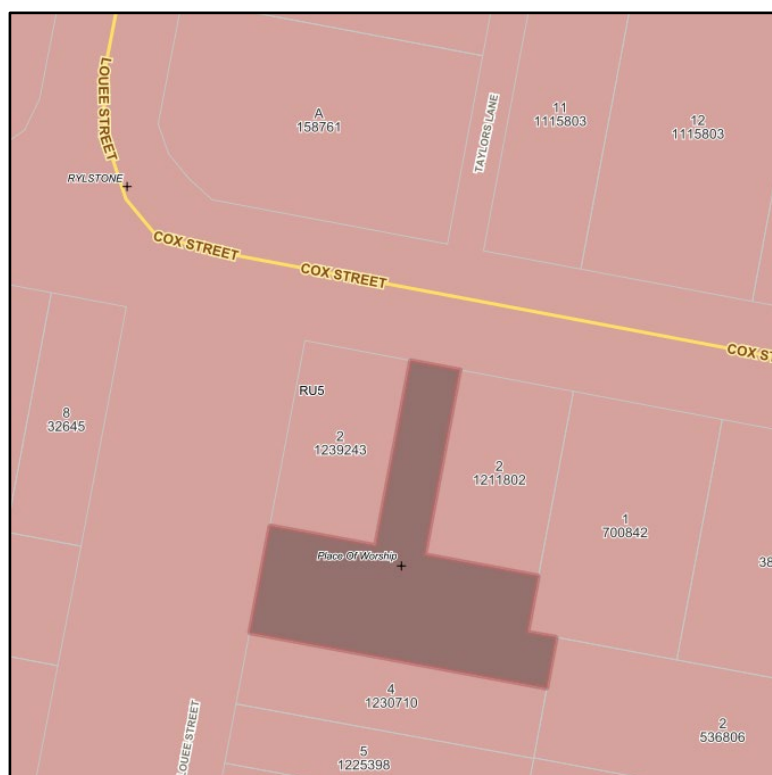


Figure 2: Subdivision layout (subject site highlighted)

### Proposed development

It is proposed to construct a single storey dwelling containing one bedroom and separate car port to front Cox Street. Private open space for the new dwelling will be located between the front of the carport and the dwelling. An extract of the proposed site plan is shown in Figure 3, a full set of plans can be found in Attachment 1.

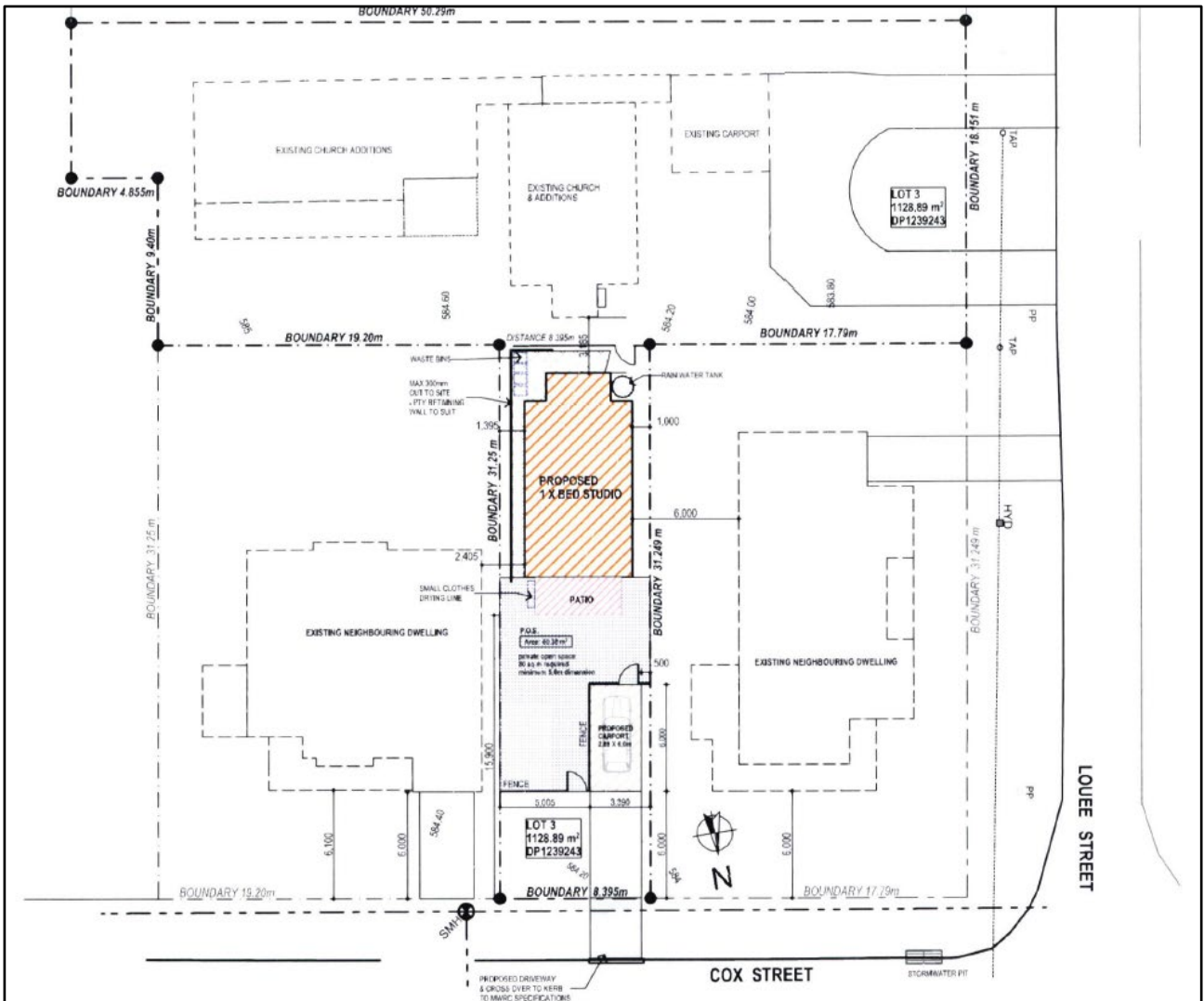


Figure 3: Extract from proposed site plan

### Assessment

#### REQUIREMENTS OF REGULATIONS AND POLICIES

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 2000 (EP&A Regs).

## Integrated Development

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

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

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

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

#### State Environmental Planning Policy no 55 – Remediation of Land

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

#### State Environmental Planning Policy (Building Sustainability index: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificate and a condition of consent may be included ensuring that the commitments be met as listed in the certificate, should the application be approved.

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

The following clauses of MWRLEP 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 a:

***Dual Occupancy (detached)*** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

The dual occupancy will consist of the existing modified church and the proposed one bedroom studio dwelling.

##### Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned RU5 Village and is therefore subject to the Plan.

##### Clause 2.3 Zone objectives and Land Use table

The land is zoned RU5 Village pursuant to MWRLEP 2012. The proposal, being a dual occupancy (detached) 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:

## RU5 Village

1. *To provide for a range of land uses, services and facilities that are associated with a rural village.*

**Comment** The proposal will result in a land use that is permissible with consent in the RU5 Village zone and in some aspects will contribute to the village of Rylstone.

2. *To promote development that is sustainable in terms of the capacity of infrastructure within villages.*

**Comment** The proposal is considered appropriate with regard to the infrastructure capacity of the village of Rylstone as discussed throughout this report.

### Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

This clause applies as the land is zoned RU5 and is in the village of Rylstone.

The **dual occupancy (detached)** is proposed on a site which is 1128m<sup>2</sup> which is greater than 800m<sup>2</sup> prescribed under this clause. Accordingly, the proposal complies with this development standard.

### Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 5.5 metres and therefore complies.

### Clause 5.10 Heritage Conservation

As the proposal includes works involving a heritage item, consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4).

Specifically, the site is located within the Rylstone Heritage Conservation Area and identified as heritage item I32R under Schedule 5 of the MWRLEP 2012 being the former Presbyterian Church.

The relevant objectives of this clause are as follows:

- (a) To conserve the environmental heritage of Mid-Western Regional,
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

The principle heritage impact of the development will be through the loss of views to the Church from Cox Street as a result of the construction of the dwelling and car port within the viewing corridor.

Photos 1 and 2 show the existing views to the church from Cox Street and Louee Streets.

The applicant has provided a Statement of Heritage Impact (SoHI) to support their application and in its summary concludes that the development will have a minimal impact on the existing heritage item for the following reasons:

- *The principal address of the listed heritage item is now from Louee Street, and this view of the item will be unaffected by the proposed new development.*

- *The view from Cox Street is presently very restricted and distanced. It is not now the primary view of the church, but it will be affected by the new development. The proposed infill between the houses with a church like structure, simple rectangular with a gabled roof, is an interpretation of the church. It will become a visual reminder of the past structure and be closer to the view of a passing pedestrian.*

The application and the accompanying SoHI has been reviewed by Council's Heritage Advisor who has recommended refusal stating that:

- the proposed new dwelling will of course block the view which the corridor was designed to provide and consequently will diminish its heritage significance and its contributions to the significance of the conservation area.
- the argument in the SOHI that the studio will be an interpretation of the church is not accepted – interpretation means material introduced to a heritage site to assist in understanding its significance. The building will do the opposite. As the available views have been diminished, arguably too much so, the view to the original front elevation and entrance should be retained.

It should also be noted that a new carport and 1.8m fence will be located in front of the proposed dwelling resulting in the loss of any oblique views to the Church from Cox Street around the proposed dwelling.

In light of the above, the application is not considered to meet the objectives of Clause 5.10 as the proposal will significantly impact the Heritage Item and Heritage conservation area through the loss of views from Cox Street and is therefore recommended for refusal.

A full copy of Council's Heritage Advisors referral comments can be found in Attachment 2, with the applicant's SoHI found in Attachment 3.



Photo 2: Existing view to church from Cox Street



Photo 2: Existing view to church from Louee Street

Clause 6.1 Salinity

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

Clause 6.2 Flood planning

The site has a small corner that is affected by flood mapping (refer Figure 4 below). The footprint of the proposed dwelling is not located within flood mapped area and accordingly no further consideration is necessary.

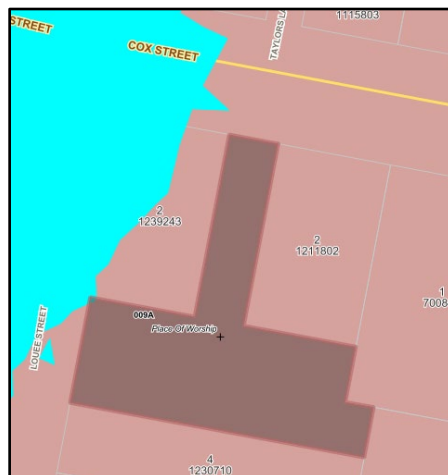


Figure 4: Flood Mapping



### Clause 6.3 Earthworks

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

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

### Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

### Clause 6.7 Active street frontages

Not applicable. The site is not located within the area mapped as 'Active street frontage'.

### 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.

### Clause 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

## **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 3.1 Residential Development:

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
<b>Minimum lot size</b>	
Minimum lot size	Complies
Attached Dual Occupancy – Minimum 600m <sup>2</sup>	Not applicable.
Detached Dual Occupancy – Minimum 800m <sup>2</sup>	Complies – the lot is 1128.89m <sup>2</sup> .
<b>Note: Detached Dual Occupancy is prohibited in R2 Low Density Residential Zone.</b>	
DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
<b>Building Setback from the street</b>	
RU5: 7.5m	Does not comply – the front setback to the car port is 6m from Cox Street. The applicant has requested a variation for the setback. This variation would likely have been supported by Council officers should the overall development been considered acceptable from a heritage perspective. The variation is further discussed at the end of this table.
<b>Building Side/Rear setback</b>	
RU5: BCA	Complies – The carport will be setback 500mm & 5.05m from the side boundaries The new dwelling will be set back 1m & 1.395m from the side boundaries.
<b>Building Secondary Frontage for corner lots setback</b>	
RU5: 3m	Not applicable
<b>Building height / design</b>	
Proposed buildings are single story	Complies
The design is not a mirror or duplication for the two dwellings when fronting streets.	Complies
75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)	Complies
Both dwellings have direct street frontage, i.e. battle-axe arrangements are not permissible	Complies
Minimum separation of 3 metres between buildings	Complies – there is a minimum separation of 3.185m between the proposed dwellings.
The garage door or carport does not exceed 45% of the front elevation	Complies – the carport will be 40.4% of the frontage.
All facades with street frontage contain windows	Complies
Street frontage elevations contain minimum 5% openings	Complies
Building is not a transportable or relocated dwelling	Complies
<b>Slope and cut and fill</b>	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Complies – minimal cut/fill is required to level the site for the development.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Complies – minimal cut/fill is required to level the site for the development.
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
boundary.	
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Complies
Cut / fill is clear of any water or sewer easements.	Not applicable
<b>Open space</b>	
Private open space is located on the Northern or Eastern side of dwellings.	Complies New dwelling – POS located on north side between dwelling and carport. Existing church – POS located on north side of church additions.
Private open space has direct access from main living areas.	Complies
Each dwelling provides a Principal Private Open Space with a minimum of 80m <sup>2</sup> and a minimum dimension of 5 metres.	Complies - New Dwelling – 80.38m <sup>2</sup> provided with a minimum dimension of 5m Existing church –in excess of POS requirements is available on the north side of its extension.
If alfresco is to be counted as Principal Private Open Space, it must be: i) located at or near ground level ii) have direct northerly aspect iii) create no more than 25% of principal open space	Not applicable
Where Principal Private Open Space is located within front set back: i) located behind suitably landscaped area ii) minimum width of 1.5 metres to the front boundary	Complies – the POS will be located between the carport and the front of the proposed dwelling. The fence to the open space will be set back 6m in line with the front of the carport. Should the application be approved a condition could be included to ensure that this area is suitably landscaped.
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Complies
<b>Site coverage</b>	
Maximum site coverage of 50%	Complies – site coverage is 26.48%
<b>Parking</b>	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies – a car port with tandem car space is available to the new dwelling. The church will retain the existing carport accessed off Louee Street.
Parking and manoeuvring areas are hard stand	Complies
Driveways are located a minimum of 6m from any intersection	Complies
<b>Utilities</b>	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement for the purpose of utility infrastructure	Complies
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies
Details of water supply and sewer reticulation have been provided:	
If available within 500m applicant has proposed connection to reticulated network	Complies
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not applicable

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMMENT / COMPLIES</b>
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not applicable
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Complies
<b>Fencing</b>	
1.8 metre high fencing is provided between Principal Private open spaces	Complies
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Complies
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	Complies
Side and rear fences do not exceed 1.8 metres in height once behind the building	Complies
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Not applicable
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	Complies

### ***Variation to Standards:***

It is proposed to vary the front setback of the development to 6m, the required setback is 7.5m representing a variation of 20%. The applicant has provided the following justification for the variation:

“The minor variation to the front setback of the car port is being sought. The car port will align with the neighbouring dwellings from Cox Street and not encroach on the corner lot sightlines nor negatively impact the streetscape”

The above justification is considered satisfactory and the proposal is able to meet the objectives for “Building Setbacks” under the discretionary standards as such a variation of this standard would likely have been supported should the application have been approved.

### Part 4.7 Tree Preservation Order

No trees to be removed.

### Part 5.1 Car Parking

Car parking is provided in accordance with the requirements for parking under Part 2.2 Dual Occupancy Development under the DCP.

### 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.

### Section 7.11 Contributions

Pursuant to Council's Contributions Plan 2019, the development is proposing residential accommodation comprising of 1 bedroom dwelling / studio outside the Mudgee catchment which requires the payment of a contribution in accordance with the plan as follows:

	<b>Total \$</b>
<b>Per 1 bed dwelling / studio outside Mudgee</b>	
Transport facilities	\$1,439
Recreation and open space	\$ 599
Community facilities	\$ 379
Stormwater management	\$0
Plan Administration	\$ 602
<b>TOTAL PAYABLE</b>	<b>\$ 3,019</b>

An appropriate condition may be included requiring payment of the contribution should the application be approved.

### Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges calculated as follows:

#### Water Headworks

1 x Flat / Unit / Villa (large) >85m<sup>2</sup> @ 0.667 ET/unit  
 1 x Flat / Unit / Villa (small) <70m<sup>2</sup> = @ 0.333 ET/unit  
 = 1.0 ET /unit

Less 1 x Residential allotment (medium) 650m<sup>2</sup> – 1200m<sup>2</sup> = 1.000 ET/unit  
 = 0 ET/ units

**Total Water Headworks = Nil**

#### Sewer Headworks

1 x Flat / Unit / Villa (large) >85m<sup>2</sup> @ 1.0 ET/unit  
 1 x Flat / Unit / Villa (small) <70m<sup>2</sup> = @ 0.5 ET/unit  
 = 1.5 ET /unit

Less 1 x Residential allotment (medium) 650m<sup>2</sup> – 1200m<sup>2</sup> = 1.000 ET/unit  
 = 0.5 ET/ units @ \$3997 per ET/Unit = \$1,998.50

**Total Sewer Headworks = \$1998.50**

An appropriate condition may be included requiring payment of the headworks should the application be approved.

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

No Planning Agreements are applicable.

**Regulations –4.15(1)(a)(iv)****Environmental Planning and Assessment Regulation 2000**

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

**Likely impacts of the development – 4.15(1)(b)****a) Context and Setting**

The proposal is considered to be inappropriate to its context and setting, particularly with regard to the Heritage Item and the Heritage Conservation area as it will block views to the Church building from Cox Street.

**(b) Access, Transport and Traffic**

The implications of additional traffic and suitable access 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 or can be made readily available to the site.

**(e) Heritage**

As discussed previously in this report, the proposal is considered to be inappropriate to the existing Heritage Item and Heritage Conservation area as it will block the viewing corridor to the Church from Cox Street.

**(f) Other Land Resources**

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

**(g) Water**

No significant impact expected.

**(h) Soils**

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

**(i) Air and Microclimate**

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

**(j) Flora and Fauna**

Not applicable.

**(k) Waste**

Waste service available.

**(l) Energy**

Not applicable.

**(m) Noise and Vibration**

Not applicable.

**(n) Natural Hazards**

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

**(o) Technological Hazards**

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

**(p) Safety, Security and Crime Prevention**

Increased passive surveillance as a result of the proposed development.

**(q) Social Impact in the Locality**

Generally positive.

**(r) Economic Impact in the Locality**

Generally positive.

**(s) Site Design and Internal Design**

Adequate as discussed throughout this report.

**(t) Construction**

To comply with the BCA where relevant.

**(u) Cumulative Impacts**

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

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

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

**(b) Are the Site Attributes conducive to Development?**

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

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

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 26 February 2021. During the notification period, no submission/s were received.

**(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**

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

**Consultations****(a) Health and Building**

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

**(b) Technical Services**

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

**(c) Heritage Advisor**

Council's Heritage Advisor has recommended refusal of the proposal, making the following comment:

*“The former Presbyterian/Uniting Church on the subject site is listed as an item of environmental heritage in Schedule 5 of the LEP, and lies within the Rylstone Heritage Conservation Area. It has historical, aesthetic and social significance as a largely intact simple Victorian Gothic church built in 1902 of local stone, providing evidence of the growth of the town in the 1880s as a result of the construction of the railway line, and demonstrating the place of religion in the life of the town from the Victorian period.*”



*The church was a landmark, set well back on its original large site. The site was subdivided in 2014, leaving the church on a T-shaped lot. Additions were built to the east of the church and a large carport has recently been added to the west, while houses were built on the remaining lots. Views to the church are retained, the entrance being visible from Cox Street, and the western side from Louee Street. The view corridor from Cox Street is narrow, but the eye is nevertheless drawn to the church.*

*The proposal is to build a one-bed studio in this view corridor, designed in a contemporary style to reflect the church. It is supported by a professionally written Statement of Heritage Impact. This will of course block the view which the corridor was designed to provide, and consequently diminish its heritage significance and its contribution to the significance of the conservation area. The argument in the SOHI that the studio will be an interpretation of the church is not accepted. Interpretation means material introduced to a heritage site to assist in understanding its significance. The building will do the opposite. As the available views have been diminished, arguably too much so, the view to the original front elevation and entrance should be retained.*

*There may be an opportunity to provide some additional accommodation within the recently built carport.*

*It is recommended that the application be refused.*

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

## Strategic implications

### Council Strategies

Not applicable

### Council Policies

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

### Legislation

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

## Financial implications

Nil

## Associated Risks

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

SARAH HOPKINS  
TOWN PLANNER

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

23 July 2021

- Attachments:*
1. Proposed development plans.
  2. Council's Heritage Advisor referral comments.
  3. Applicant's Statement of Heritage Impact (SoHI).

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ARCHITECTURAL DOCUMENTATION

**PROJECT:** PROPOSED 1 X BEDROOM STUDIO  
**FOR:** COVER CONSTRUCTIONS  
**SITE:** 90 A LOUEE STREET RYLSTONE NSW 2849  
Lot 3 DP 1239243



**DRG No:** SHEET DESCRIPTION

- 1 SITE PLAN
- 2 SITE - EROSION CONTROL PLAN
- 3 FLOOR PLAN , ROOF PLAN
- 4 ELEVATIONS
- 5 SECTIONS, CARPORT ELEVATIONS
- 6 WINDOW & DOOR LIST
- 7 BASIX COMMITMENTS
- 8 GENERAL NOTES



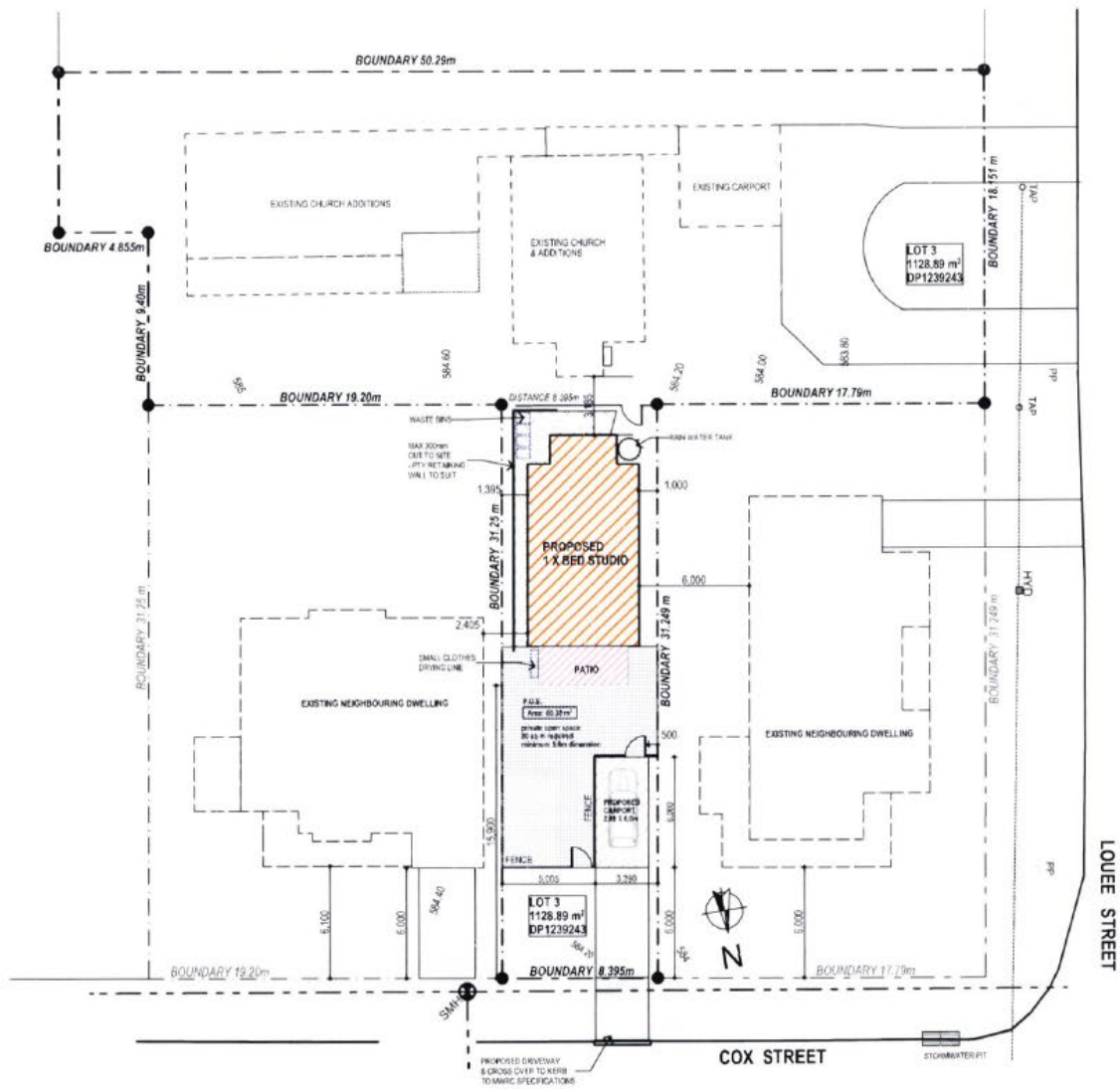
**Preferred Design  
& Drafting**  
30 Lewis Street  
Mudgee NSW 2850  
ph: 0815724387 Mob: 0429600190  
email: mrian@preferredesign.com.au



ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA  
- ACCREDITATION No: 6077

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
90A LOUEE STREET RYLSTONE 2849

**PROJECT No:** 116.20



-2. SITE PLAN  
1:250

SITE CALCULATIONS	
LOT 3	1128.89 m <sup>2</sup>
EXISTING CHURCH & ADDITIONS	185.66m <sup>2</sup>
EXISTING CARPORT	30.25m <sup>2</sup>
PROPOSED STUDIO	65.72m <sup>2</sup>
PROPOSED CARPORT	17.34 m <sup>2</sup>
<b>TOTAL AREA</b>	<b>298.97m<sup>2</sup></b>
<b>SITE COVERAGE</b>	<b>26.48%</b>

**NOTE:**  
 Builder to check all dimensions and levels on site prior to construction.  
 Notify any errors, discrepancies or omissions to the Designer. Refer to within dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing to be used only for the site for as noted.  
 All boundaries and contours are subject to survey. All levels to RFD.  
 It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  
 All documents are subject to Austlian Copyright Laws.

BUILDING CLASSIFICATION: 14



**Preferred Design & Drafting**

31 Louie Street  
 Mudgee NSW 2850  
 ph: 0263741387 Mob: 0429603160  
 email: marian@preferred-design.com.au



D.P. NUMBER: DP 1239243  
 SITE AREA: 1128.89 sq m  
 DATE: 26.11.20  
 DRAWN: M Palmer  
 SCALE: 1:100, 1:200, UMD  
 DRAWING No: 1  
 PROJECT No: 116.20

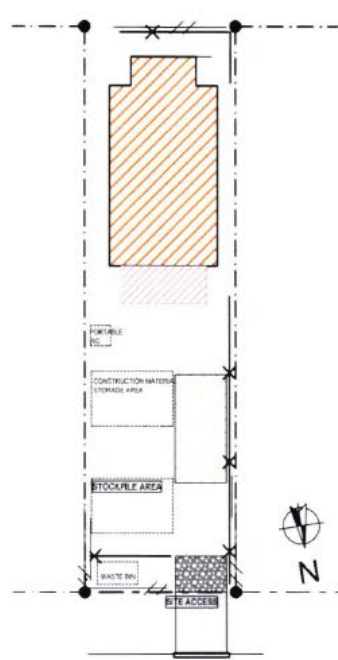
**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
 90A LOUIE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
 SITE PLAN

A 26.11.20 DEVELOPMENT APPLICATION  
 ISSUE DATE DESCRIPTION

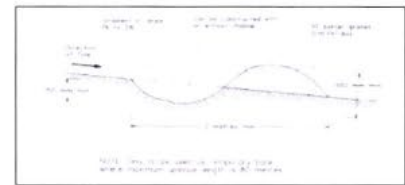
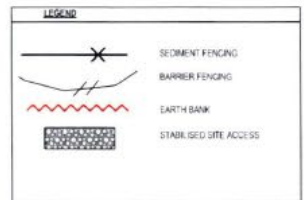


BUILDING DESIGNERS AUSTRALIA

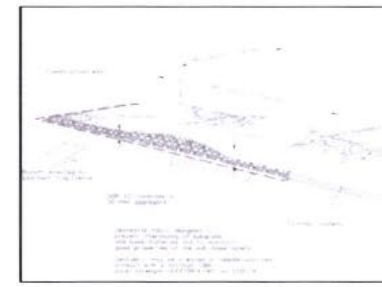
ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA - ACCREDITATION No: 6877



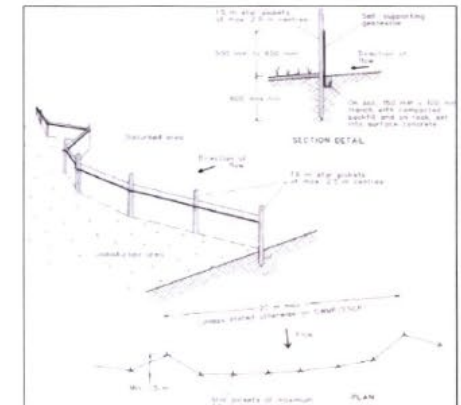
-2-  
 EROSION CONTROL PLAN  
 1:250



EARTH DIVERSION BANK



TEMPORARY CONSTRUCTION ACCESS



- Construction Notes**
1. Construct sediment fences as close as possible to being parallel to the contours of the site but with small ridges as shown on the drawing to limit the catchment area of any one section. The catchment area should be small enough to limit water flow if concentrated at one point to 30 litres per second in the design storm event, suitable for 10-year event.
  2. Use a 150mm deep trench along the top edge of the fence for the bottom of the fabric to be entrenched.
  3. Drive 1.0 metre long steel pickets into ground at 2.0 metre intervals (max) at the downstream edge of the trench. Secure any gaps between pickets with fabric strips.
  4. Use self-supporting geotextile to the outside side of the grade ensuring it goes to the base of the trench. Use the geotextile with a low flow as recommended by the manufacturer. Only use geotextile specifically produced for sediment fencing. The use of cheap cloth for this purpose is not satisfactory.
  5. Use sections of fabric as a support post with a 150mm overlap.
  6. Backfill the trench over the base of the fabric and compact it thoroughly over the geotextile.

SEDIMENT FENCE

- NOTES**
1. Site works are not to start until the erosion and sediment control measures are installed and functional.
  2. Entry and departure of vehicles is to be confined to the stabilised site access.
  3. Topsoil is to be stripped and stockpiled for later use in revegetating the site. Topsoil is to be re-spread and all disturbed areas rehabilitated (turfed) within 20 working days of completion.
  4. The footprint other than the stabilised site access is not to be disturbed, including stockpiling of materials. Where essential works (eg. drainage) are required, the footprint is to be rehabilitated (turfed) as soon as possible.
  5. Drive way to be provided for building waste and arrangements are to be made for regular collection and disposal.
  6. Storm gutters to be connected to the stormwater system as soon as practicable.
  7. All erosion controls are to be checked daily (at a minimum weekly) and after all rain events to ensure they are maintained in fully functional condition.

- EROSION CONTROL NOTES**
1. ALL EROSION AND SEDIMENT CONTROL DEVICES ARE TO BE PLACED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORKS, AND ALL SITE TRAILS ARE TO HAVE DEPOSITED TO BE REMOVED REGULARLY DURING CONSTRUCTION.
  2. ALL TRAILS ARE TO BE MAINTAINED BY APPLICABLE UNLESS INDICATED OTHERWISE. EXISTING GRASS COVER SHALL BE MAINTAINED EXCEPT IN AREAS CLAIMED FOR BUILDINGS, PAVEMENTS, ETC.
  3. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET THIS LIKELY TO COLLECT SETTLER WATER TO COUNCIL'S STANDARDS.
  4. SET SEDIMENT BARRIERS TO ALL SHOWINGS IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE REQUIREMENTS OF THE CLEAN WATER ACT.
  5. TOPSOIL SHALL BE STRIPPED ON STOCKPILES OUTSIDE HAZARD AREAS SUCH AS DRAINAGE LINES. THIS TOPSOIL IS TO BE RE-SPREAD LATER ON AREAS TO BE RE-VEGETATED.
  6. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SOIL FROM SUCH DEVICES. ALL SOIL REMOVED SHALL BE DISPOSAL OF AS DIRECTED BY THE SUPERINTENDENT.
  7. THE PERSONS FOR MAINTAINING THESE DEVICES SHALL BE UNITS ALL DISTURBED AREAS ARE RE-VEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.

DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY

**NOTE:**  
 Guide to check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the Designer. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. The drawing to be used only for the site kit as noted.  
 All boundaries and contours are subject to survey. All levels to AHD. It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  
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A	25.11.20	DEVELOPMENT APPLICATION DOCUMENTS
ISSUE	DATE	DESCRIPTION

BUILDING CLASSIFICATION: 1a

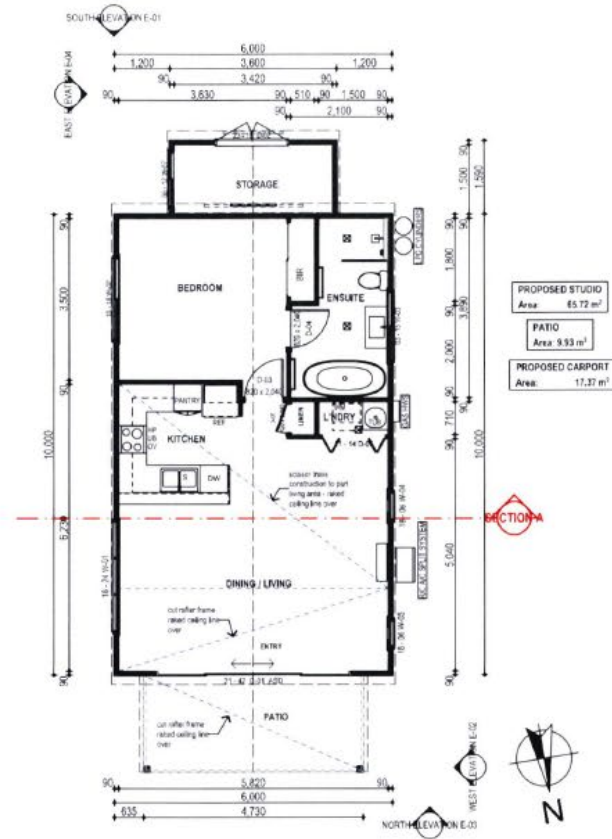


**Preferred Design & Drafting**  
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 ph: 0833742957 fax: 0429600190  
 email: thomas@preferred-design.com.au



D.P. NUMBER: DP 123943  
 SITE AREA: 1128.89 sq m  
 DATE: 26.11.20  
 DRAWN: M/Palmer  
 SCALE: 1:100, 1:200, UNO  
 DRAWING No: 2  
 PROJECT No: 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
 90A LOJEE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
 SITE EROSION CONTROL PLAN

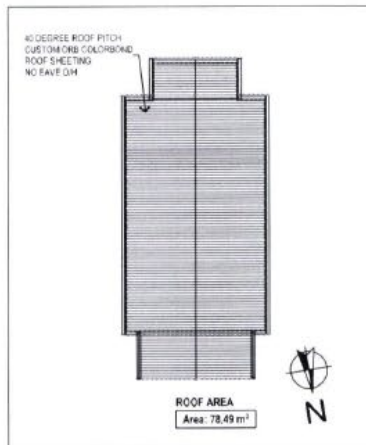


PROPOSED STUDIO  
Area: 85.72 m<sup>2</sup>

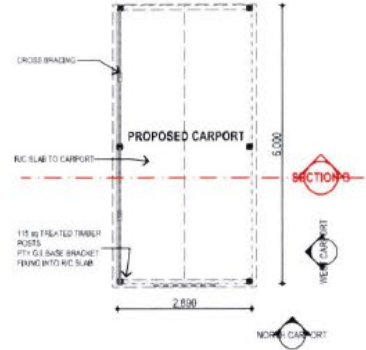
PATIO  
Area: 9.93 m<sup>2</sup>

PROPOSED CARPORT  
Area: 17.37 m<sup>2</sup>

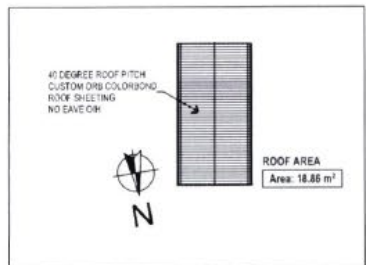
0. FLOOR PLAN - STUDIO  
1:100



1. ROOF PLAN - STUDIO  
1:200



0. CARPORT - FLOOR PLAN  
1:100



1. ROOF PLAN - CARPORT  
1:200

**NOTE:**  
Builder to check all dimensions and levels on site prior to construction.  
Notify any errors, discrepancies or omissions to the Designer. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This Drawing to be used only for the site kit as noted.  
All boundaries and contours are subject to survey. All levels to AHD.  
It is the contractor's responsibility to confirm all measurements on site and locations of any services prior to work on site.  
All documents are subject to Australian Copyright Laws.

ISSUE DATE	DESCRIPTION
A 26.11.20	DEVELOPMENT APPLICATION

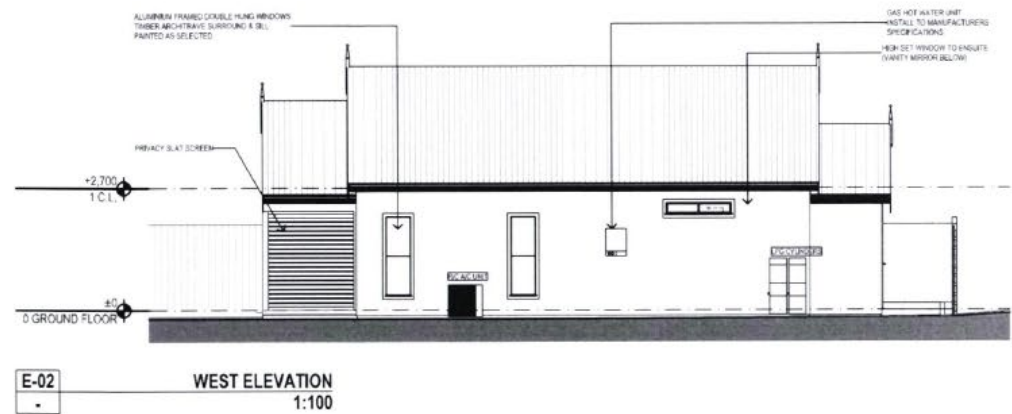
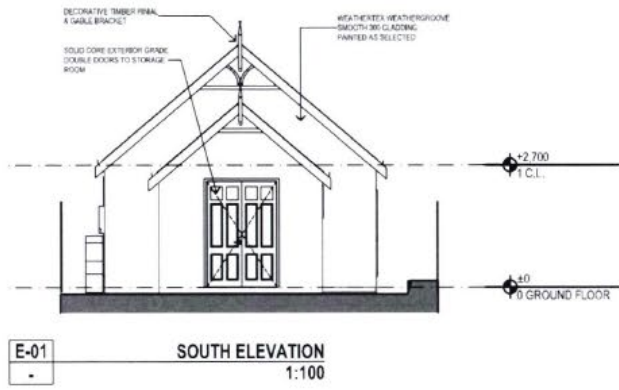
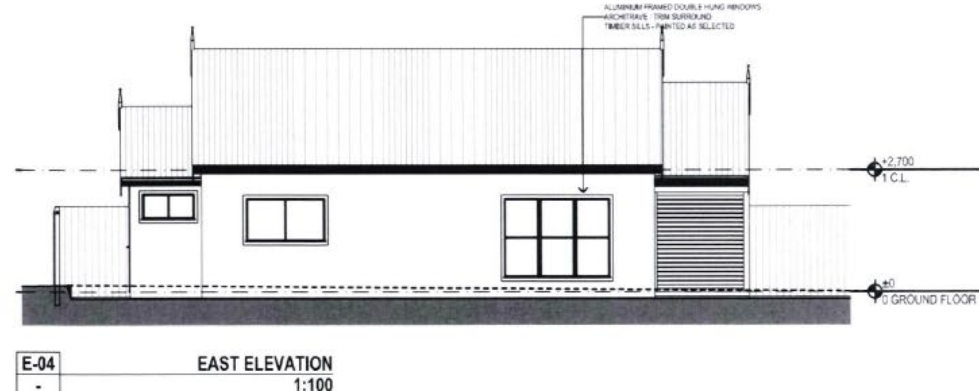
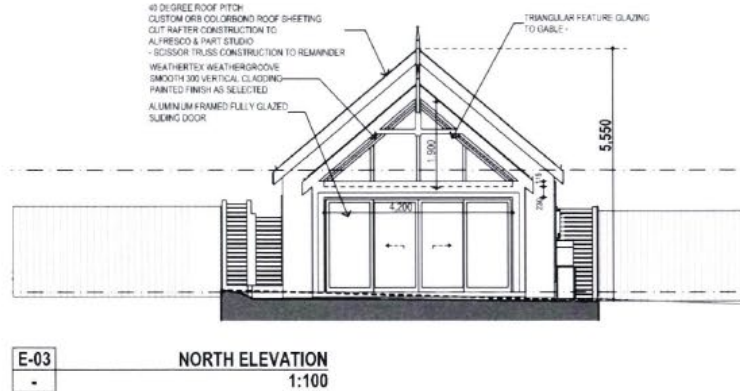


**Preferred Design & Drafting**  
30 Lonsdale Street  
Melbourne VIC 3000  
ph: 0837243387 Mob: 0429603160  
email: marian@preferred-design.com.au



D.P. NUMBER: DP 1234243  
SITE AREA: 1128.88 sq.m  
DATE: 28.11.20  
DRAWN: M Palmer  
SCALE: 1:100, 1:200, UNO  
DRAWING No: 3  
PROJECT No: 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
90A LOUEE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
FLOOR PLAN, ROOF PLAN



DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY

**NOTE:**  
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A	26.11.20	DEVELOPMENT APPLICATION DOCUMENTS
ISSUE	DATE	DESCRIPTION

BUILDING CLASSIFICATION: 1a

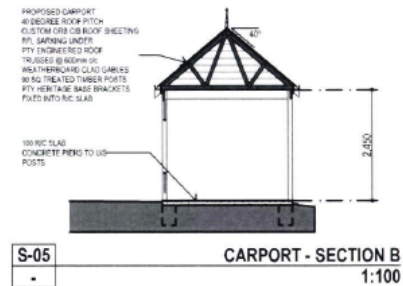
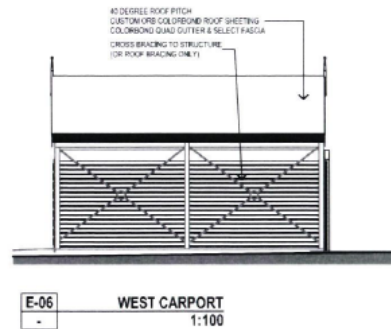
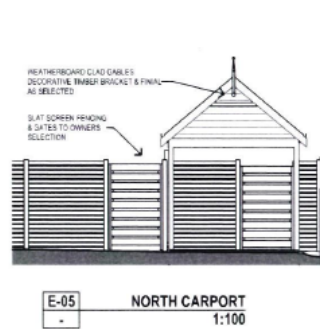
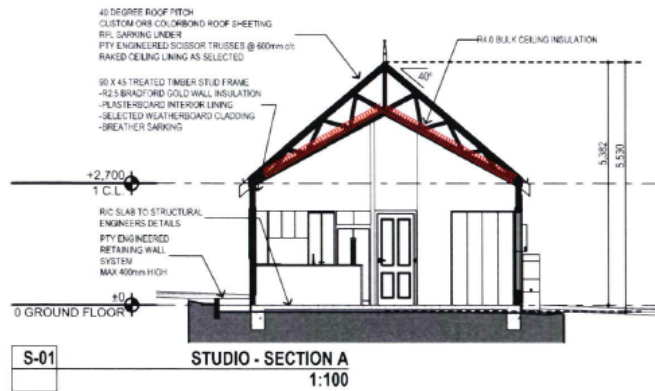


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ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA  
 - ACCREDITATION No: 6077

D.P. NUMBER: DP 123943  
 SITE AREA: 1128.89 sq m  
 DATE: 26.11.20  
 DRAWN: M Palmer  
 SCALE: 1:100, 1:200, UNO  
**DRAWING No: 4**  
 PROJECT No: 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
 90A LOJEE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
 ELEVATIONS - STUDIO



**DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY**

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A	26.11.20	DEVELOPMENT APPLICATION DOCUMENTS
ISSUE	DATE	DESCRIPTION

BUILDING CLASSIFICATION: 1a



**bda** BUILDING DESIGNERS AUSTRALIA

**Preferred Design & Drafting**  
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ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA  
- ACCREDITATION No: 6477

D.P. NUMBER: DP 1229243  
SITE AREA: 1128.89 sq m  
DATE: 26.11.20  
DRAWN: M Fildner  
SCALE: 1:100, 1:200, UNO  
DRAWING No: 5  
PROJECT No: 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
90A LOUËE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
SECTIONS, CARPORT ELEVATIONS



DOOR LIST					
ID	Height	Width	Nominal W x H Size	ELEVATION	COMMENTS
D-01	2,100	4,200	4,200x2,100		
D-02	2,340	1,540	1,540x2,340		
D-03	2,040	820	820x2,040		
D-04	2,040	820	820x2,040		
D-05	2,100	1,400	1,400x2,100		
D-06	2,040	620	620x2,040		

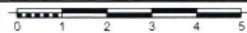
DOOR LIST

WINDOW LIST					
ID	Height	Width	Nominal W x H Size	ELEVATION	COMMENTS
W-01	1,800	2,400	2,400x1,800		
W-02	1,000	1,800	1,800x1,000		
W-03	300	1,500	1,500x300		
W-04	1,800	600	600x1,800		
W-05	1,800	600	600x1,800		
W-06	1,900	4,200	4,200x1,900		
W-07	600	1,200	1,200x600		

WINDOW LIST

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ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA  
 - ACCREDITATION No: 6077

D.P. NUMBER: DP 1229243  
 SITE AREA: 1120.89 sq.m  
 DATE: 26.11.20  
 DRAWN: M Palmer  
 SCALE: 1:100, 1:200, UNO  
**DRAWING No: 6**  
**PROJECT No: 116.20**

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
 30A LOUEE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
 DOOR & WINDOW LIST

## Water Commitments

### Fixtures

The applicant must install showerheads with a minimum rating of 3 star (i.e. <math>4.5</math> but <math>\leq 6</math> Litres) in all showers in the development.

The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.

The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.

The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.

### Alternative water

#### Rainwater tank

The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

The applicant must configure the rainwater tank to collect rain runoff from at least 90.75 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).

The applicant must connect the rainwater tank to:

- all toilets in the development.
- at least one outdoor tap in the development. (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	nil	
external wall - framed (weatherboard, fibre cement, metal clad)	2.20 (or 2.60 including construction)	
ceiling and roof - raked ceiling / pitched or skillion roof framed	ceiling: 4 (up); roof: foilsarking	framed: light (solar absorbance <math>< 0.475</math>)

## Energy Commitments

### Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.

### Cooling system

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 1-phase airconditioning. Energy rating: 5 star (cold zone).

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 1-phase airconditioning. Energy rating: 5 star (cold zone).

### Heating system

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: 5 star (cold zone).

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning. Energy rating: 5 star (cold zone).

### Ventilation

The applicant must install the following exhaust systems in the development:

At least 1 Bathroom: individual fan, not ducted. Operation control: manual switch on/off.

Kitchen: individual fan, not ducted. Operation control: manual switch on/off.

Laundry: individual fan, not ducted. Operation control: manual switch on/off.

### Artificial lighting

The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

- at least 1 of the bedrooms / study.
- at least 1 of the living / dining rooms.
- the kitchen.

## Energy Commitments

- all bathrooms/toilets.

- the laundry.

- all hallways.

### Natural lighting

The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.

### Other

The applicant must install a gas cooktop + electric oven in the kitchen of the dwelling.

The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.

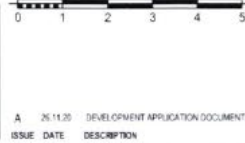
The applicant must install a fixed outdoor clothes drying line as part of the development.

## DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY

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BUILDING CLASSIFICATION: 1a



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ACCREDITED CHARTERED MEMBER OF BUILDING DESIGNERS AUSTRALIA  
- ACCREDITATION No: 6477

D.P. NUMBER: DP 123043  
SITE AREA: 1128.89 sq m  
DATE: 26.11.20  
DRAWN: M Palmer  
SCALE: 1:100, 1:200, UNO  
DRAWING No: 7  
PROJECT No: 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:**  
30A LOUEE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:**  
BASIX COMMITMENTS

**General Notes**

**ALL WORKS** shall be carried out in accordance with the NCC Building Code of Australia, Australian Standards, Local Council requirements, guidelines and all other relevant by laws and authorities, in particular refer Australian standards:

- AS 1298 - GLASS IN BUILDINGS - SELECTION & INSTALLATION
- AS 1595 - DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING
- AS 1684 - RESIDENTIAL TIMBER FRAMED CONSTRUCTION
- AS 2047 - INSTALLATION & SELECTION OF WINDOWS
- AS 2075 - RESIDENTIAL SLABS & FOOTINGS
- AS 2081 - CAMP PROOF COURSES AND FLASHINGS
- AS 3509 - PLUMBING & DRAINAGE
- AS 3600 - CONCRETE STRUCTURES
- AS 3690 - TENANT MANAGEMENT
- AS 3740 - WATERPROOFING OF DOMESTIC WET AREAS
- AS 3796 - SMOKE ALARMS
- AS 4255 - WIND LOADING FOR HOUSING
- AS 4678 - EARTH RETAINING STRUCTURES
- AS 5148 - REINFORCED AUTOCLAVED AERATED CONCRETE

**CONSULTANTS:**  
Drawings shall be read in conjunction with engineers drawings and computations. All structure to Engineers design  
All drawings to be co-validated with consultant documentation prior to construction.

**DIMENSIONS:**  
Do not scale off drawings - use figured dimensions only. Contractor shall verify all dimensions on site prior to construction. Any discrepancies or errors shall be referred to the builder and client prior to installation or manufacture of any works. Confirm levels and ALI on site prior to commencement of work.

**SETOUT:**  
Contractor to confirm exact siting and orientation prior to construction setout. All building setout and confirmation of setbacks and height to be carried out by a Licensed Surveyor. No footing or wall to encroach the title boundary.

**TERMINAL PROTECTION:**  
Terminal protection to be in accordance with A.S. 3860.1 and installed in strict accordance with current manufacturers specifications.

**STRUCTURAL STEEL:**  
Unless noted otherwise all exposed structural steel anchor bolts and other attachments shall be hot dip galvanized. A cold gal painted finish shall be applied to any field welding to existing or new steelwork. All steel work cast in concrete footings or slab shall have a bitumen finish applied to full extent of cast in concrete steel. Check all dimensions on site prior to fabrication of elements.

**RETAINING WALLS:**  
All retaining walls to ply engineered manufacturers specifications or to structural engineers details. Provide suitable backfill and egg drainage to all retaining walls. Builder to provide banking if or where required.

**SLAB & FOOTINGS:**  
All footings to structural engineers details. A moisture barrier shall be installed under any habitable concrete slab to BCA, Australian Standards and manufacturer's requirements.

**EROSION CONTROL:**  
All building works to comply with local authorities Erosion and Sediment control standards.

**WATERPROOFING:**  
All wet areas and walls to be waterproofed in accordance with the NCC BCA Part 3.8.1 & AS 3740. Wall finishes shall be expensive for a minimum height of 1800mm above floor level to shower enclosures and minimum 100mm above baths, basins & sinks. Builder to provide certificate of installation and compliance.

**CONCEALMENT OF SERVICES:**  
All services shall be concealed in walls or ducts. Where services are exposed they must be confirmed and approved on site prior to installation unless otherwise noted.

**LICENSED TRADESPERSONS:**  
All services to be installed by licensed tradespersons in accordance with local authority and with current manufacturers specifications.

**ALL PRODUCTS:**  
To be installed to manufacturers requirements and to be in accordance with manufacturers requirements for suitable exposure levels.

**PROPRIETARY ITEMS:**  
Identification of a proprietary item does not necessarily imply exclusive preference for the item so identified, but includes the necessary protection of the item. If alternatives are proposed, confirm selections with owner including available technical information, reasons for proposed substitutions and cost.

**TILES:**  
Exposure: sheets, walls, 5mm. Floors, 8mm. Full body with alkali-resist. Glaze for wall - Epoxy based midline resistant. Grout for floors - prepared grout to be acid resistant. All wall tiles to have a substrate.

**GLAZING:**  
Glazing shall be installed to a size type & thickness to comply with NCC BCA Part 3.8 for Class 1 & 10 buildings within a design wind speed of not more than N3.

Safety glass to be used in the following cases:  
i) All rooms - within 500mm vertical of the floor  
ii) Bathrooms - within 2000mm of the floor  
iii) Laundry - within 1500mm vertical from floor and / or within 300mm horizontal from all doors  
iv) Doorways - within 300mm horizontal from doors  
Shower Enclosures shall be Grade A Safety Glass

**INTERNAL PAINTING:**  
Unless noted otherwise paint system to be Dulux approved 3 coat system - low sheen finish. Colours to be supplied by owner during contract and applied as per Dulux's recommendations and guidelines.

**JOINERY ITEMS SHALL INCLUDE:**  
Manufactured casework items, including: cabinets and cupboards.

**APPLIANCES & EQUIPMENT:**  
Builder to co-ordinate all appliance and equipment locations on site and with joiner. Installation and final connection by the contractor.

**DOCUMENTATION:**  
The contractor shall carry out works in accordance with the signed drawings and specifications and anything reasonable inherent, said with the Conditions of Contract. The drawings and specifications/packages shall be considered complementary, and any work and/or materials absent from one but present or implied in the other shall be furnished as if they were present in both.

**GENERAL NOTES - CONTINUED**

**TIE DOWN AND BRACING:**  
The contractor must ensure that all fittings, brackets and the like are compatible materials prior to procurement / installation. All bracing and tie down connections are in accordance with AS1618 and any other relevant codes and legislation, and to nominated trade & frame manufacturer's engineered documentation and specifications.  
Refer to AS1618 for tie down member type (as nominated / covered or specified).  
All fittings and bracings that are used for bracing purposes must be fixed according to the manufacturer's requirements to achieve the nominated bracing requirements.

**EXISTING SITE CONDITIONS:**  
All existing elements have been shown individually. The Contractor shall inspect the site to fully understand the scope of works. Contractors are to inform themselves of existing site conditions and services. The Contractors Tender amount shall be deemed to include the cost of dealing with existing conditions and services. The evidence of which was ascertainable from the appropriate authority, or from visual inspection on or adjacent to the site or which are shown on the Drawings or described in the Specifications.

**PRESERVATIVES AND TREATMENT:**  
Existing timbers to be treated with suitable preservatives and to an appropriate hazard level for their intended environment which will meet the required design life expectancy of 30 years.

**FINAL CERTIFICATE:**  
At completion of work. Builder to obtain and supply an Occupier Certificate from Principal Certifying Authority.

**Excavation Notes**

**FOOTING EXCAVATION:**  
Excavation to be carried out prior to foundation. All earthworks in accordance with NCC BCA Part 3.1.1

**EXTENT:**  
Excavation and cut & fill as noted on the Architectural Drawings for Proposed Dwelling. Site cut & levels indicated are preliminary only and to be checked on site before work commencement. Retaining walls required.

**SITE SURFACE:**  
Excavate over the site to correct levels and profiles as the basis for construction, paving, filling, landscaping and the like. Make allowance for compaction and settlement.

**FILLS:**  
Grade to minimum fall of 1:20 away from buildings within 1200 of building perimeter and 1:100 elsewhere unless noted otherwise. Negate surface water run-off/drainage on to neighbouring properties.

**REQUIREMENT OF DETAILED EXCAVATION:**  
Elements to the Contract depth and extent necessary to accommodate all foundation elements and any formwork, blinding concrete, working spaces and waterproofing processes.

**LANDSCAPING:**  
Landscaping scope of works and finishes to be confirmed by client prior to final quotation.

**TRIM:**  
Trim bottom of all excavations to the required levels, grades and profiles of the finished work.

**BATTERS:**  
In accordance with NCC BCA Part 3.1.

**Hydraulic Notes**

**ALL WORKS** shall be carried out in accordance with the following requirements:

- The Plumbing and Drainage Act 2002
- AS 5007 - 2003
- The Local Authority

Any other authority have jurisdiction over any part of the works.  
All upstream services to be located prior to construction.

**EXISTING SITE CONDITIONS:**  
The Contractor shall attend to existing services. Contractors are to inform themselves of existing site conditions and plumbing services before work commencement.

**DESIGN LEVELS:**  
Design Levels shall be confirmed on site, prior to commencing installation of any pipework. Levels shown on drawings are recommended only. It shall be the Contractors responsibility to ensure that correct grades are achieved at site.

**RAINWATER DRAINAGE:**  
Allow to connect to new rainwater drainage downpipes etc. to the existing stormwater drainage system.

**RAINWATER GOODS:**  
Refer to documentation for specification and finish.  
Unless otherwise noted, new roofing sheeting, roof eavings and valley flashings shall be metal with a colorbond finish. Downpipes to be metal colorbond (min 0.5mm gauge)  
Unless otherwise noted, new gutters, gutter spikes, large coils, new metal wall cladding, associated flashings and casings shall be metal with any "optional" finish nominated by the builder.

**MATERIALS:**  
Water services shall be in accordance with Australian Standards

**COVER PLATES:**  
Provide Cover Plates at all wall & floor penetrations

**SANITARY PLUMBING:**  
Sanitary plumbing shall be UPVC Class HD with solvent weld joints and shall be laid at a minimum grade of 1:40 unless noted otherwise. Colored sanitary plumbing to council sewer in accordance with authority requirements.

**INSULATION:**  
All hot water lines shall be fully insulated

**DO NOT BEFORE YOU DIG:**  
It is the contractors responsibility to contact "Dig Before You Dig" Phone 1109 for the location of existing public utilities prior to excavation

**ENCASING OF UNDERGROUND SERVICES:**  
All underground water and fire services shall be encased in 100mm of sand.

**Hydraulic Notes**

**AUTHORITIES FEES AND CHARGES:**  
The Contractor shall allow to pay all authorities fees & charges associated with new connections

**CONTRACTOR:**  
To provide necessary flashings to windows and openings. Plumbing to be aimed by allocated plumber and in accordance with the requirements of local authorities. The contractor shall be responsible for all permits and approvals. All hot water lines shall be fully insulated. Sanitary Plumbing shall be connected to existing system with materials approved by the local authority. Builder and Sub-contractor to ensure all stormwater drains and sewer pipes are located at a sufficient distance from any building footings unless side edge beams to prevent moisture penetration, compression, weakening or undermining to the structure.

**HOT WATER SUPPLY:**  
All domestic hot water to basins, showers and baths to have maximum temperature of 50° C. Allow to supply and install necessary valves where required, as nominated in the NCC BCA and relevant standards.

**Electrical Notes**

**SUPPLY:** Electrical contractor to provide phased supply to main switchboard and assess maximum demand to AS3000

**DISTRIBUTION BOARD:** Provide new distribution board if required. All electrical outlets shall be protected by overcurrent earth leakage circuit breakers in accordance with Australian Standards.

**WIRING:** Electrical conductors and wiring used for electrical services shall be in accordance with NCC BCA and Australian standards. All wiring shall be concealed where possible. Where exposed wiring is unavoidable, wiring must be concealed within suitable conduit.

**ARTIFICIAL LIGHTING:** Provide a system of artificial lighting to comply with AS1610 to all rooms not naturally lit.

**LIGHTING:** All luminaires shall be being mounted unless otherwise required by owner. If provided, refer to the schematic electrical plan for mounting heights of ceiling or wall mounted luminaires and layout of luminaires as indicated on reflected ceiling drawing. All recessed lights shall be cool white unless requested otherwise

**FINAL LOCATIONS:** If provided, refer to drawings for specific locations of accessories.

**ELECTRICAL INSTALLATION:** includes  
- installation of distribution switchboard (if required)  
- light and power installation  
- light fittings, sub-circuit wiring and lighting accessories  
- socket outlets, special purpose power and sub-panel cabling  
- installation of ducts for air conditioning  
- installation of ducts and connection of all equipment (eg kitchen equipment)  
- supply and installation of new outlet wiring to meet mounted to antennas.

**ELECTRICAL ACCESSORIES:** includes switches and powerpoints, unless otherwise noted all controls, switches and powerpoints shall be "type where" light switches - 120V above floor level unless noted otherwise OR listed as per electrical layout OR to owners specification

**ROOF TOP ANTENNA:** All new relevant outlets to be wired to internet.

**NETWORK & DATA:** All phone networks and data points to be run with cable connected to wall sockets. Cable runs to be concealed. If provided refer to electrical layout for locations.

**SWITCHES:** Some light switches may operate dimmers. Confirm with client prior to final quotation.

**Joinery Notes**

**JOINERY ITEMS SHALL INCLUDE:** Manufactured casework items, including: cabinets and cupboards

**APPLIANCES & EQUIPMENT:** Builder to co-ordinate all appliance and equipment locations on site and with joiner. Installation and final connection by the contractor. Joiner to confirm all appliance and equipment tolerances and requirements in policy prior to fabrication.

**SITE MEASURE:** All joinery to be site measured once fittings are in place. Confirm any discrepancies prior to fabrication.

**Fire Safety**

**GENERAL:** Fire safety in accordance with part 3.7 of the NCC BCA

**SMOKE ALARMS:** In accordance with part 3.7.6 of the BCA & A 5.3786 to be hard-wired to consumer supply. Smoke detectors to be of the type with alarm wired together and having a battery back-up.

**FIRE ALARM INSTALLATION:** Install smoke detection, in the area affected by the works, to suit the requirements of AS1670 and the BCA. Provide any additional cabling to areas to allow for compliance with AS1670 and the NCC BCA.

**BUILDER:** To provide electricians installation certificate.

**Energy Efficiency**

**WORKS:** In accordance with BCA Environmental guidelines.

**LUMINAIRES:** All lighting luminaires shall be energy efficient lamps to suit specific luminaires

**EXTERNAL WALL:** In accordance with BCA Environmental guidelines, installed as per manufacturers instructions. All external walls to have secure permeable sunking.

Waterproof walls to all external doors.

**NEW ROOF:** In accordance with NCC BCA Environmental guidelines, installed as per manufacturers instructions.

**TIMBER FLOORS:** (Where applicable) In accordance with NCC BCA Environmental guidelines, installed as per manufacturers instructions. All exposed timber floors to have required insulation to underside as per Batax Certificate.

**LIGHT & VENTILATION:** In accordance with parts 3.8.4 and 3.8.6 of the NCC BCA plus relevant A.S.

**SOUND:** Insulation in accordance with part 3.8.6 of the NCC BCA

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**BUILDING CLASSIFICATION:** 1a



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Mudgee NSW 2850  
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email: training@preferred-design.com.au



**D.P. NUMBER:** DP 1238343  
**SITE AREA:** 1128.89 sq m  
**DATE:** 28.11.20  
**DRAWN:** M Wiener  
**SCALE:** 1:100, 1:200, UNO  
**DRAWING No:** 8  
**PROJECT No:** 116.20

**CLIENT:** COVER CONSTRUCTIONS  
**PROJECT:** PROPOSED DUAL OCCUPANCY  
**SITE ADDRESS:** 90A LOUIE STREET RYLSTONE 2849  
**SHEET DESCRIPTION:** GENERAL NOTES

ISSUE	DATE	DESCRIPTION
A	26.11.20	DEVELOPMENT APPLICATION DOCUMENTS

**MID-WESTERN REGIONAL COUNCIL  
HERITAGE MEMORANDUM**

**TO:** SARAH HOPKINS  
**FROM:** HERITAGE ADVISER  
**REF:** DA 0246/2021 - 90A LOUEE ST, RYLSTONE  
**DATE:** 3 MARCH 2021

The former Presbyterian/Uniting Church on the subject site is listed as an item of environmental heritage in Schedule 5 of the LEP, and lies within the Rylstone Heritage Conservation Area. It has historical, aesthetic and social significance as a largely intact simple Victorian Gothic church built in 1884 of local stone, providing evidence of the growth of the town in the 1880s as a result of the construction of the railway line, and demonstrating the place of religion in the life of the town from the Victorian period.

The church was a landmark, set well back on its original large site. The site was subdivided in 2014, leaving the church on a T-shaped lot. Additions were built to the east of the church and a large carport has recently been added to the west, while houses were built on the remaining lots. Views to the church are retained, the entrance being visible from Cox Street, and the western side from Louee Street. The view corridor from Cox Street is narrow, but the eye is nevertheless drawn to the church.

The proposal is to build a one-bed studio in this view corridor, designed in a contemporary style to reflect the church. It is supported by a professionally written Statement of Heritage Impact.

This will of course block the view which the corridor was designed to provide, and consequently diminish its heritage significance and its contribution to the significance of the conservation area. The argument in the SOHI that the studio will be an interpretation of the church is not accepted. Interpretation means material introduced to a heritage site to assist in understanding its significance. The building will do the opposite. As the available views have been diminished, arguably too much so, the view to the original front elevation and entrance should be retained.

There may be an opportunity to provide some additional accommodation within the recently built carport.

It is recommended that the application be refused.

New Studio Apartment at 90A Louee Street Rylstone

Presbyterian Church Rylstone

## Statements of Heritage Impact (SOHI)

This statement has been prepared for a Dual Occupation Development at 90A Louee Street Rylstone.

The proposal is to add a studio apartment between two existing houses and adjacent to the heritage listed item: The Presbyterian Chapel of St. Andrew.

By 'Impact' the report covers any effect that may alter the historic significance of a place. It can be a visual or physical effect. It can be a small effect or large. Having an 'impact' on a heritage item or place does not mean that such a proposal cannot proceed. The description of the impact will enable council staff to determine whether to approve such a development, and if the impact is acceptable.

### Listing

The former presbyterial church is a listed item on the MWRC LEP2012

Rylstone	Former Presbyterian Church	90A Louee Street	Lot 3, DP 1239243	Local	I32R
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However, the listing is not shown as yet on the State Heritage Inventory. The following statement of significance was adapted from the SoHI report by heritage adviser Barbara Hickson in 2014, when two houses were constructed in the vicinity of the church.



FIGURE 1 THE PRESBYTERIAN CHURCH OF ST ANDREWS; NOW A CHAPEL AND CHRISTIAN BOOK SHOP. FROM LOUEE ST.

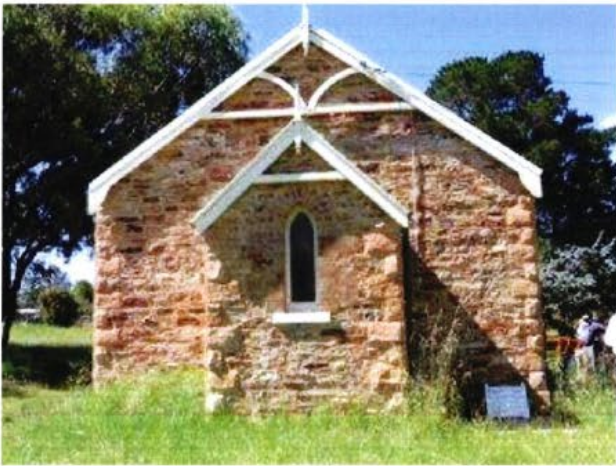


FIGURE 2 HISTORIC IMAGES (JANUARY 2014) OF ST ANDREWS CHURCH

**Statement of significance for the former Presbyterian Church Rylstone**

*This is a good example of a small country stone church constructed in the early federation year of 1902, which served the Presbyterian community as a church for about 75 years and later as a part time place of worship for the Uniting Church. The church was constructed of local stone, random rubble with dressed stone quoins and brick quoined framing the nine lancet windows. A simple corrugated iron clad gabled roof has timber finials and modest fretwork. An entry porch faces Cox Street. One lead - lite window and three memorials adorn the inside of the church, which has a timber lined mansard style ceiling, timber flooring and rendered walls.*

*Although not used as a church (in 2014) the building has remained an item of local cultural significance and is something of a landmark for the village. Today (2020) the church has rediscovered its traditional purpose as a chapel and Christian bookshop, while its additions are used for accommodation.*

*The building is well maintained with an external interpretation sign. It is an important contributor to the Rylstone Conservation Area and its visual focus is Louee Street forming an important part of that historical streetscape.*

New Studio Apartment at 90A Louee Street Rylstone

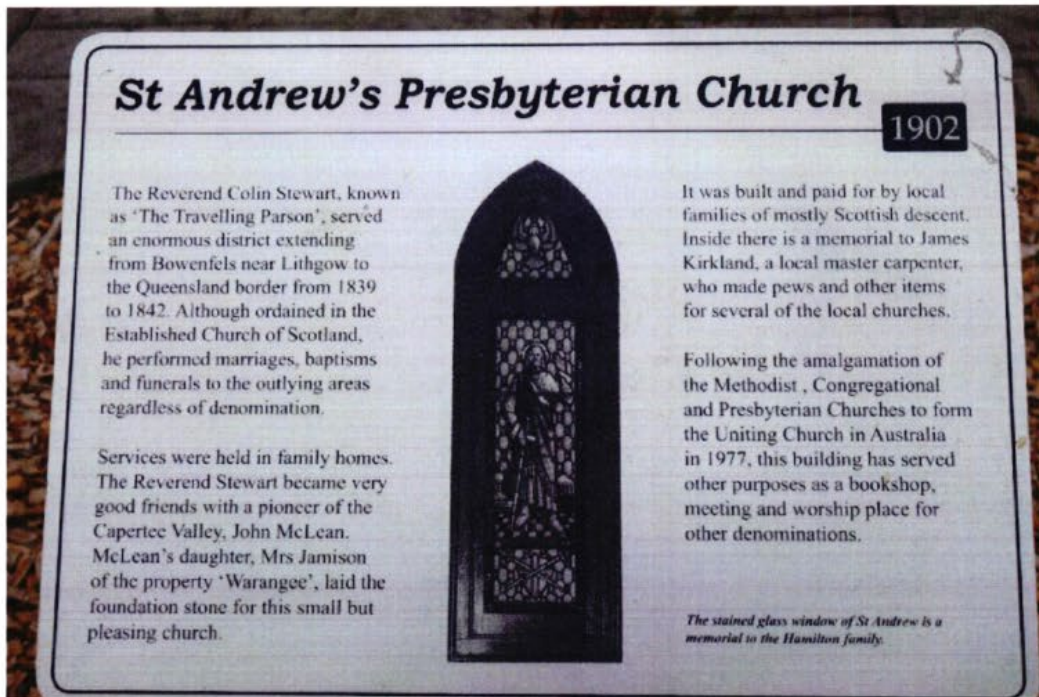


FIGURE 3 INTERPRETATION SIGN INSTALLED AT THE FRONT OF THE SITE IN LOUEE STREET RYLSTONE.

#### HISTORY

The village of Rylstone was possibly named after Rylstone in England. (It had a physical similarity with shepherding by a stream). The village was laid out in 1842 by surveyor Davidson. It was established to serve the surrounding pastoral area. The area was attractive to pastoralists from Bathurst who in the 1820s and 1830s established very large properties in the district (John Fitzgerald, Edward Cox, John Thompson, William Lee, Samuel Marsden, John Jamison, John Nevell and James Vincent, John McLean, James Walker and others.

The town developed slowly from about 1849 as just a few buildings. Marble and stone resources were nearby which gave rise to early sandstone and random marble rubble buildings such as initial stores buildings and the courthouse. An early 'slab' catholic church was replaced in stone in 1875.

Policing arrived in the 1850's. The saddler JW Jackson arrived in 1864 and built a stone barn and slab timber home in Louee Street and later built a string of 5 stores at the corner of Louee and Cudgegong. Government buildings constructed in stone developed along one block during the 1870s-1890s: Constables House and Lock Up, Courthouse, Sergeant's House, Post and Telegraph Office. The stone Bridge Hotel opened in 1872 followed by the stone Globe Hotel in 1880. Four stone churches were built to service the village and district including the Presbyterian church in 1902.

The 1880s brought the rail and significant growth in the village and substantial growth in shops and hotels. The depression of the 1890s brought economic downturn, with the Bridge Hotel repossessed and repurposed as a bank for the next 60 years.

With the Federation period there was further growth especially with the advent of motorised transport. Interest in public education and entertainments lead to the improved hall facilities,

picture facilities and the Memorial Hall and Small Hall, where dances and card nights were held. A Council chambers were built, and telephone services established.

Another wave of prosperity followed on WWI until the late 1920s with some redevelopments, expansions, and new building constructions.

Tenders for the construction of the presbyterian church of St. Andrew's were called early 1902. The church construction commenced in July, and it was built and opened in the same year, free of debt, to serve local Scottish presbyterian families.

The opening of the church in July 1902 was an auspicious occasion:

New Presbyterian Church at Rylstone.<sup>1</sup>

*Laying the Foundation Stone.*

*Wednesday last, the 30th July, will be a historic day in connection with Presbyterianism in Rylstone, the occasion being the laying of the foundation stone of the now church. Mrs. Jamieson, of Narrango, performed the ceremony. Flags and bunting and other ceremonial tokens were in evidence.*

*At 3 o'clock the Rev. A. D. Robertson opened the proceedings, and, in the course, a brief address expressed delight at the fact of the Presbyterians of Rylstone having decided to build a church of their own.*

*Hitherto they (the Presbyterians) were dependent upon their Methodist friends for a building in which to worship. He understood that his predecessor, Mr. Thorpe, had made effort to have a church built, and though he failed, the good work attempted was bearing fruit to-day. He thanked the friends who had helped in this effort. There was now £68 to the credit of the fund, while a further £74 had been promised.*

*Mrs. Jamieson then performed the ceremony of laying the stone, which she declared well and truly laid. She was presented with a silver trowel as a token of the occasion.*

*The Rev. E. C. Thomas, of the Methodist church, who addressed the gathering, said that these special occasions were generally taken as opportunities to express the friendliness of one denomination towards another.*

*It was a thousand pities that any misunderstanding should arise by which such friendship is doubted. In that town many seem to have the idea that the several branches of the Christian churches were necessarily in antagonism with one another, as if the good work which was being done by one another. He had regarded the several denominations as different regiments in the grand army of the cross, fighting, not against one another, but unitedly, against the great evils of society."*

The moderator then was the Rev. A. D. Robertson, and there were 27 founding members on the roll.<sup>2</sup>

Around 1977 the church fell into disuse as the amalgamation of the Presbyterian and Methodist churches into the Uniting Church, making it somewhat surplus to needs. It was still used in minor ways such as occasional meetings.

Eventually, by 2013/4, it was sold into private ownership. In recent years the church has regained some of its social significance in that it is now used again for church purposes as a Presbyterian Chapel and bookshop. Following on the previous development of two new houses on the site (2014), subdivision of the land, and extensions to the church, the building has been repaired and is well maintained.

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<sup>1</sup> Mudgee Guardian 7 August 1902

<sup>2</sup> Mudgee Guardian 20 Nov 1902



New Studio Apartment at 90A Louee Street Rylstone

**Condition:** The building is in good to excellent condition; and in current use.

The Presbyterian Church is located within the **Rylstone Conservation area:**

**The statement of Significance for the Rylstone Conservation area:**

*Rylstone, a picturesque village set along the banks of the Cudgegong River, originally began as a service town to surrounding pastoral pursuits, particularly sheep and wool production, and reminiscent of its namesake Rylstone in England. Some street names link to that past.*

*Laid out in 1842 by surveyor Davidson, the village developed and grew in periods of general prosperity. The Victorian and Federation periods are well represented in the construction of houses, hotels, stores and government buildings and the later 1930s is represented too. Early pre-1900 buildings constructed of stone and random rubble are an important link to local materials of sandstone and marble. While post 1900 buildings often used concrete from nearby Kandos cement works.*

*The town retains fabric and remembrance of early storekeepers, publicans and builders such as Goodwin Spires Hall, George Holland, John Purvis, Edward H Nash, John Hardwick and John Wesley Jackson.*

*The village has a particular country cultural landscape due to its close proximity to the river, tall London Plane trees planted in the 1930s and eucalyptus trees in Louee Street beside the catholic church, and many trees planted along residential streets. Views throughout the town are of surrounding hills and rugged landscape.*

St Andrews church is a good example of the local use of 'stone and random rubble' as noted above.

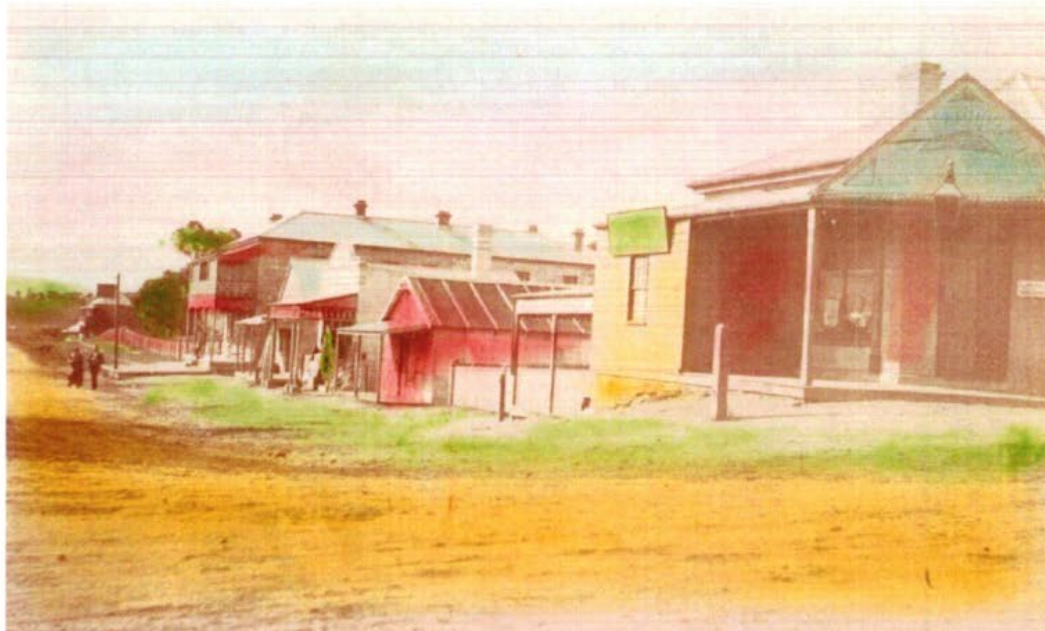
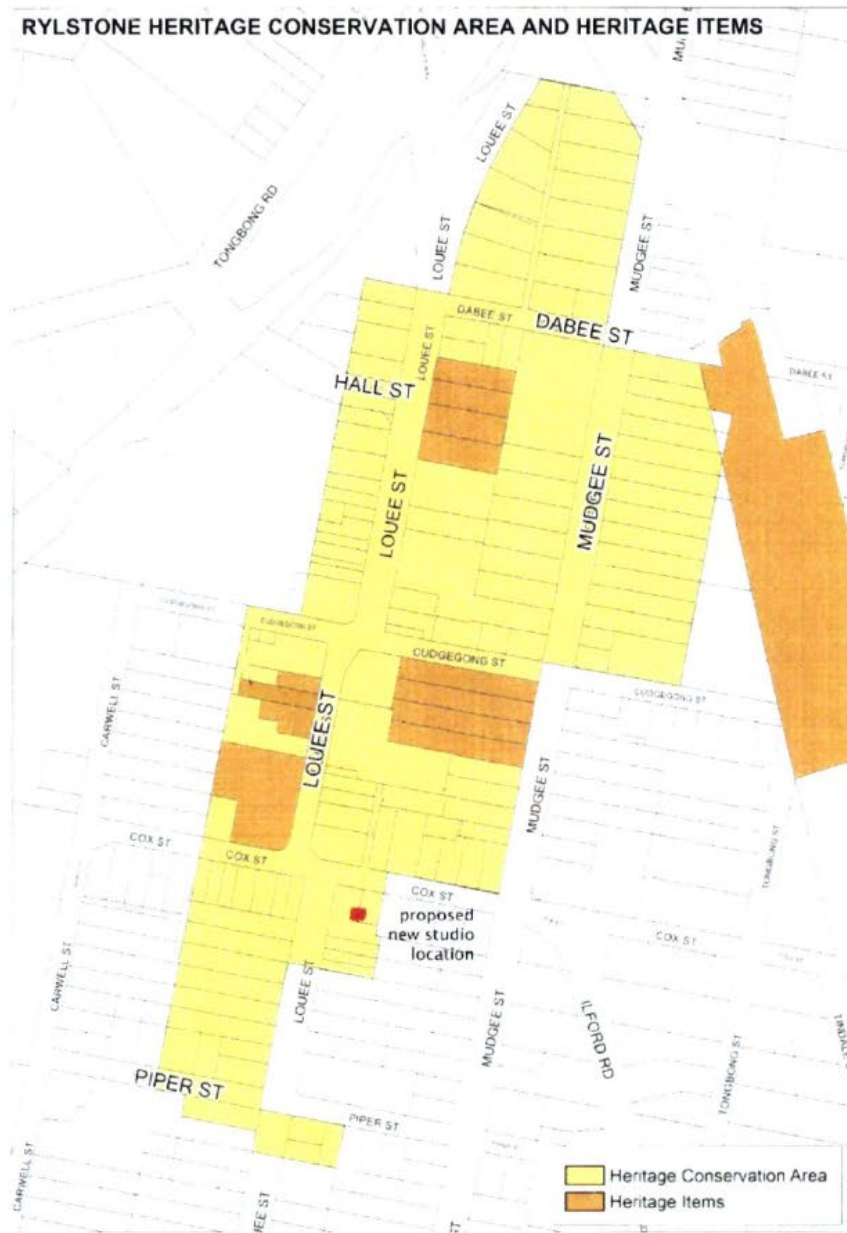
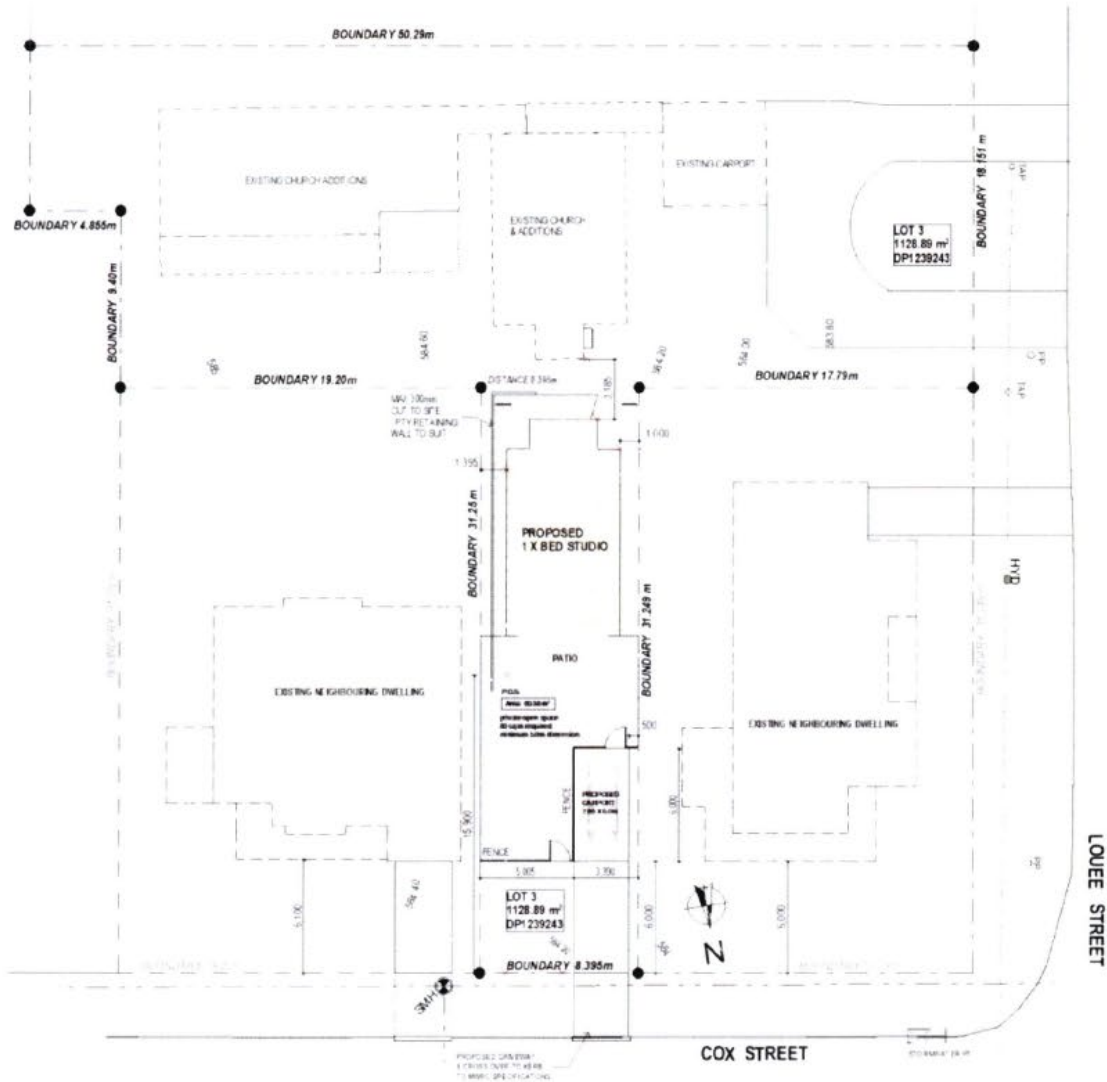


FIGURE 4 HISTORICAL IMAGE ALONG LOUEE STREET FROM CUDGEGONG STREET LOOKING NORTH C. 1900



**FIGURE 5** PLAN OF THE RYLSTONE CONSERVATION AREA SHOWING THE LOCATION OF THE PROPOSED NEW STUDIO APARTMENT ADJACENT TO THE PRESBYTERIAN CHURCH.

New Studio Apartment at 90A Louee Street Rylstone



**Proposed Current Development application.**

The proposed development of a new studio between the houses facing Cox Street will remove the view of the original church from Cox Street. This is however not a strong view corridor as the church is well set back on the land and Cox Street is part of the main road or highway. The view of the church is the space between forward set houses. The developments of 2014 however changed the main view of St Andrew to the view from Louee Street, a residential road.

The new studio apartment is designed to echo the design character of the church, with a similar footprint and similar shape and style with a gable roof, bringing the building envelop closer to the

pedestrian view from Cox Street. The south elevation facing the church also mirrors the church in many ways.

The new building is in effect an interpretation of the original church, infilling between the houses.

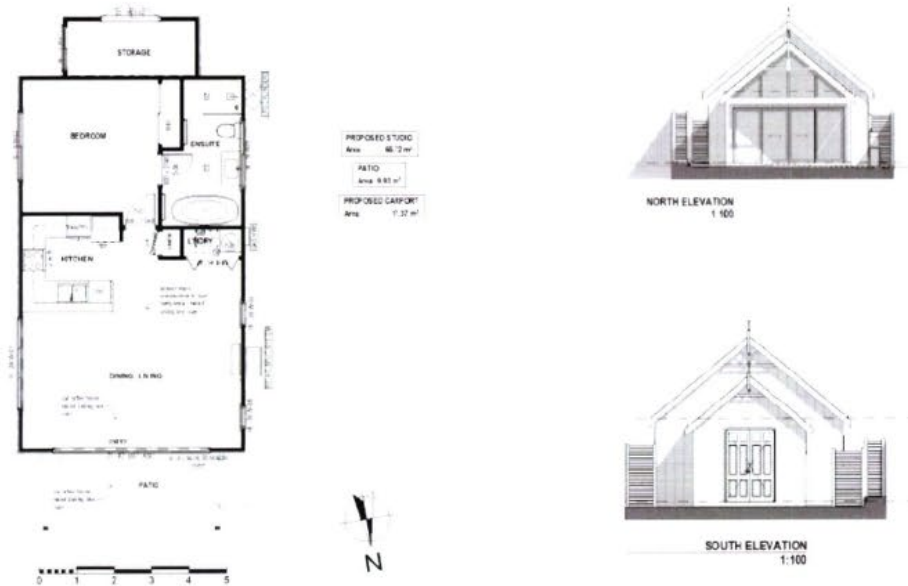


FIGURE 7 FLOOR PLAN AND ELEVATION OF THE PROPOSED STUDIO.



FIGURE 8 ARTISTS VIEW OF THE PROPOSED STUDIO

New Studio Apartment at 90A Louee Street Rylstone



FIGURE 9 IMAGE IN 2014 OF THE CHURCH

STATEMENT OF HERITAGE IMPACT

**SUMMARY AND DESCRIPTION OF THE PROPOSAL.**

The proposed works includes the construction of a new studio apartment facing Cox Street Rylstone and located between two dwelling constructed in 2014/15.

The new studio is located adjacent to a listed heritage item: The Presbyterian Church of St Andrew, and within the Rylstone HCA. The effect of the proposed new infill building facing Cox Street in Rylstone will have a minimal impact on the existing heritage item, the Presbyterian Church.

- The principal address of the listed heritage item is now from Louee Street, and this view of the item will be unaffected by the proposed new development.
- The view from Cox Street is presently very restricted and distanced. It is not now the primary view of the church, but it will be affected by the new development. The proposed infill between the houses with a church like structure, simple rectangular with a gabled roof, is an interpretation of the church. It will become a visual reminder of the past structure and be closer to the view of a passing pedestrian.
- One of the house yards on Cox Street presently impinges on the streetscape of the Rylstone Conservation Area. All development should be kept behind the building line. The existing party fence that is full height (1500-1800m) should be removed, back to the building line.
- It would also be preferable, as there is an aesthetic intrusion into the Rylstone Conservation Area, if the 3 houses had front fences: preferably low brick with piers as per the original fence shown below, or a 'post and wire', hedge or 'timber picket' similar to others in the vicinity, and no higher and 1000mm.

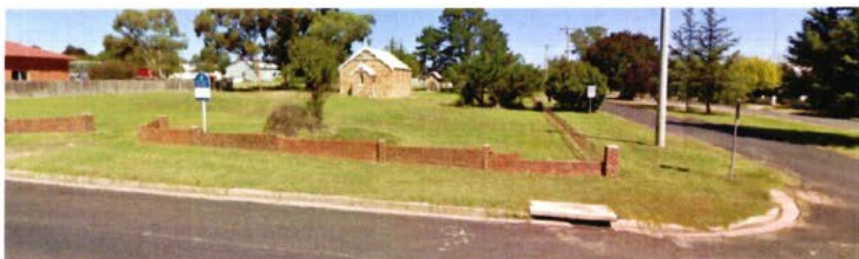


FIGURE 10 HISTORIC IMAGE OF CHURCH SHOWING THE ORIGINAL BRICK FENCE.

**Address and property description:** of the Proposed development

90A Louee Street Rylstone. Lot 3 DP 1239243

**Prepared by:**

Barbara Hickson Heritage Adviser and Architect, Mudgee

**Owner of the proposed development site**

Cover Construction, Mudgee.

**STATEMENT OF HERITAGE IMPACT Page 2**

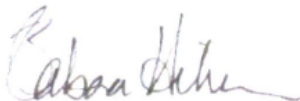
<p><b>1. why the item is of heritage significance</b></p>	<p><i>The church of St. Andrew is good example of a small country stone church constructed in the early federation year of 1902, which served the Presbyterian community as a church for about 75 years and later as a part time place of worship for the Uniting Church, and now chapel. The church was constructed of local stone, random rubble with dressed stone quoins and brick quoined frames to nine lancet windows. A simple corrugated iron clad gabled roof has timber finials and modest fretwork. An entry porch faces Cox Street and north. One lead -lite window and three memorials adorn the inside of the church, which has a timber lined mansard style ceiling, timber flooring and rendered walls.</i></p> <p><i>The building remains an item of local cultural, aesthetic and spiritual significance and is something of a local landmark.</i></p>
<p><b>2. what positive impact will the proposed works have on its significance.</b></p>	<p>The new building may help frame the existing listed item in an appropriate way and produce a visual improvement to Cox Street provided fencing recommendations are included.</p> <p>The listed item is well maintained with an external interpretation sign describing its significance. It is an important contributor to the Rylstone Conservation Area and its visual focus is Louee Street which forms an important part of that historical streetscape will not change.</p>
<p><b>3. what negative impact will the proposed works have on its significance.</b></p>	<p>The original church will, no longer, be visible from Cox Street.</p>
<p><b>4. what measures are proposed to mitigate the negative impacts</b></p>	<p>The infill building houses is a church like interpretation; a simple rectangular building with a gabled roof. It will become a visual</p>

New Studio Apartment at 90A Louee Street Rylstone

	<p>reminder of the past structure and be closer to the view of a passing pedestrian in Cox Street.</p> <p>The existing party fence that is full height (1500-1800m) should be removed, back to the building line.</p> <p>Front fences: preferably low brick with piers as per original fence shown below or 'post and wire', hedge or 'timber picket' no higher than 1000mm should be constructed.</p>
<b>5. why were more sympathetic solutions not viable.</b>	This is a sympathetic solution respectful of the church building.
<b>6. Has the advice of a heritage consultant been sought</b>	Yes.
<b>7. Demolition</b>	None
<b>8. Change of use</b>	No
<b>9. Landscape</b>	No change to the heritage item.
<b>10 Signage</b>	NA
<b>11. Previous relevant work on this item</b>	In recent years the church has regained some of its social significance in that it is now used again for church purposes as a Presbyterian Chapel and bookshop. Following on the previous development of two new houses on the site (2014), subdivision of the land and extensions to the church, the building has been repaired and is maintained and is excellently presented to Louee Street.

References:

- Site Inspection by Heritage Adviser 22 October 2020



24 October 2020

## 8.2 Tourism Wayfinding and Signage Strategy

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, ROA100011

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Tourism Wayfinding and Signage Strategy;**
2. **note the completion of the Tourism Wayfinding and Signage Strategy; and**
3. **receive a further report from Staff with suggested priorities and funding options for Council to consider in implementing any of the recommendations contained in the strategy.**

### Executive summary

In 2020/21, Council endorsed the development of a Tourism Wayfinding and Signage Strategy for the region to be undertaken by professional wayfinding experts.

The attached Tourism Wayfinding and Signage Strategy and Signage Audit documents are the outcome of this work.

It is recommended that a further report from Staff, with suggested priorities and funding options for Council to consider in implementing any of the recommendations contained in the strategy, is brought back to Council at a later date for consideration.

### Disclosure of Interest

Nil

### Detailed report

The Tourism Wayfinding and Signage Strategy (the Strategy) and Signage Audit reports are the result of expert research, strategy documents review, face to face interviews with stakeholders and physical inspection of over 503 signs across the Mid-Western Region.

The Strategy provides a proposed framework for Council to make decisions on the location and style of all future tourism signage and wayfinding in the Mid-Western Region. The Strategy contains guidelines for developing a suite of distinctive, innovative and consistent tourism signage and supports achievement of Council's strategic goals. It gives direction for choosing the right signage for the particular circumstance, for locating signs and for further development of signage policies and processes.

The Strategy has a number of recommendations for consideration. Staff will review the proposed recommendations contained in the strategy and provide a further report to Council with suggested priorities and funding options for identified opportunities.



## Community Plan implications

<b>Theme</b>	<b>Building a Strong Local Economy</b>
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

The Tourism Wayfinding and Signage Strategy supports Council's Community Plan strategy to promote the Region as a great place to live, work, invest and visit. By improving signage and wayfinding across the Region, this supports the goal of creating an active travel network within the Region.

### Council Policies

Not Applicable

## Legislation

Nil

## Financial implications

Nil

## Associated Risks

Nil

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

16 July 2021

*Attachments:* 1. MWR Tourism Wayfinding and Signage Strategy. (separately attached)  
2. MWR Signage Audit. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.3 Service NSW for Business

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, ECO800004

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Service NSW for Business;**
2. **delegates authority to the General Manager to enter into an agreement with Service NSW; and**
3. **any necessary documents be authorised for execution under the Common Seal of Council.**

### Executive summary

The purpose of this report is to provide background information and seek support to enter into an agreement with Service NSW.

### Disclosure of Interest

Nil

### Detailed report

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions, and to access support.

The services provided to business owners include:

- Business Concierges offering over-the-phone, email and face-to-face support and case management.
- An online Business Profile to make it faster and easier for business owners to transact with NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.

Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

In 2018, Council signed a Service Agreement with Service NSW under the brand of “Easy to do Business”. This brand by Service NSW has been updated to “Service NSW for Business”.

A new Partnership Agreement has been developed to update the revised branding and provide consistency across all councils, reflecting the broader focus of Service NSW for Business and provide the opportunity for Mid-Western Regional Council to engage with all services across Service NSW now and into the future.

The new Partnership Agreement includes further detail and clarity about the roles and responsibilities of all agencies in relation to the collection, storage and security of personal information.

There are no additional tasks required of Council, however signing this agreement provides access to a range of data collected by Service NSW which provides insights and understanding of services and assistance being providing to local businesses across the region. Previous data shared with Council under the initial agreement included number of businesses accessing various grant sources from bushfire funding to COVID support. Data has also included informaiton regarding number of businesses registered for Job Keeper as well as number of business using or value of consumers accessing Dine and Discover vouchers in the region. It is important to note, no personal or individual business information is provided. Data provided is summerative only.

The intention of the Partnership Agreement is to build awareness of specialist advice services available to local businesses, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

For Mid-Western Regional Council, the process is to endorse the proposed recommendations and to inform Service NSW when this endorsement has occurred.

## Community Plan implications

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

## Strategic implications

### Council Strategies

This agreement supports Council's goal to provide an attractive business and economic environment. It will support the attraction and retention of a diverse range of businesses and industries to the region.

### Council Policies

Nil

### Legislation

Council would still undertake all assessments as per appropriate legislation.

## Financial implications

This program is at no cost to Mid-Western Regional Council to participate. Support material, training and advice is provided by Service NSW for Business at no cost. Implementation of the program may lead to reduced processing times and costs relating to applications to Council.

## Associated Risks

Nil

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

16 July 2021

*Attachments:* 1. Service NSW - Mid-Western Regional Council Agreement.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## PARTNERSHIP AGREEMENT

Between **Service NSW** (ABN 37 552 837 401) and the **LOCAL GOVERNMENT** (the 'Council')  
(the 'Parties')

Last Updated: 9 July 2021

### 1. Purpose

1.1. The purpose of this Agreement is to:

- A. Provide the services of Service NSW for Business, which is a division of Service NSW with a mandate of being the one front door for businesses in NSW to access government information and services.
- B. Provide the framework within which Services will be delivered
- C. Document the responsibilities of Service NSW and the Council on the provision of Services
- D. Provide mechanisms to manage the relationship between the Parties
- E. Promote a collaborative approach to working together in a timely and effective manner and to act in good faith

This Agreement is not legally binding.

### 2. Background

- 1) Service NSW is a Division of the Government Service established under the Service Act. The functions of Service NSW include the exercise of customer service functions, within the meaning of the Service Act; other functions conferred by statute; and other functions relating to the delivery of Government services, as directed by the Minister responsible for Service NSW.
- 2) Section 7 of the Service Act makes provision for customer service functions to be delegated by other NSW Government agencies to the Chief Executive Officer ('CEO').
- 3) The functions of the CEO are exercised by the staff of Service NSW.
- 4) Section 8 of the Service Act enables the CEO to enter into Agreements with local government agencies for the exercise of a non-statutory customer service function of the agency; or with respect to the exercise of a customer service function delegated to the CEO.
- 5) Subsection 8(4) of the Service Act provides that an Agreement with a council, a county council or a joint organisation within the meaning of the *Local Government Act 1993* must be approved by a resolution of the council, county council or joint organisation, must be approved before it is entered into.
- 6) SNSW partners with the Council to promote and deliver the services of SNSW for Business to businesses across NSW.

7) the purpose of this collaboration is to ensure awareness and access to Government services to all businesses in NSW.

8) the services of SNSW for Business are free for the Council and for customers.

9) The PPIP Act and the HRIP Act set out information handling principles that apply to public sector agencies (as defined in section 3 of the PPIP Act). As public sector agencies, the parties must not do anything, or engage in any practice, that contravenes a privacy principle that applies to them.

10) Section 14 of the Service Act makes provision for the disclosure and use of information, including personal information, for the purposes of the exercise of customer service functions by the CEO. Section 14 has effect despite the provisions of any other Act, including the PPIP Act and the HRIP Act.

11) Section 15 of the Service Act makes provision for the collection of personal information for the purposes of the PPIP Act and the HRIP Act, by Service NSW.

12) Section 16 of the Service Act enables an Agreement made under the Service Act, or a delegation of a customer service function by an agency to the CEO, to provide for the exercise by Service NSW of functions relating to access to information under the Government information (Public Access) Act 2009 and functions relating to the State Records Act 1998, in connection with the functions of the council concerned. The responsibilities of Agencies under the *State Records Act 1998* include making and keeping full and accurate records of their office.

13) The Parties have agreed to enter into an Agreement under section 8 of the Service Act, incorporating these Standard Terms of Engagement.

### 3. Guiding Principles

3.1. The Parties will:

- A. Work collaboratively and in good faith in a timely and effective manner, with open communication to achieve shared objectives
- B. Facilitate a partnership relationship that promotes and achieves continuous improvement and accountability
- C. Ensure that each of its Personnel complies with this AGREEMENT and all applicable laws and policies relating to the Services, including the *Work Health and Safety Act 2011*
- D. Comply with the agreed timelines for meeting obligations to ensure efficient and effective delivery of Services
- E. Work together to identify and manage shared risks
- F. Work together to prioritise initiatives and enhancements, particularly where there are limitations on time and resources; and
- G. Work together to respond to the media, advise Ministers, and consult each other when developing communications that impact on Services.

### 4. Roles and Responsibilities

4.1. Service NSW will:

- A. Provide the Services in accordance with this Agreement Standard Terms, subject to any Change Request
- B. Exercise the required standard of skill, care and diligence in its performance of the Services and ensure that its Personnel have appropriate qualifications and skills to provide the Services
- C. Take responsibility for the management of records it creates or holds as a result of the exercise of a customer service function, where required; and
- D. Take responsibility for performing necessary maintenance of its systems and data managing the impact on customers from Service NSW system outages and working in conjunction with the Council.

4.2. The Council will:

- A. Provide Service NSW with all information, inputs, resources and subject matter expertise in a timely manner as required to enable Service NSW to provide the Services as set out in the Agreement
- B. Take responsibility for the management of records it receives or holds following the exercise of a customer service function by Service NSW.

4.3. The Parties undertake to maintain open channels of communication by:

- A. Making available Personnel, data, reports and computer systems for the purposes of resolving customer issues
- B. Appointing a Relationship Manager with responsibility for managing the contractual and operational aspects of the Services. The Relationship Manager may be varied.

## 5. Services

A. Service NSW will:

- (i) provide the relevant information and contacts to Council to ensure its local businesses are aware and can access the SNSW for Business services
- (ii) provide a single point of contact for Council to ensure it can access SNSW for Business services.

B. the Council will:

- (i) refer eligible customers to the Program
- (ii) provide guidance to Service NSW staff to assist in responding to inquiries
- (iii) inform customers and Service NSW of the outcome of relevant applications in line with privacy requirements
- (iv) provide updates on changes to local government policies, guidelines or other matters which may affect the Program
- (v) identify local opportunities to inform customers of the program
- (vi) provide Service NSW with feedback on the effectiveness and performance of the Program.

## 6. Liability

- 6.1. To the full extent permitted by law, neither Council or Service NSW will be liable to the customer for the customer's actions or responsible for any liability, loss or cost suffered directly or indirectly by the business in connection with the Service NSW for Business service.

## **7. Data and Data Security**

7.1. Each party retains ownership of its Data.

7.2. Except as required by law, neither party must ensure that its Personnel will not:

- A. use the Data belonging to the other party for any purpose other than the performance of its obligations under this Agreement
- B. sell, commercially exploit, let for hire, assign rights in or otherwise dispose of any Data; or

Each party must establish and maintain safeguards against the destruction, loss or alteration of either party's Data in the possession or control of that party which are consistent with and no less rigorous than those maintained by either party to secure its own data; and comply with all applicable laws and policies.

In particular, the Parties will ensure the secure transmission and storage of data, at standards no less than those recommended by Cyber Security NSW.

## **8. Confidential Information**

8.1. The Parties must, in respect of any Confidential Information:

- A. Keep the Confidential Information confidential and not disclose that information to any person without the prior written consent of the disclosing party, other than to its Personnel, professional advisors or contractors requiring access to the Confidential Information in connection with providing the Services
- B. Use the Confidential Information solely for the purpose of carrying out its obligations
- C. Not permit the Confidential Information to be reproduced except to the extent reasonably required to carry out its obligations
- D. Not do anything that would cause the disclosing party or its Personnel to breach their obligations under Privacy Law; and
- E. Notify the other party as soon as possible upon becoming aware of any breach of this clause.

## **9. Privacy**

9.1 Each party and its Personnel must:

- A. Comply with Privacy Laws; and
- B. Do all that is reasonably necessary to enable the other party to comply with Privacy Laws, including the development of documentation to demonstrate compliance with Privacy Laws, as agreed between the parties

9.2. In particular, Service NSW acknowledges that:

- A. The collection of personal or health information will take place in compliance with the Privacy Laws, as modified by section 15 of the Service Act; and



- B. the use, disclosure, storage and retention of such information will be in accordance with the Privacy Laws, and in accordance with applicable policies.

Schedule 3 documents the respective responsibilities of Service NSW and the Council in relation to the collection, storage, use, retention and disclosure of personal information.

- 9.4 Personal and health Information collected, used, disclosed or retained between the parties will be managed and retained by the parties in accordance with the *State Records Act 1998* (NSW) and all other applicable laws, including Privacy Laws.
- 9.5 Once either of the Parties has reasonable grounds to believe there has been unauthorised access to, unauthorised disclosure of, or a loss of Personal or Health Information, dealt with in connection with this Agreement (**'Data Incident'**):
  - A. The party must immediately (but in any event, no later than 72 hours of becoming aware of the Data Incident) notify the other party of that contravention together with all relevant information relating to the contravention
  - B. Consult with the other party as to which party should have primary responsibility for investigating and dealing with the breach or possible breach
  - C. Consider, having regard to the scope of the Data Incident and the nature of the personal or health information involved, together with any other relevant factors, whether the Data Incident is serious.
  - D. The party with primary responsibility for the breach must notify the Privacy Commissioner as soon as practicable that a serious Data Incident has occurred; and
  - E. The parties must co-operate and collaborate in relation to assessment and investigation of the Data Incident, and action required to prevent future Data Incidents.
- 9.6 If either of the Parties receives a complaint or request for an internal review of conduct in relation to a breach or alleged breach of a Privacy Law, including under section 53 of the PPIP Act, (a **'Complaint'**), the following will apply:
  - A. It is the responsibility of the party that receives the Complaint to perform a preliminary investigation to determine the party responsible for the conduct
  - B. If responsibility lies wholly with the party that received the Complaint, then that party is responsible for responding to the complaint or conducting the internal review of conduct
  - C. If, after performing the investigation, the relevant party reasonably considers that the Complaint should be transferred to the other party, it will (after obtaining the consent of the customer) promptly transfer the Complaint and any further information obtained by the party from its preliminary investigation to the other party, no later than 20 days after receipt of the original Complaint
  - D. If the Complaint relates jointly to the conduct of both parties, then the party that received the Complaint will (after obtaining the consent of the Customer) notify the other party no later than 20 days after its receipt of the original Complaint and provide any further information obtained by that party from its preliminary investigation. The parties will then work together to coordinate a joint response from the parties within 60 days of receipt of the Complaint. This response may include an internal review of conduct.

## 10. Intellectual Property

- 10.1 Each party will retain the Intellectual Property Rights in its Existing Material.
- 10.2 Each party agrees to grant to the other party a non-exclusive and royalty free licence to use, sublicense, adapt, or reproduce:
  - A. Their Existing Material; and
  - B. All methodologies, processes, techniques, ideas, concepts and know-how embodied in their Existing Material,
  - C. To the extent their Existing Material is required for use by the other party, solely in connection with provision of the Services.
- 10.3 Each party represents and warrants to the other party that it has all required rights and consents for its Existing Material to be used for the Services.
- 10.4 Intellectual Property Rights in all New Contract Material will vest in the Council.
- 10.5 The Council grants a perpetual, worldwide, irrevocable and royalty free licence to the Intellectual Property Rights in all New Contract Material to Service NSW for the purpose of performing the Services.
- 10.6 Subject to clauses 10.1 and 10.4, Service NSW will own all Intellectual Property Rights in the provision of the Services, including any solution and service design.

## **11. Performance Management and Continuous Improvement**

- 11.1 Service NSW for Business does not require any provisions in relation to performance management
- 11.2 Service NSW for Business will work collaboratively with Council to ensure continuous improvement of its services to Council
- 11.3 Any future extension of this Agreement by Service NSW with Council will specify the relevant performance management and continuous improvement provisions required.

## **12. Reporting**

- 12.1 Service NSW for Business does not require any reporting arrangements
- 12.2 Any future arrangements that require reporting will be outlined in a Schedule to this Agreement.

## **13. Change Management**

- 13.1 Each party will comply with the Change Management Process set out in Schedule 4.
- 13.2 The parties agree to complete a Change Request in the form set out in Schedule 4 to add to or vary the Services.

## **14. Governance**

- 14.1 The parties agree to comply with the Governance Framework.

## 15. Business Continuity and Disaster Recovery

- 15.1 Each party will maintain Business Continuity and Disaster Recovery Plan arrangements to ensure that each party is able to continue to perform its obligations under this Agreement, or where performance is not possible, resume performance as soon as reasonably practicable in the event of a Disaster.

## 16. Dispute Resolution

- **16.1** In the event of a dispute between the parties, a party will:
- Raise the dispute with the other party's Relationship Manager and use best efforts to resolve the dispute
- If the dispute is not resolved within a reasonable period, the Chief Executive of the Council or their delegate will meet with the Chief Executive Officer of Service NSW (or their delegate) with a view to resolving the dispute.
- If the dispute is not resolved under clauses 16.1(b) within a reasonable period, attempt to resolve any dispute in accordance with the Premier's Memorandum M1997-26.
- **16.2** Despite the existence of a dispute, each party must continue to perform its obligations.

## 17. Termination

- 17.1 Either party may terminate this Agreement in whole or in part by giving the other party 90 days written notice or as otherwise agreed.
- 17.2 On notice of termination or where Service NSW is otherwise required to cease to perform some or all of the Program, the parties will work together in good faith to finalise and agree a transition out plan to facilitate smooth and orderly transition of the relevant Program to the Council or the Council's nominated third party. Where the parties cannot agree, the dispute resolution provisions in clause 16 will apply.
- 17.3 Upon termination, each party agrees to return all Data and property belonging to the other party within 30 days of the termination date and comply with the transition out plan agreed under clause 17.2.

## 18. Miscellaneous

### 18.1 Entire Agreement

This Agreement supersedes all previous Agreements, understandings, negotiations, representations and warranties and embodies the entire Agreement between the Parties about its subject matter.

### 18.2 Survival

The following clauses survive termination or expiry of the Agreement: Clauses 4, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19 and any other clause which by its nature is intended to survive termination or expiry of the Agreement.

18.3 Notices

A notice under this Agreement Standard Terms must be in writing and delivered to the address or email address of the recipient party.

18.4 Variation

All variations to this Agreement and all consents, approvals and waivers made under this Agreement must be evidenced in writing and variations signed by both parties.

18.5 Waiver

If a party does not exercise (or delays in exercising) any of its rights, that failure or delay does not operate as a waiver of those rights.

10.6. Applicable law

The Agreement is governed by, and is to be construed in accordance with, the laws in force in NSW.

18.7 Counterparts

The Agreement may consist of a number of counterparts and if so, the counterparts taken together constitute one and the same instrument.

## 19. Execution

Mid-Western Regional Council has reviewed and accepts this Agreement

Signed for and on behalf of <b>Mid-Western Regional Council</b> by its authorised signatory	Signed for and on behalf of <b>Service NSW</b> by its authorised signatory
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
Witness:	Witness:
Signature:	Signature:

## Schedules

### Schedule 1 - Definitions

In these Standard Terms, except where a contrary intention appears:

**Business Continuity and Disaster Recovery Plan** means a business continuity and disaster recovery plan which documents the back-up and response actions each of the parties will take to continue its obligations if a Disaster occurs

**Change Request** means the request for a change to the scope of Services in the form set out in Schedule 2

**Commencement Date** means the date of start of this Agreement.

**Confidential Information** of a party means any written or oral information of a technical, business or financial nature disclosed to the other party, including its employees or agents, by the disclosing Party (whether orally or in writing) whether before or after the Commencement Date, that:

- A. is by its nature confidential; or
- B. is designated as confidential; or
- C. the other party knows or ought to know is confidential,
- D. but does not include information which:
  - a. is or becomes public knowledge other than by breach of these Standard Terms; or
  - b. is in the lawful possession of the Party without restriction in relation to disclosure before the date of receipt of the information; or
  - c. is required to be disclosed by Law, government policy or legal process.

**Contact Centre** has the meaning set out in Schedule 1

**Continuous Improvement Principles** have the meaning set out in Schedule 1

**Continuous Improvement Process** has the meaning set out in Schedule 1

**Data** means the data of each party and all data and information relating to their operations, Personnel, assets, customers and systems in whatever form that may exist, including Confidential Information

**Disaster** means an event that causes, or is likely to cause, a material adverse effect on the provision of the Services that cannot be managed within the context of normal operating procedures including interruption, destruction or other loss of operational capacity

**Existing Material** means any material that is developed prior to entering into a Project Agreement or Service Agreement, or developed independently of a Project Agreement or Service Agreement, and includes any enhancements and modifications to its Existing Material created as part of a Project Agreement or Service Agreement

**Governance Framework** means the governance arrangements set out in the Service Agreement

**HRIP Act** means the *Health Records and Information Privacy Act 2002 (NSW)*;

**Instrument of Delegation** means the instruments of delegation (including its terms and conditions) made by the Council in relation to the Delegated Functions.

**Intellectual Property Rights** includes patent, knowhow, copyright, moral right, design, semi-conductor, or circuit layout rights, trademark, trade, business or company names or other proprietary rights and any rights to registration of such rights, whether created before or after the Commencement Date, in Australia or

elsewhere

**Middle Office** has the meaning set out in Schedule 1

**Moral Rights** means the right of integrity of authorship and the right not to have authorship falsely attributed, as confined by the *Copyright Act 1968* (Cth) and the rights of similar nature anywhere in the world, whether in existence before or after the Commencement Date

**New Contract Material** means new data created, other than the solution or service design

**Personal Information** has the meaning given to it in the Privacy Laws, as amended from time to time

**Personnel** means the person or persons employed or otherwise contracted by either party under these Standard Terms, as the context requires

**PIIP Act** means the *Privacy and Personal Information Protection Act 1998* (NSW)

**Privacy Law** means any law that applies to either or both of the parties which affect privacy or any personal information or any health information (including its collection, storage, use or processing) including:

- A. the PPIP Act; and
- B. the HRIP Act.

**Program** means the Easy to do Business program

**Quarterly Forecast** has the meaning set out in Schedule 1

**Relationship Manager** means the nominated relationship managers of either party, as set out in the Service Agreement, or as otherwise nominated by a party from time to time

- A. **Service Act** means the *Service NSW (One-stop Access to Government Services) Act 2013* (NSW);

**Service Centre** has the meaning set out in Schedule 1

**Service NSW Standard Operating Conditions** means the standard operating conditions met by Service NSW in the usual course of its performance of the Services set out in Schedule 1

**Service Levels** means the service levels, operating conditions and service levels relating to the Services as set out in the Service Agreement

**Standard Terms of Engagement** or **Standard Terms** means these terms and conditions and includes Schedules 1 and 2

**Subcontractor** means a third party to which Service NSW has subcontracted the performance or supply of any Services

## Schedule 2

### 1. Service NSW Standard Operating Conditions

In addition to the Project Agreement, Service Agreement or Research Agreement, this section covers the standard omnichannel service inclusions.

#### 1.1. Service Centre

Similar services as those available at Service Centres may be offered through Mobile Service Centres. The Mobile Service Centre timetable is published regularly on the Service NSW website.

Inclusion	Description
Concierge and digital assisted services	A Service NSW Concierge will greet and direct customers to the appropriate channel and dispense a ticket where applicable. If the transaction can be completed online, a Digital Service Representative will assist the customer to complete the transaction
Customer sentiment surveys	Before leaving the centre, customers will be offered the option of leaving feedback via a digital terminal

#### 1.2. Contact Centre

Similar services (to that of phone-based) may be offered through a web chat feature accessible via the Service NSW website.

Inclusion	Description
Virtual hold call back system	During high volume periods, customers will be offered the option of leaving their details with an Interactive Voice Response (IVR) auto attendant. Customers can hang up while holding their place in the queue. Their call will be returned by the next available operator
Inbound number	Service NSW will answer all inbound enquiries on 13 77 88 as 'Service NSW'
Call coding	A Customer Service Representative will record the customer's reason for calls and the outcome
Customer sentiment surveys	Once the call is complete, customers will be offered the option of leaving feedback via an automated IVR system

#### 1.3. Middle Office

Inclusion	Description
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Enquiry triage	Service NSW will triage enquiries received to <a href="mailto:info@service.nsw.gov.au">info@service.nsw.gov.au</a> or via Service NSW website 'Contact Us' page and <ul style="list-style-type: none"> <li>- Resolve these enquiries or</li> <li>- Refer it to the appropriate business area at the Agency</li> </ul>
Enquiry coding	A Customer Service Representative will record the customer's reason for enquiring and the outcome

#### 1.4. Service NSW Website and Mobile App

Inclusion	Description
Scheduled maintenance and planned outages	Service NSW will conduct regularly scheduled maintenance of the website and mobile app. 10 business days of notice will be provided regarding outages from planned and scheduled maintenance  Maintenance activities with negligible impact or outage, such as enhancements to optimise for cybersecurity or performance, may occur without notification to the Agency

#### 1.5. Service NSW for Business

Service NSW for Business provides a multi-channel service including digital, phone and face-to-face services for metro and regional businesses in NSW and develops relationships with councils and business associations to promote the offering to local businesses.

Inclusion	Description
Relationship management	Business Customer Service staff initiate and maintain relationships with councils and business associations to promote awareness and use of the service offering by such stakeholders and their local business community. It may include, but is not limited to, information sharing, regular liaison at events and stakeholder premises and issue of surveys.
Scheduled Maintenance and Planned Outages	Digital products controlled by Service NSW for Business will be regularly updated, upgraded and maintained without any outages.

#### 1.6. Training

Service NSW will provide appropriately trained Personnel to deliver the Services.

#### 1.7. Language

Service NSW will provide services in English and may arrange translation and interpreter services for customers from non-English speaking backgrounds if required.

## 1.8. Branding

Unless otherwise set out in the Project Agreement, Service Agreement or Research Agreement, Service NSW channels are singularly branded. Marketing communication is limited to Service NSW led or co-led campaigns and programs.

## 1.9. Contractors and Agents

Service NSW may use contractors and agents in connection with the delivery of Services. Such agents and contractors are approved persons under Part 2 Section 12 of the Service Act.

## 1.10. Out of Scope Services

Any item, service or deliverable that is not specified in a Project Agreement, Service Agreement or Research Agreement is deemed to be out of scope for Service NSW.

## 2. Operational Framework

Service NSW operational framework outlines how operations are managed on a day-to-day basis.

Operational Support	Description
Knowledge Management	Service NSW creates and maintains support material (knowledge articles) for serving customers. These will be sent to the Agency for endorsement of content accuracy bi-annually
Complaints Management	Service NSW will record complaints and its supporting information unless resolved at the outset. Service NSW will contact the Agency where assistance is required
Issues Management	Issues relating to existing products and services should be raised via <a href="mailto:partnerships@service.nsw.gov.au">partnerships@service.nsw.gov.au</a> or directly with the Relationship Manager  The Relationship Manager will assess the issue and facilitate a resolution within Service NSW, providing regular updates
Quality control framework/ compliance	Service NSW has a quality control framework that governs transactional activities in line with risk assessment at the time of onboarding  The framework includes: <ul style="list-style-type: none"><li>- Regular review of contact centre calls, including being assessed against procedure and process used by the agent during the call</li><li>- Daily quality checks of transactions undertaken by the service centre</li><li>- Quarterly compliance reviews and certifications provided by all service delivery channels</li></ul>

### 2.1. IT Operations & Support

Service NSW runs a 24/7, 365 days a year service desk. Unplanned interruptions or degradations in quality of service should be raised to the Service NSW Service Desk on 1300 697 679 (option 2) or [servicedesk@service.nsw.gov.au](mailto:servicedesk@service.nsw.gov.au)

Incident response times in our production environment are prioritised based upon urgency and impact, with associated response and resolution times.

Priority Code	Service Level Target Response/Resolution Time
P1 - Critical	Response: Immediate response, action/update within 15 minutes Resolution: 2 hours
P2 - High	Response: Immediate response, action/update within 30 minutes Resolution: 4 hours
P3 - Medium	Response: 8 hours Target Resolution: 10 working days
P4 - Low	Response: Email notification of call being logged within 2 days. Response by email or phone within 2 working days Target Resolution: 20 working days

Where vendors or other government platforms are involved, Service NSW utilises a best practice vendor governance framework for service level Agreements and for priority 1 and 2 incidents.

## 2.2. System and Security Maintenance

Service NSW complies with the NSW Government Cyber Security Policy and operates an information security management system that is certified against ISO 27001. These engagement Terms do not extend the certification scope to the Agency’s specific activities.

## 3. Customer Payments

Service NSW will collect payments from customers for transactions set out in the Service Agreement. Cash, cheque, money order, credit or debit card may be accepted and merchant fees plus GST will be recovered.

Service NSW will provide remittances and reconciliation files to the Agency which include:

- A. Credit T+2 value for cash, cheques\* and bank card payments
- B. Credit T+2 value for AMEX payments
- C. Debit any cheques dishonoured
- D. Debit any card payment chargebacks
- E. Debit any refunds processed on behalf of the Agency

Cheque payments received over \$50,000 will be remitted back to the Agency once the funds clear the Service NSW remitting bank account.

## 4. Business Continuity and Disaster Recovery

Service NSW will maintain an Enterprise Risk Management Framework focused on managing risks to Service NSW, including mitigation of the likelihood and impact of an adverse event occurring. As a function of risk management, business continuity management will enable Service NSW to minimise disruptive risks and restore and recover its business-critical services within acceptable predefined timeframes should an adverse event or other major business disruption occur.

Recovery and timeframes may be impacted when events or disruptions are related to dependencies on partner Agencies. The Parties will agree on Recovery Point Objectives and Recovery Time Objectives and associated charges prior to designing the system and will periodically review these objectives.

All systems and technology provided by Service NSW internally and through third-party vendors, operate through multiple data centres to achieve high availability. Service NSW systems are architected, where practicable and possible, to ensure continuity of service in the event of a data centre disruption or outage.

## Definitions

**Recovery Point Objectives** means the age of files that must be recovered from backup storage for normal operations to resume if a computer, system, or network goes down because of a hardware, program, or communications failure.

**Recovery Time Objectives** means the targeted duration of time and a service level within which a business process must be restored after a disaster (or disruption) to avoid unacceptable consequences associated with a break in business continuity.

## 5. Continuous Improvement

Service NSW regularly reviews improvement ideas from employees and customers. We will provide you with any ideas relevant to your agency for consideration.

‘Continuous Improvement’ refers to identifying a process, system or policy opportunities that will deliver a benefit for our people, our customers or the NSW government. These improvements may be delivered in house where possible or by engaging our partnering agencies where further input or decisions are required under policy or legislation. A Continuous Improvement:

- A. Puts the customer first
- B. Makes the customer service job easier
- C. Improves a step in a process
- D. Changes the way a task is completed so that it doesn't take as long
- E. Reduces handling time and is cost effective
- F. Allows others to benefit from best practices
- G. Allows us to do things better locally, regionally or organisation-wide
- H. Is a low-investment process change and not a policy change
- I. Improves accountability within the various stages of the process
- J. Removes steps that don't add any value to a process

Service NSW will consider several factors such as cost to implement, cost savings, customer experience, team member experience and operational efficiency in prioritising continuous improvements.

### 5.1. Continuous Improvement Process

The parties will identify new continuous improvement initiatives on an annual basis, with a 6-monthly check-in on ongoing continuous improvement initiatives.

When establishing a new continuous improvement initiative, the parties will classify the initiative based on

whether it can be implemented as:

- A. part of the ongoing 'business as usual' services (cost and resourcing to be absorbed by Service NSW;  
or
- B. a new project initiative (cost and resourcing to be agreed by the parties).

A prioritisation process will be agreed upon between the parties to prioritise initiatives (for Service NSW, this will be performed by the Partnerships team).

The Agency may be required to effect policy, system or regulatory changes to assist in delivering the service process improvement, as agreed with Service NSW. Where a review of Agency policy, system or regulatory changes is requested by Service NSW from the Agency, these should be conducted within timeframes agreed between the respective Relationship Managers.

## **Schedule 3 – Privacy and Data Security**

### **(a) General**

(i) Service NSW may collect, use, disclose, store and retain personal information when exercising functions for the Council:

(iv) Where Service NSW exercises functions for the Council, Service NSW can share information it obtains with the Council without separately requesting the customer's consent. Service NSW can also share the information it obtains with any person that the Council is authorised or required to disclose the information to in accordance with the Service Act.

### **(c) Collection of information**

(i) Service NSW will collect the following information when exercising functions for the Council:

(ii) Service NSW will take reasonable steps to ensure that the personal or health information it collects on behalf of the Council is accurate, up-to-date and complete.

(iii) Service NSW will provide a privacy collection notice to customers whenever it collects their information.

(iv) If Service NSW collects personal information for its own internal purposes, when exercising functions for the Council, it will ensure that the privacy collection notice meets the requirements of section 10 of the *PPIP Act* in light of section 15(3) of the *Service Act*.

(v) The notice will address each of the matters that a privacy collection notice is, by law, required to address. Service NSW will develop the content of the notice in consultation with Mid-Western Regional Council.

### **(d) Internal records maintained by Service NSW**

(i) Under the *Service Act*, Service NSW is permitted to collect, maintain and use the following records for its internal administrative purposes, including for the purposes of its interactions with customers for whom functions are exercised:

- Details of transactions between customers and Service NSW
- The preferences of customers for transacting matters with Service NSW and Mid-Western Regional Council, and
- Other information about customers.

(ii) Service NSW collects, maintains and uses the following information for its internal administrative purposes:

- Details of transactions between customers and Service NSW
- The preferences of customers for transacting matters with Service NSW and Mid-Western Regional Council, and
- Other information about customers.

**(e) Use of information**

- (i) Service NSW can use information in accordance with the *Service Act*, PPIP Act and HRIP Act.

**(f) Disclosure**

- (i) Service NSW can disclose information in accordance with the *Service Act*, PPIP Act and HRIP Act.
- (ii) Where Service NSW performs a transaction for a customer, when exercising functions for the Council, it will ask the customer for consent before sharing that information with a different agency, unless there is another legal basis for Service NSW sharing the information.

**(g) Privacy Management plans**

The parties agree to update and periodically review their privacy management plans or other relevant policy documents so that any person can ascertain whether Service NSW or the Council holds personal information relating to that person and if so, the nature of the information, the main purposes for which it is used and the person's entitlement to access the information, in relation to the services covered by this Agreement.

**(h) Access to and amendment of**

- (i) Service NSW agrees that it will provide any individual who requests it with access to their own personal information without excessive delay and without any expense, in relation to information it holds as a result of exercising functions for the Council.

**(i) Privacy Officer**

The parties have nominated a Privacy Officer who is the point of contact for dealing with complaints, applications for internal reviews, data breaches, employee education and other privacy matters.

Privacy Officers can be contacted as follows:

**Service NSW:**

Privacy Officer  
Service NSW  
2-24 Rawson Place, Sydney NSW 2000  
Phone: 13 77 88  
Email: [privacy@service.nsw.gov.au](mailto:privacy@service.nsw.gov.au)

**Mid-Western Regional Council:**

## 8.6 Country Universities Centre Mudgee

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, ECO800022

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Country Universities Centre Mudgee;**
2. **authorise the General Manager to sign a Memorandum of Understanding with Country University Centre Ltd to progress with application for funding from NSW Government; and**
3. **allocate \$50,000 in 2021/22 and \$400,000 in 2022/23 towards CUC Mudgee new building construction and associated fees funded from Unrestricted Cash.**

### Executive summary

In November 2019, Council resolved to provide principle support for the establishment of a Country University Centre (CUC) in Mudgee. Since this time, staff have worked to establish a CUC Mudgee Board and undertaken a range of tasks to develop a funding proposal to NSW Government.

The initial location of the CUC Mudgee to co-locate at TAFE NSW has fallen through, and as there are no existing suitable buildings in Mudgee to house the CUC, it is recommended to co-fund the construction of a new dedicated CUC building at 70 Court Street, Mudgee.

This report seeks approval for the General Manager to sign a MOU with Country Universities Centre outlining the proposal to co-fund a new building dedicated to CUC Mudgee and to allocate \$450,000 from Unrestricted Cash to the establishment of the centre.

### Disclosure of Interest

If the CUC Mudgee should progress and be formally established, Council's General Manager will hold the position of Director as Council's representative. The final lease agreement will be between CUC Mudgee and Mid-Western Regional Council.

### Detailed report

Since 2019, Council staff have been working with CUC Ltd on the proposal to open a CUC Mudgee. The first Country Universities Centre commenced operating in 2013. There will be 14 CUCs in 18 locations by early 2022. Mudgee is still considered a priority opportunity for a CUC. Recently opened CUCs include Parkes, Macleay Valley and Southern Shoalhaven.

There are approximately 367 students across the Mid-Western Region enrolled in higher education. A high proportion of students in the region are mature aged students, with 66% of students over 25 years of age, and 48% are over 25 studying part-time. The CUC Student



Projection Model estimates that during the first year of operation there will be 99 students utilising a CUC Centre in this location, growing to 211 over four years.

Negotiations in regards to a proposal to co-locate with TAFE at the Ulan Road campus have been taking place since 2019. However in May 2021, TAFE NSW advised they do no longer support the concept of shared space with CUC Mudgee and terminated discussions.

After an extensive review of alternative locations and buildings, it has been concluded there are no other viable options that meet the CUC requirements in Mudgee. The proposed solution is to build a purpose-designed building at 70 Court Street, Mudgee, where adequate land and space is available. Further, the concept of housing a CUC at this location is consistent with proposed use of the current buildings as community focused.

The proposed building will be 450sqm and meet design requirements of a CUC including;

- A terminal room
- A large tutorial room
- Smaller break out rooms
- Operating office
- Social Area / Eating / Collaborating
- Kitchenette
- Toilets

NSW Government has funds available to support the capital works and operational requirements for a new CUC. CUC Ltd will apply for this funding on behalf of CUC Mudgee including requesting \$500,000 from the NSW Government towards the capital works of the new CUC Mudgee building. Further capital funding opportunities may exist with the Commonwealth Government, however these are not currently open and will be applied for if they open in coming months.

The NSW Government funding application is currently open and closes for CUC Mudgee at the end of August 2021. For application finalisation, CUC Ltd require a MOU on behalf of Council stating intention to support the new CUC Mudgee in regards to financial support in the construction of a new building at 70 Court Street and the intention to lease the new building to CUC Mudgee for a period of minimum 5 years.

This report seeks approval for the General Manager to sign a MOU with Country Universities Centre outlining the proposal to co-fund a new building dedicated to CUC Mudgee and to allocate \$450,000 from Unrestricted Cash towards capital works for the establishment of the centre.

## Community Plan implications

Theme	Building a Strong Local Economy
Goal	A range of rewarding and fulfilling career opportunities to attract and retain residents
Strategy	Build strong linkages with institutions providing education, training and employment pathways in the Region

## Strategic implications

### Council Strategies

This project meets Council's strategy of building strong linkages with institutions providing education, training and employment pathways in the region.

**Council Policies**

Not Applicable

**Legislation**

Not Applicable.

## Financial implications

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

## Associated Risks

If Council does not support the approval to sign an MOU with CUC Ltd and not provide funding support, than it is unlikely a CUC will be established in Mudgee. This will create the risk of further students leaving the region for education opportunities or not undertaking further education studies. Further, monies currently available from NSW Government to support establishing new CUC's may not be available into the future and may be allocated to other regions across the State.

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

23 July 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 9: Finance

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### 9.1 Naming of Roadside Rest Area in the Locality of Cudgegong

#### REPORT BY THE PROPERTY SUPPORT OFFICER

TO 04 AUGUST 2021 ORDINARY MEETING

GOV400088, P23737, PAR300020

#### RECOMMENDATION

##### That Council:

- 1. receive the report by the Property Support Officer on the Naming of Roadside Rest Area in the Locality of Cudgegong; and**
- 2. support the name of Aunty Mary Hooker Rest Area and support the proposal to honour Aunty Mary Hooker as submitted in the confidential attachment.**

#### Executive summary

Council received a submission for a place or road to be named in memory of Aunty Mary Hooker. After consultation with family members it was agreed to name the rest area on the Castlereagh Highway adjacent to the road leading to the Cudgegong Cemetery, in memory of Aunty Mary Hooker.

#### Disclosure of Interest

Nil

#### Detailed report

Council received a submission for a place or road to be named in memory of Aunty Mary Hooker. After the location was selected, letters were sent to the immediate neighbours of the Rest Area on 30/7/20 and advertised in the 7<sup>th</sup> August 2020 Mudgee Guardian. Submissions closed on 28<sup>th</sup> August 2020 with 2 additional submission received. However the two submissions, for Atkinson and Malone, were for a duplicated name and a name too close in similarity, that were already in use, Atkinson Street and Maloney's Road.

The original submission for Aunty Mary Hooker Rest Area was presented in a Report to Council at the 16<sup>th</sup> September 2020 meeting. As the submission related to an Aboriginal woman Council also liaised with the Mudgee Local Aboriginal Land Council regarding the naming proposal. The MLALC did not support the naming of the reserve after a person believing it to be culturally appropriate to name places after topography, fauna and flora, geology, resources, events, use of place etc. However, wishing to acknowledge a worthy person, Council supported the name and an application was submitted to the Geographical Names Board (GNB) on 24<sup>th</sup> of November 2020. To ensure all sides of the matter were represented the MLALC letter was included in the application.

The GNB is the authority for the naming of places and the proposal application went to their 9<sup>th</sup> March 2021 meeting where it was approved to be advertised for public comment. The proposal was advertised in the Mudgee Guardian and on the GNB website from 16<sup>th</sup> April to 16<sup>th</sup> May 2021. During that period the GNB received one objection and the matter has now returned to Council for consideration.

Objections to the GNB Proposals site are private / confidential and are not to be made public. A copy of the objection will be provided to the Councillors as a separate Confidential attachment. Council has written to the objector and advised that the matter will go back to Council at this meeting to allow for them to provide any other information they wish to draw to Council's attention. A response received 6<sup>th</sup> July has been included in the separate Confidential attachment.

As part of the naming process Council supports submissions for Aboriginal names; names related to local history, including property names; the names of early explorers, pioneers, settlers and other eminent persons (not living); names from war and casualty lists; and thematic names such as flora, fauna or ships. The worthiness of this particular submission is elaborated upon in the attached GNB application.

The 6<sup>th</sup> July response from the objector has also raised another proposal to honour the life of Aunty Mary Hooker which is worthy of support. This could be supported in addition to the naming of the rest area.

It is recommended that Council support the naming of the rest area as Aunty Mary Hooker Rest Area and the proposal put forward in the 6<sup>th</sup> July letter.

## Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

Road, Bridge & Place Naming Policy.

### Legislation

Geographical Names Act, 1996

Geographical Names Board of NSW Policy – Place Naming, 2019

## Financial implications

Cost of signage is included in the 2021/22 Operational Plan

## Associated Risks

Nil

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

30 June 2021

*Attachments:*

1. GNB Application.
2. GNB Application Consultation document.
3. Confidential Attachment. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**\*Your Reference**

Rest Area PAR300020 P23737

**\*Type of Proposal**

- Place Name Proposal     New/Amended Address Locality Name     Address Locality Boundary Amendment

**Geographical Details**

**\*Proposed Geographical Name**

Aunty Mary Hooker Rest Area

**\*Local Government Area(s)**

MID-WESTERN REGIONAL x

**Parish**

Tannabutta x

Start typing and press enter to add a P

**County**

Wellington x

Start typing and press enter to add a Co

**\*Address Locality/Suburb**

Cudgegong x

Start typing and press enter to add a L

**State Electorate**

Dubbo x

Start typing and press enter to add an E

**\*Describe the feature and it's extent**

Roadside Rest Area at 9176 Castlereagh Highway CUDGEGONG NSW 2850. Located on Castlereagh Highway Road Reserve adjacent to lane leading to Cudgegong Cemetery and Lot 169 DP 169 DP 1148732, and opposite Lot 51 DP 1160463.

**\* Attach Marked Map**

Click or drag file here to upload...

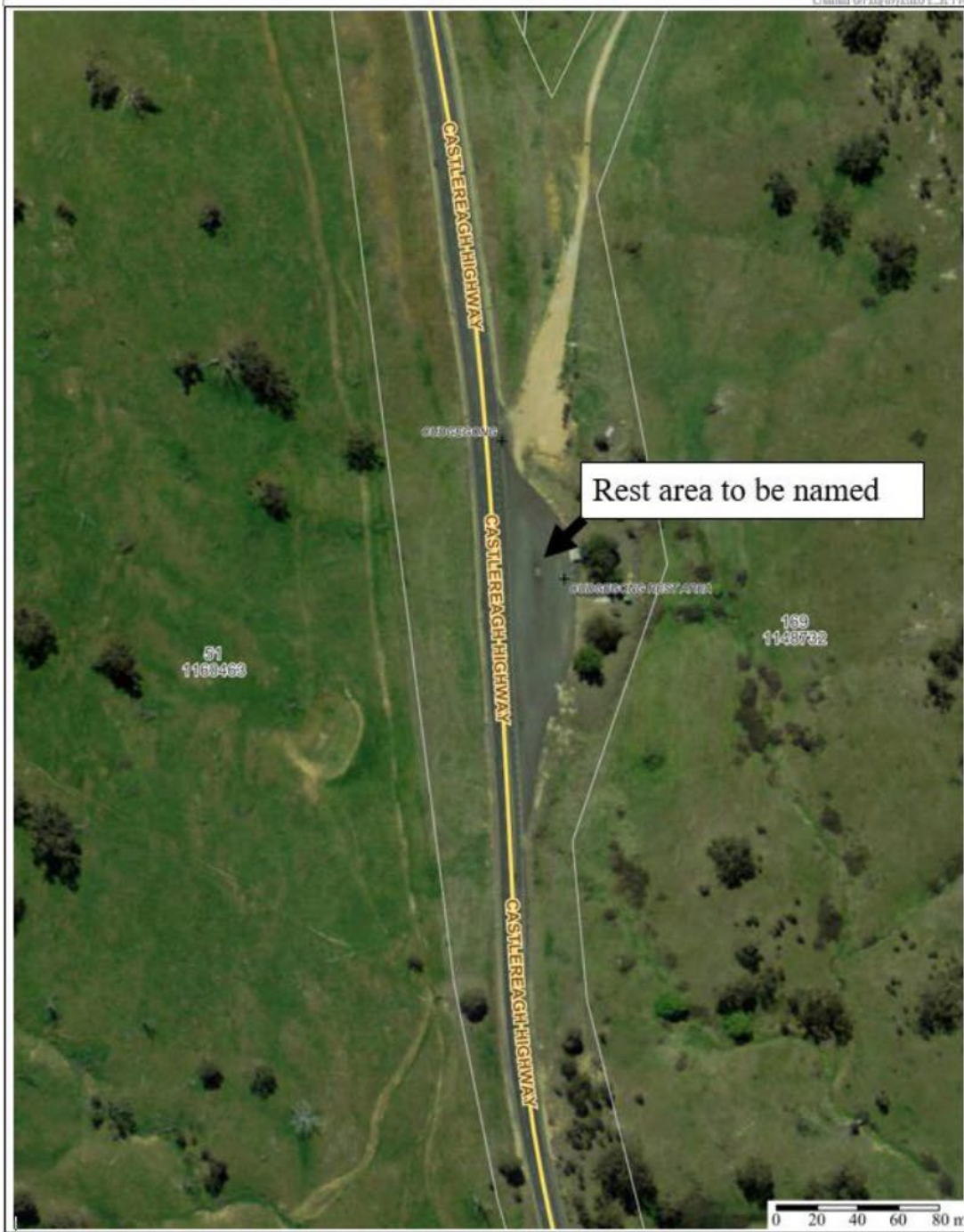
Add Files



Map.pdf


View File

Remove



Attach Marked Photo

Click or drag file here to upload... [Add Files](#)

 Photo.jpg [View File](#) [Remove](#)



## Lot and Plan Information

Please provide lot and plan information if available

	Lot	Section	Plan	Address	
1	<input type="text" value="Enter lot.."/>	<input type="text" value="Enter Sec"/>	<input type="text" value="Enter Plan"/>	<input type="text" value="Enter address..."/>	<input type="button" value="Add Lot"/>

## Name Details and Origin

### \*Origin of Proposed Name

Please describe the origin of the feature's proposed name in the context of what the name signifies, what culture or background the name derives its meaning or to whom the name commemorates.

Aunty Mary Hooker was a proud Biripi / Bundjalung woman, part of the Stolen Generation, who was a strong advocate for Indigenous health and education. She held many roles including Aboriginal Ambassador for NSW/ACT Guide Dogs and Aboriginal Representative for the Stolen Generation Foundation, and was committed to reconciliation and bringing Australians together. An Aboriginal Elder, an Author, and educator, Aunty Mary Hooker was an outstanding role model for her children, grandchildren and community at large. Aunty Mary died on 30/9/2019 and is buried in Cudgegong Cemetery located near the rest area being named.

### Attach supporting material for origin

Click or drag file here to upload...

	Report to Council (prelim) - Naming of a rest area in Cudgegong.pdf	<input type="button" value="View File"/>	<input type="button" value="Remove"/>
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**\*Reason for the choice of the proposed name**

Aunty Mary is an example of someone who suffered the worst of her fellow human kind and rose above it to become an example of the best of her fellow human kind. She contributed not only to the area she chose to live in but to the state and to her fellow human kind. It is fitting that a small area of land be a memorial to her so close to her final resting place.

**Meaning of word used in proposed name**

Enter Meaning of Word Here...

**Provide the phonetic spelling of the proposed name**

Enter Phonetic Spelling Here...

**Attach pronunciation audio/sound files**

Click or drag file here to upload...

**Add  
Files**

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

No  Yes

**\*Full Name of Person**

Mary Elizabeth Hooker (Aunty Mary Hooker)

**\*Date of Birth**

1958-02-08

**clear**

**\*Date of Death**

2019-09-28

**clear**

The Date of Birth or Death is unknown

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

Aunty Mary was an advocate, on the state and national level, for Aboriginal reconciliation and against institutional child abuse. She was also an ambassador for Guide Dogs NSW/ACT, travelling around the State, including the local area, to raise awareness of vision loss issues along with Gulliver, the world's largest guide dog. Aunty Mary also worked with her local communities in 2018 to help organise protests against the bulk transfer of water from Windamere Dam. The rest area is located next to Lake Windamere (Windamere Dam) and just below the Cudgegong Cemetery where Aunty Mary chose to be buried.

**What is the source for this information?**

Please see attached Council Report. Also articles from Wellington Times 4/9/2013, Daily Telegraph 7/3/2014, Yass Tribune 12/11/2014, Daily Liberal 14/8/2018, Western Magazine 12/9/2018 and Mudgee Guardian 16/11/2018

### Attach supporting documentation

Click or drag file here to upload...

Add  
Files



AuntyMaryDailyLiberal140818.pdf

View File

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AuntyMaryYassTribune121114.pdf

View File

Remove



AuntyMaryDailyTelegraph070314.pdf

View File

Remove



AuntyMaryWellingtonTimes040913.pdf

View File

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AuntyMaryWesternMagazine120918.pdf

View File

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AuntyMaryMudgeeGuardian161118.pdf

View File

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### Is the proposed name an Aboriginal name?

No  Yes

### Has the name been selected in consultation with the Local Aboriginal Land Council and the local Aboriginal community?

No  Yes

### List the community groups consulted and provide evidence of support

Mudgee Local Aboriginal Land Council were contacted on 22/9/20 regarding providing comment on this naming proposal. A response was received on 4/11/20 and a copy is attached. While the MLALC have chosen not to support the proposal it is hoped that the Geographical Names Board will consider Aunty Mary's contributions to the people of Australia was not limited to one area and her worthiness is not limited to where she was born or even where she chose to be buried.

### \*Attach supporting documentation

Click or drag file here to upload...

Add  
Files



MudgeeLALC Letter 041120.pdf

View File

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### Country/Aboriginal nation

Biripi / Bundjalung

### Language Group

Biripi / Bundjalung

### How would you describe the place type?

Roadside Rest Area

**Does the proposed name have a multicultural dimension?**

No  Yes

**Place Name Proposal Checklist**

1. Is the name supported by council resolution?  No  Yes

2. Does the name have public support?  No  Yes

3. Is the feature currently named?  No  Yes

4. Does this name comply with **Section 9.2** in the GNB Place Naming Policy?  No  Yes

5. If naming a reserve, does this name comply with **Section 9.8 Generic Reserve Names** in the GNB Place Naming Policy?  No  Yes

6. Has an Aboriginal name been considered?  No  Yes

7. Has a multi-cultural name been considered?  No  Yes

**\*Local Newspaper(s)**

If approved by the GNB, this proposal will be advertised in a local newspaper. Please provide the name of a local newspaper.

Mudgee Guardian ✕

Start typing and press enter to add a Newspaper name...



Mid-Western Regional Council  
Carolyn Atkins  
PO Box 156  
Mudgee NSW 2850

04/11/2020

**RE: Request for support for the naming of the roadside rest area off the Castlereagh Highway near Cudgegong Cemetery.**

Dear Carolyn,

I am writing regarding your request for support for the naming of the roadside rest area off the Castlereagh Highway near Cudgegong Cemetery after Aunty Mary Hooker.

This decision has been carefully considered after community consultation and has been made from a local cultural perspective and in accordance with cultural protocols.

We respect and value the contribution that Aunty Mary Hooker has made to Australian society, however the consensus is that it is not culturally appropriate to name the proposed area after her. We understand the desire to recognise people for their contributions and we understand the request has come from her family however culturally we do not support place naming in this way.

Our ways of place naming since time immemorial relate to the wider cultural landscape – topography, fauna and flora, geology, resources, events, use of place etc – as is evident when you look at the place names in use today. Mudgee, Gulgong, Wollar, Menah, Putta Bucca, Guntawang and so on all have names derived from Wiradjuri words relevant to place.

Our community believe that this is the culturally appropriate way to place name.

We understand that generally there is a movement to include more reference to Aboriginal people and culture in naming and signage but we believe that it should be done in a culturally appropriate way with true meaning so that it does not become tokenistic.

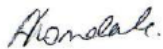
Mudgee Local Aboriginal Land Council  
PO Box 1098, Mudgee NSW 2850  
Ph: 02637 23511 Fax: 0263723522  
Email: mudgeelalc@bigpond.com  
ABN: 54 927 738 589

As such we respectfully decline the request for support for the proposed naming of the rest area after Aunty Mary Hooker and recommend that if the area is to be named with any reference to Aboriginal history and culture that a culturally appropriate alternative needs to be found through consultation with the Mudgee LALC.

We are more than happy to work with Mid-Western Regional Council to suggest suitable names with Wiradjuri cultural significance and relevance to Country and the local Aboriginal community within our LALC region in the future.

If you require any further information please do not hesitate to contact me on 0411451776.

Yours Sincerely,



Aleshia Lonsdale  
Chairperson  
Mudgee LALC

## 9.2 Classification of Land - Lot 63 DP618063 at 55 George Campbell Drive Bombira

REPORT BY THE PROPERTY OFFICER  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, 24361, GOV400088

### RECOMMENDATION

#### That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 63 DP618063 at 55 George Campbell Drive Bombira; and
2. classify Allotment 63 DP618063 at 55 George Campbell Drive, Bombira as *Operational Land* in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

### Executive summary

This report seeks to formalise the classification of Allotment 63 DP618063 at 55 George Campbell Drive, Bombira as *Operational* land. On 22 June 2021 Council purchased Lot 63 DP618063 located at 55 George Campbell Drive, Bombira for purposes of future development.

### Disclosure of Interest

Nil

### Detailed report

As part of the process of classification of the land, Council resolved on 16 June 2021 to advertise its intent to classify Allotment 63 DP618063 at 55 George Campbell Drive, Bombira as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of this report, Council Minute and advertisement are appended as Attachments 1, 2 and 3.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 18 June 2021. Written submissions were called for, with the closing date for submissions being 15 July 2021. No submissions were received.

This Report now seeks to complete the process of classification of the land as *Operational*.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

**Council Policies**

Not Applicable

**Legislation**

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

Financial implications

Not Applicable

Associated Risks

Any land acquired by a Council that is not classified under the Act i.e. resolved by Council at the end of 3 months, is taken to have been classified as *Community* land

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

13 July 2021

- Attachments:*
1. 16 June 2021 Classification Council Report of Lot 63 DP618063.
  2. 16 June 2021 Council Minute for Classification of Lot 63 DP 618063.
  3. Mudgee Guardian Advertisement.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 14.2 Classification of Land for future development.

REPORT BY THE PROPERTY OFFICER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, GOV400088

*The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2) (d)(ii) of the Local Government Act, 1993.*

*Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a Council property purchase which has not yet settled.*

### RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land for future development.;
2. notify the public of its intention to classify Lot 63 DP618063 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days; and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

### Executive summary

This report seeks to commence the process for classification of Lot 63 DP618063 located at 55 George Campbell Drive, Bombira, as *Operational land*.

### Disclosure of Interest

Nil

### Detailed report

On 21 April 2021 Council resolved to purchase Lot 63 DP618063 located at 55 George Campbell Drive, BOMBIRA for purposes of future development. A map of the land is attached to this report.

Council entered into a Contract of Sale to purchase the land. It is expected that settlement of the sale is to occur in the near future. The Act allows Council to resolve to classify the land prior to settlement.

#### *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.*

In accordance with the Local Government Act 1993 (LGA), all public land must be classified as either "Community" or "Operational" land. The purpose of classification is to identify clearly that



land which should be kept for use by the general public (Community land) and that land which need not (Operational land).

Community land would ordinarily incorporate land such as a public park, reserve or sporting grounds. The use and management of Community Land is to be regulated by a Plan of Management.

Community land must not be sold (except in limited circumstances referred to in the Act). Community Land must not be leased or licenced for more than 21 years and may only be leased / licensed for more than 5 years if public notice of the proposed lease or licence is given. In the event that an objection is made to the proposed lease/licence, the Minister's consent is required. These restrictions do not apply to Operational Land.

Operational Land would ordinarily comprise land held as an asset, land which facilitates a Council to carry out its functions or is land that may not be open to the public.

It should be noted that any land acquired by a Council that is not classified or resolved under the Act S31, by Council at the end of 3 months, is taken to have been classified as Community land.

Given that the stipulated use of Lot 63 DP618063 is for future development, it is therefore recommended to commence the classification process, with Council resolving its intentions to classify the land as Operational land. Council's intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will 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

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

### Strategic implications

**Council Strategies**  
Nil

**Council Policies**  
Not applicable

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

### Financial implications

Not applicable

### Associated Risks

Any land acquired by a Council that is not classified under the Act i.e. resolved by Council at the end of 3 months, is taken to have been classified as *Community* land.

Council resolved to purchase the land on 21 April 2021 and settlement is imminent. As such, it will be classified as *Operational* land within the stipulated time-frame.

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

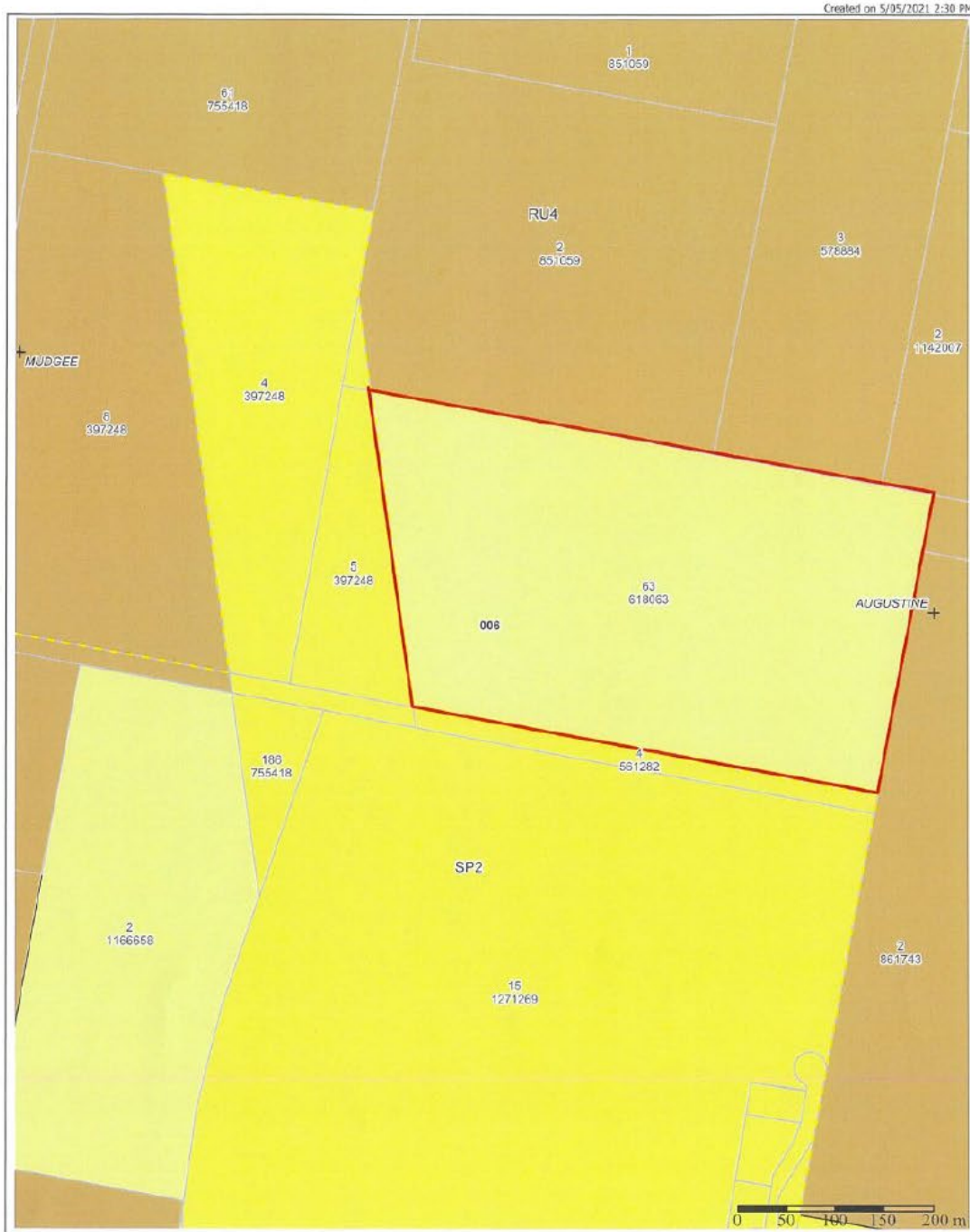
5 May 2021


*Attachments:* 1. Map - Purchased land indicated by red boundary - Lot 63 DP 618063.  
(Confidential)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER


CONFIDENTIAL





Mid-Western Regional Council  
 PO Box 256  
 88 Marston Street  
 Mudgee NSW 2852  
 Telephone 02 6771 3900  
 Fax 02 6771 3835  
 Email: council@midwestern.nsw.gov.au

**Important Notice!**  
 This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purpose and for its other purposes. No statement is made about the accuracy or suitability of the information for use for any purpose (other than the purposes for which it was prepared) or for any other purpose. The user must ensure the accuracy of the data, whether the Mid-Western Regional Council or the user, makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of the data being inaccurate or incomplete in any way and for any reason.  
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Date: 5/05/2021 2:30 PM  
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## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 16 JUNE 2021

### 14.2 CLASSIFICATION OF LAND FOR FUTURE DEVELOPMENT.

GOV400088, GOV400088

01/21

**MOTION:** Paine / Holden

**That Council:**

1. receive the report by the Property Officer on the Classification of Land for future development.;
2. notify the public of its intention to classify Lot 63 DP618063 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days; and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

*The motion was carried with the Councillors voting unanimously.*

8 MUDGEE GUARDIAN Friday June 18, 2021

## Mid-Western Regional Council WEEKLY ADVERTISEMENTS



### Notice of Proposed Development

PROPOSAL	Demolition (part of existing shed), Proposed new shed (exhibition purposes)		
LAND	Lot 110 DP 850558, Colonial Inn Museum 126 Market Street MUDGEE NSW 2850		
APPLICATION NO	DA0405/2021	APPLICANT	Heather Lynn McClintock
CONSENT AUTHORITY	Mid-Western Regional Council		

Any person is invited to inspect the application and plans at Council's Administration Centre, 86 Market Street, Mudgee. Plans may also be made available at the following locations:

- Administration Centre, 109 Herbert Street, Gulgong
- Administration Centre, 77 Louee Street, Rylstone
- Online via <https://yoursay.midwestern.nsw.gov.au/development-applications>

Please note that whether an application is available for inspection at either Gulgong or Rylstone will depend on the location of the proposed development. Any application and plans can be made available to the Gulgong or Rylstone Administration Centres upon request.

Council's offices are open for inspection of the plans during office hours: 8:00 am to 4:30 pm, Monday to Friday. Written comments in respect of any application must be addressed to the General Manager and received prior to 4:30 pm on **Friday 2 July 2021**.

Any enquiries regarding this application should be directed to Council's Planning and Development Department on (02) 6378 2850 or 1300 765 002.

### On Exhibition

In pursuance of section 34 of the Local Government Act, 1993, Council proposes to classify as Operational Land, **Lot 63 DP618063 located at 55 George Campbell Drive, BOMBIRA** for purposes of future development. The land to be classified is indicated on the map below and is marked by a red boundary.

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classification. Submissions should be received by **16 July 2021** and directed to: Mid-Western Regional Council Property Department PO Box 156 MUDGEE NSW 2850



**NOTE: SUBMISSIONS RECEIVED MAY BE MADE PUBLICLY AVAILABLE UNLESS YOU REQUEST THAT PERSONAL DETAILS BE SUPPRESSED**

## 9.3 Saleyards Lane Subdivision Stage 2

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400087, P23795, P23796

### RECOMMENDATION

#### That Council:

1. receive the report by the Chief Financial Officer on the Saleyards Lane Subdivision Stage 2;
2. approve the development of 25 lots as detailed in the attached concept plan for the Stage 2 subdivision of Saleyards Lane;
3. amend the Budget for 2021/22 to allocate:
  - 3.1 Stage 2 construction budget of \$2,500,000 to be funded from the Land Development Reserve;
  - 3.2 Land sales of \$1,000,000, to be transferred to the Land Development Reserve;
4. amend the Budget for 2022/23 to allocate:
  - 4.1 Land sales of \$2,400,000, to be transferred to the Land Development Reserve;
5. authorise the General Manager to obtain independent valuations for the 25 lots detailed in the attached concept plans as soon as appropriate to do so; and
6. request a further report be brought back to Council to authorise any process for sale and set the sale proceed budgets.

---

### Executive summary

The purpose of this report is to seek a resolution from Council to construct the 22 residential land allotments in Stage 2 of the Saleyards Lane Subdivision project (the Project).

The Saleyards Lane Subdivision project received development consent for a 51 lot residential subdivision in May 2014. The development includes 51 residential lots ranging in size from 600m<sup>2</sup> to 1,053m<sup>2</sup>. Stage 1 saw the completion of the first 26 residential land allotments. A review of the profitability of Stage 1 is included in this report.

### Disclosure of Interest

Nil

## Detailed report

The Development Application for the 51 allotment subdivision of the Council owned land in Saleyards Lane Mudgee was approved by Council on 7 May 2014 (DA0248/2017, Minute 162/14).

The Project consists of two main stages and is aimed at providing additional vacant residential land in the Mid-Western Region to support housing choice and affordability.

Stage 1 of the Project comprised 26 allotments and is now complete. A review of the profit of that project is attached to this report.

From the 51 lots, 3 were utilised for the construction of the Gowrie Childcare Centre. This leaves 22 residential lots in the Stage 2 plan.

## PROJECT SITE

The Project site is shown below, and is located at Saleyards Lane, Mudgee.



The concept plan for Stage 2 is provided below, the green boxed lots are now Lot 30 DP1267151, used instead for the Gowrie Childcare Centre.

The remaining lots and new portion of road which will extend from Marskell Circuit, off Croake Way, are detailed in the plan. The plan includes the development of 4 x battle axe blocks, as per the approved subdivision.



**THE PROJECT RATIONALE**

The Project will provide the following benefits:

1. increase the supply of vacant residential land, which is ready to be built on and within close proximity to the Mudgee town centre. The project will ensure that all of the required infrastructure is in place to release lots to the market. This will help support the provision of an affordable housing supply;
2. Increase Council's own source revenue, which provides opportunities to invest in additional property projects as required, or alternate projects as decided by Council.

There has been a lot of interest in the continuation of this subdivision, and interested parties have been contacting Council to query about availability of additional blocks within this subdivision. Sales are currently anticipated to occur quickly, similar to the outcome of Stage 1.

**PROJECT TIMING**

The project is investment ready. The project works schedule indicates a proposed start date for Stage 2 as September 2021 with completion anticipated by February 2022.

Community Plan implications

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

Strategic implications

**Council Strategies**



Not Applicable

### Council Policies

Land Acquisition and Disposal Policy

### Legislation

The cost of this project is below the thresholds for preparation of a Capital Expenditure Review under section 26A of the Local Government Act. A business case has been outlined in the financial implications section of this report.

## Financial implications

### PROJECT COSTS

A detailed break up of the estimated costs of this project is attached as a confidential attachment to this report. The detail provides for \$2.5 million project costs, summarised below:

<b>Works</b>	<b>Estimated cost (\$'s)</b>
Fees and Contributions	502,500
Civil Works	1,200,000
Electrical Works	139,500
Survey & Design	105,500
Water & Sewer	504,500
Contingency	48,000
<b>Total Estimated Cost</b>	<b>2,500,000</b>

### ESTIMATED LAND VALUE

The estimated value of land remaining for development is currently \$877,000. About 2/3s of this block will be used for saleable lot, and the remaining land held by Council. This value has been included in the profit analysis.

### PROJECT FUNDING

It is proposed to use the Land Development Reserve (the Reserve) which has seen material transfers into the Reserve realised by the sales of the Stage 1 Saleyards subdivision works.

The estimated closing balance of the Reserve at 30 June 2021 is \$1.68 million. There are anticipated transfers to the Reserve of \$1.8 million, as all contracts for Stage 1 have now been exchanged and deposits outstanding for settlement of these contracts are due to be received in the next month or so. Therefore, the estimated closing balance for 30 June 2022, is currently \$3.48 million which is sufficient to fund the Project.

### PROFIT ANALYSIS

The anticipated profit margin for this project is detailed in the confidential attachment, and is estimated at about \$488,000.

This results in a return on investment of about 16%.

The new road will transfer to Council, and will result in a small increase to infrastructure renewal burdens.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	✓	✓	-
Future Years	✓	✓	✗

## Associated Risks

Currently, the budget includes sale of the 22 allotments over 2 financial years. It is possible that not all allotments will sell within the anticipated time-frame.

A valuation of the allotments is still required to be carried out, there is a risk that the allotments will not be valued at their anticipated sale price, however the market is currently quite favourable with high demand on these blocks, and estimates have been conservative, therefore risk of over estimating sales prices is deemed low.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

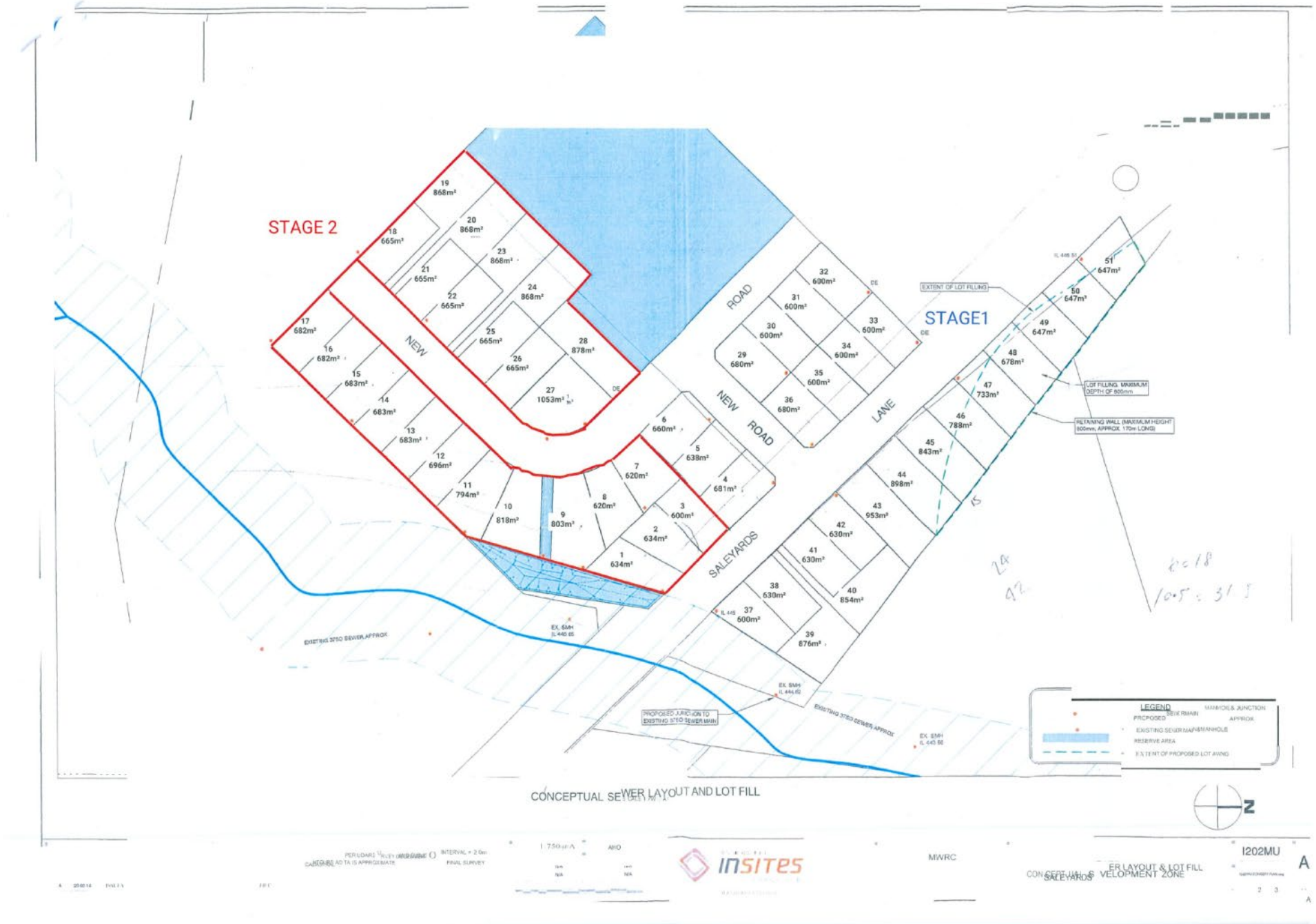
22 July 2021

*Attachments:*

1. Concept Plan Stage 2.
2. Detailed budget estimates. (Confidential - separately attached)
3. Estimated profit margin Stage 2. (Confidential - separately attached)
4. Stage 1 profit summary (late attachment).

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



**Placeholder for Attachment 4**  
**Saleyards Lane Subdivision Stage 2**  
**Stage 1 profit summary (late attachment)**  
**0 Pages**

## 9.4 Budget Revotes from 2020/21 to 2021/22

REPORT BY THE MANAGER FINANCE  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400087, FIN300315

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Finance on the Budget Revotes from 2020/21 to 2021/22;**
2. **amend the 2021/22 budget to reflect the revote of \$7,570,285 capital expenditure as identified in the attachment to this report; and**
3. **amend the 2021/22 budget to reflect the revote of \$2,073,263 operating expenditure as identified in the attachment to this report.**

---

### Executive summary

This report recommends the revoting of budgets into 2021/22 for projects not yet completed as at 30 June 2021. Attachment 1 shows each project recommended for revote, the amount of expenditure and the funding source.

### Disclosure of Interest

Nil

### Detailed report

The total budget amendment in this report of \$9,643,548 includes \$7,570,285 in Capital expenditure and \$2,073,263 Operating expenditure projects.

A number of these projects were commenced and expected to take place over more than one financial year. Due to some delays in construction and the allowance for variability in timing of works, the full budget allocation was not expended in 2020/21. As these projects were commenced to various stages, but as at 30 June 2021 were not completed they are not technically "revotes" in accordance with the Regulations (as per s211(3)), but they are reported to Council as revote projects for completeness.

Unspent budget of \$1,671,367 funded by unrestricted cash is proposed to be revoted to be spent in 2020/21. This includes \$248,254 for continuation of Covid-19 response if required.

In relation to Covid-19 this has impacted on the revote of budget for the following projects:

<b>Project</b>	<b>Amount (\$)</b>
CBD Pedestrian Lighting	71,574
Art Gallery Operations	60,000
Pitts Lane Lighting	17,273
Staff Training	77,200
Regional Signage strategy	15,045
Sewer Telemetry	17,389
Rural Waste Depot Upgrades	24,678
Rural Customer Water Fill Stations	138,781
	<b>421,940</b>

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Not applicable

### **Legislation**

Section 211(3) of the Local Government (General) Regulation 2005 states that budgets approved by Council automatically lapse at the end of a financial year. However, this subclause does not apply to approval and votes relating to:

- a) work carried out or started, or contracted to be carried out, for the Council; or
- b) any service provided, or contracted to be provided, for the Council; or
- c) goods or materials provided, or contracted to be provided, for the Council; or
- d) facilities provided or started, or contracted to be provided, for the Council before the end of the year concerned, or to the payment of remuneration to members of the Council's staff

A budget approval that has lapsed may be reinstated by a resolution of Council.

## Financial implications

Council has sufficient funds in Reserves, Unspent Grants and Contributions, and Developer Contributions in each of the individual funds to be allocated to the continuing projects. Council's unrestricted funds balance as at 30 June 2021 will be finalised as part of the 2020/21 financial statement process, and confirmed by external audit, however the forecast budget indicates that sufficient unrestricted funds will be available to meet the General Fund revenue-funded revotes.

It is important to note that amounts revoted from one financial year to the next, in particular operational expenditure items, impact the operating results of each year.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	✘	✘	✔
Future Years	-	-	-

### Associated Risks

Not applicable

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

17 July 2021

*Attachments:* 1. Revotes 20.21 to 21.22.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



*Good  
Government*

# BUDGET REVOTES FROM 2020/2021 TO 2021/2022

21 JULY 2021

MID-WESTERN REGIONAL COUNCIL  
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030





1. PROPOSED REVOTES

FUNDING SUMMARY

Fund	Funding Source	20/21
General	ASSET REPLACEMENT RESERVE	150,678
	CAPITAL PROGRAM RESERVE	365,821
	GRT - FOOTPATHS & CYCLEWAYS - CAPITAL	143,068
	GRT - HERITAGE GRANTS	3,900
	GRT - LIBRARY SPECIAL PROJECTS GRANT	26,000
	GRT - OTHER GRANT INCOME	20,000
	GRT - OTHER GRANT INCOME - CAPITAL	726,883
	GRT - RECREATION - CAPITAL	1,569,498
	GRT - ROADS & BRIDGES OTHER CAPITAL	1,175,387
	GRT - ROADS TO RECOVERY	130,130
	GRT - STREET LIGHTING	404,034
	OTR - OTHER REVENUE	14,674
	PLANT REPLACEMENT RESERVE	991,386
	RMS CONTRIBUTIONS - BLOCK	38,962
	RMS CONTRIBUTIONS - CAPITAL	11,556
	ROADWORKS MAINTENANCE	170,989
	SEAL EXTENSION PROGRAM RESERVE	230,779
	UCF - RMS STATE ROADS - ORDERED WORKS	435,533
	Unrestricted Cash	1,671,367
	UNSPENT GRANTS	819,251
VPA	78,890	
<b>General Total</b>		<b>9,178,786</b>
Sewer	SEWER RESERVE	215,944

Fund	Funding Source	20/21
<b>Sewer Total</b>		<b>215,944</b>
Waste	Unrestricted Cash	13,422
	WASTE RESERVE	96,615
<b>Waste Total</b>		<b>110,037</b>
Water	GRT - WATER CAPITAL	138,781
<b>Water Total</b>		<b>138,781</b>
<b>Grand Total</b>		<b>9,643,548</b>

**DETAILED REVOTES FROM 2020/2021 TO 2021/2022**

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Plant Purchases - Revote the purchase of Dozer and Operations Ute.	-1,259,329	-	0	-	0	PLANT REPLACEMENT RESERVE	991,386			267,943
General	Glen Willow Sports Ground Upgrades - Multi-year project.	-1,189,229	GRT - RECREATION - CAPITAL	1,189,229	-	0	-	0	-	0	0
General	Seal Extension - Mebul Rd - Multiyear project. There were delays in the commencement due to gravel supply issues and the wet weather in June.	-723,939	GRT - ROADS & BRIDGES OTHER CAPITAL	542,954	-	0	SEAL EXTENSION PROGRAM RESERVE	180,985	-	0	0
General	Led Street lighting Upgrade - LED Street Lighting project is agreed to be finalised in the 2021/22 financial year.	-549,857	GRT - STREET LIGHTING	404,034	-	0	-	0	-	0	145,823
General	Art Gallery Facility - Multiyear project. Reducing transfer from Reserve in 21.22 due to higher cash council contribution in 20.21	-522,659	GRT - OTHER GRANT INCOME - CAPITAL	636,303	-	0	-	0	-	0	(113,644)
General	Ow - Mr633 Seg 170 Shoulder Widening Wo308.21.18 - Delays due to wet weather	-435,533	UCF - RMS STATE ROADS - ORDERED WORKS	435,533	-	0	-	0	-	0	0
General	Urban Rehab - Church / Meares St Roundabout - Delays encountered including water main relocation and design finalisation	-365,632	GRT - ROADS TO RECOVERY	130,130	-	0	UNSPENT GRANTS	235,502	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Solar Farm Initiative - The Solar Farm Initiative is a multiyear project and thus unspent funds will be used in the 2021/22 financial year.	-327,118	-	0	-	0	CAPITAL PROGRAM RESERVE	193,410	-	0	133,708
General	Road Extension - Between Putta Bucca & Glen Willow - Multi-year project. Design is still being finalised.	-299,092	GRT - ROADS & BRIDGES OTHER CAPITAL	299,092	-	0	-	0	-	0	0
General	Bushfire Recovery -Make safe Program (Drfa) - Project is grant funded and required to be spent by June 2022.	-260,815	-	0	-	0	UNSPENT GRANTS	260,815	-	0	0
General	Covid19 Response - Move Covid-19 response unspent funds for potential future responses.	-248,254	-	0	-	0	-	0	-	0	248,254
General	Mudgee Showgrounds - Redevelopment - Underspent grant funding to be used in the 2021/22 year as it is a multi-year project.	-224,789	GRT - RECREATION - CAPITAL	224,789	-	0	-	0	-	0	0
General	Mudgee Valley Park Upgrade - Multi-year project.	-218,611	-	0	-	0	-	0	-	0	218,611
General	Seal Extension - Aarons Pass Rd - Multi-year project.	-199,176	GRT - ROADS & BRIDGES OTHER CAPITAL	149,382	-	0	SEAL EXTENSION PROGRAM RESERVE	49,794	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Ulan Road - Blacksprings Road To Buckaroo Lane - Delays due to wet weather, however scope has been increased to cover full rehab in 21/22 FY	-170,989	ROADWORKS MAINTENANCE	170,989	-	0	-	0	-	0	0
General	Pedestrian Access And Mobility Plan Works - Delays due to wet weather and contractor availability.	-169,951	-	0	-	0	-	0	-	0	169,951
General	Goulburn River Bridge Ulan Road - Multiyear project delayed with contractor	-156,101	GRT - ROADS & BRIDGES OTHER CAPITAL	67,075	-	0	ASSET REPLACEMENT RESERVE	89,026	-	0	0
General	BVW Upgrade Rnsw 2080 - Multiyear project	-155,846	RMS CONTRIBUTIONS - BLOCK	38,962	GRT - ROADS & BRIDGES OTHER CAPITAL	116,884	-	0	-	0	0
General	Putta Bucca Eco Trail - Multiyear project. There were delays in the project due to the bridge relocated to Cudgegong River.	-134,298	GRT - RECREATION - CAPITAL	60,457	-	0	CAPITAL PROGRAM RESERVE	73,841	-	0	0
General	Bushfire Recovery - Olinda Hall (Drf) - Project is grant funded and required to be spent by June 2022.	-131,178	-	0	-	0	UNSPENT GRANTS	131,178	-	0	0
General	Rural Rehab - Barneys Reef Rd - Delayed gravel supply and wet weather	-123,707	-	0	-	0	UNSPENT GRANTS	50,351	-	0	73,356
General	Billy Dunn Amenities - Underspent grant funding to be used in the 2021/22 year as it is a multi-year project.	-122,694	GRT - RECREATION - CAPITAL	19,457	-	0	-	0	-	0	103,237

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Kandos Stormwater Upgrade - Multi-year project	-90,580	GRT - OTHER GRANT INCOME - CAPITAL	90,580	-	0	-	0	-	0	0
General	Playground Shading Program - More time required to achieve desired result due to a design issue with the Gulgong adventure playground shade sail.	-87,776	-	0	-	0	VPA	78,890	CAPITAL PROGRAM RESERVE	8,886	0
General	Shared Pathway - Glen Willow To Putta Bucca Wetlands Area - Glen Willow to Putta Bucca Walkway is a multi-year project so unspent funds to be revoted into 2021/22.	-87,378	GRT - FOOTPATHS & CYCLEWAYS - CAPITAL	87,378	-	0	-	0	-	0	0
General	Riverside Caravan Park Fire Services - Request for Quote was undertaken and response reflected additional budget is required. As the quotes were higher than expected this project has been pushed back into the 21/22 financial year.	-75,615	-	0	-	0	-	0	-	0	75,615
General	Cbd Pedestrian Crossing Lighting Upgrade - Procurement of light poles from China has been delayed due to Covid-19.	-71,574	-	0	-	0	CAPITAL PROGRAM RESERVE	53,574	-	0	18,000
General	Bushfire Recovery (Drfa) - Project is grant funded and required to be spent by June 2022 .	-67,753	-	0	-	0	UNSPENT GRANTS	67,753	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Art Gallery Operations - The gallery was unable to be opened last financial year and the current Covid restrictions and responsibilities around Covid will require increased staff numbers to properly address opening events and activities.	-60,000	-	0	-	0	-	0	-	0	60,000
General	Bushfire Recovery - Ilford Hall (Drfa) - Project is grant funded and required to be spent by June 2022.	-59,660	-	0	-	0	UNSPENT GRANTS	59,660	-	0	0
General	Glen Willow Carpark - Delays in projects due to wet weather.	-56,600	GRT - RECREATION - CAPITAL	56,600	-	0	-	0	-	0	0
General	Footpath - Walkers Oval To Cultural Precinct - Works not completed due to delays in design through Traffic Committee as well as being unable to secure a contractor towards the end of the financial year	-55,690	GRT - FOOTPATHS & CYCLEWAYS - CAPITAL	55,690	-	0	-	0	-	0	0
General	IT Corporate Software - Ongoing multi-year project for improvements to Council's ERP system.	-49,799	-	0	-	0	CAPITAL PROGRAM RESERVE	8,472	-	0	41,327
General	Workplace Health & Safety - There were no Registered Training Organisations available to come onsite to deliver training in Non-Friable asbestos for 24 employees this year. Training is expected to be held in July 2021 by TAFE.	-49,000	-	0	-	0	-	0	-	0	49,000

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Development Control - Ongoing Court Case with hearing to be held in August 2021.	-36,577	-	0	-	0	-	0	-	0	36,577
General	Staff Training, Conferences & Seminars - The Native Title training which cost 2,800 was not available in the 2020/21 financial year and will be conducted in 2021/22.  The liquid Trade Waste training DPIE which cost 4,800 was not provided in the 2020/21 financial year.  The Cert IV Procurement training which costs 2,550 per person plus accommodation and travel costs did not go ahead in the 2020/21 financial year.  The GC21 & MW21 Contract training for 2 programs held on consecutive days for 20 staff were unable to be run in the 2020/21 financial year.	-28,200	-	0	-	0	-	0	-	0	28,200
General	Pedestrian - Putta Bucca Walkway - Delays in project due to wet weather	-27,638	-	0	-	0	CAPITAL PROGRAM RESERVE	27,638	-	0	0
General	Mudgee Cbd Parking Improvement - Scope not finalised so work to occur in 21/22.	-27,561	-	0	-	0	-	0	-	0	27,561



CORPORATE: FINANCE | BUDGET REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Library - Special Projects - The supplier has advised that they will not be able to deliver to MWRC until the 2021-22 financial year.	-26,000	GRT - LIBRARY SPECIAL PROJECTS GRANT	26,000	-	0	-	0	-	0	0
General	Flavours Of Mudgee - Marketing expense and grant income to be used for the Flavours event which will be held in September 2021.	-20,000	GRT - OTHER GRANT INCOME	20,000	-	0	-	0	-	0	0
General	Community Centres - 70 Court Street - Delays in work by TAFE insurers which means that Council has not had access to the buildings to undertake maintenance.	-19,695	-	0	-	0	-	0	-	0	19,695
General	Workshop Concrete Works - Environmental assessment has been completed. Budget required to continue to next stage of project	-18,200	-	0	-	0	ASSET REPLACEMENT RESERVE	18,200	-	0	0
General	Pitts Lane - Lighting * - The final equipment did not arrive on time due to delays caused by Covid-19.	-17,273	GRT - RECREATION - CAPITAL	17,273	-	0	-	0	-	0	0
General	Rylstone Caravan Park - Capital - Multi-year project.	-15,917	GRT - RECREATION - CAPITAL	(2,273)	-	0	ASSET REPLACEMENT RESERVE	18,190	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	IT - Network Upgrades - Due to the impact on Water and Sewer networks and corresponding projects, more planning needs to be conducted before cutting over to the solution (high risk to operation of water and sewer services.)	-15,295	-	0	-	0	-	0	-	0	15,295
General	Footpath - Lions Drive - Delays due to wet weather and contractor availability	-15,186	OTR - OTHER REVENUE	14,518	-	0	-	0	-	0	668
General	Regional Signage Audit & Strategy - As the consultants are located in Western Australia there are delays due to Covid travel restrictions. This should be completed early in 2021/22.	-15,045	-	0	-	0	-	0	-	0	15,045
General	Concept Plans For Main Admin Building - Multi-year project.	-14,175	-	0	-	0	ASSET REPLACEMENT RESERVE	14,175	-	0	0
General	Community Centre - Court Street Capital Works - Delays in repair work by TAFE insurers which means that Council not having access to the buildings to undertake minor capital works	-13,074	-	0	-	0	-	0	-	0	13,074
General	Hill End Road Safety Improvements - Multi-year project	-11,556	RMS CONTRIBUTIONS - CAPITAL	11,556	-	0	-	0	-	0	0
General	Mudgee Pound Upgrade - Renovation & Extension - Underspent budget to be used in the	-11,087	-	0	-	0	ASSET REPLACEMENT RESERVE	11,087	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
	2021/22 year as it is a multi-year project.										
General	Bushfire Recovery - Community Welfare (Drfa) - Project is grant funded and required to be spent by June 2022.	-9,128	-	0	-	0	UNSPENT GRANTS	9,128	-	0	0
General	Environment - Projects - Delays caused by contractor having not completed the works on the Cudgegong River.	-8,575	-	0	-	0	-	0	-	0	8,575
General	Red Hill Capital Works - Underspent grant funding to be used in the 2021/22 year as it is a multi-year project.	-7,931	GRT - RECREATION - CAPITAL	3,966	-	0	-	0	-	0	3,965
General	Mudgee Administration Building Upgrade - Allocation was made for office improvements late in the financial year, some furniture was placed on backorder and works were unable to be completed.	-6,861	-	0	-	0	-	0	-	0	6,861
General	Rural Rehab - Cudgegong Rd - Guardrail required to be installed	-4,864	-	0	-	0	UNSPENT GRANTS	4,864	-	0	0
General	Heritage Near Me - The final aspects of delivering the project are in progress.	-3,900	GRT - HERITAGE GRANTS	3,900	-	0	-	0	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Caravan Park - Rylstone - Additional cleaning and servicing while Council was operating the park, this budget will cover the final month of building services costs prior to the new park managers taking over	-3,110	-	0	-	0	-	0	-	0	3,110
General	Buggy Path Lighting - Project delayed as work will be undertaken in conjunction with the Lions Drive Footpath Construction.	-1,716	OTR - OTHER REVENUE	156	-	0	-	0	-	0	1,560
Sewer	Sewer Mains Relining - Final sealing works have been delayed due to Covid-19 restrictions of Central Coast based contractor. Works to be completed by end of July 2021.	-125,900	-	0	-	0	SEWER RESERVE	125,900	-	0	0
Sewer	Mudgee Stp Emergency Works - Access road sealing not undertaken due to wet weather in June. To be rescheduled with roads projects sealing contractor visits early in the financial year.	-72,655	-	0	-	0	SEWER RESERVE	72,655	-	0	0
Sewer	Sewer Telemetry - Delays in equipment lead time due to Covid 19	-17,389	-	0	-	0	SEWER RESERVE	17,389	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
Waste	Rural Waste Depot Upgrades - Bin lifters costing \$24,678 have been on order since beginning of April and were to be delivered prior to EOFY. Supplier contacted numerous times and advised at EOFY that delay due to obtaining parts for solar customisation due to covid.  Bins costing a total of \$41,910 that were to be delivered prior EOFY (part of selection of this company) were delivered on 2 July and 5 July 2021.	-66,588	-	0	-	0	WASTE RESERVE	66,588	-	0	0
Waste	Kandos WTS Office Replacement - Unable to complete works in the 2020/21 financial year due to issues securing contractors towards the end of the financial year.	-15,267	-	0	-	0	WASTE RESERVE	15,267	-	0	0
Waste	Waste Management Strategy - The premise were unable to complete waste strategy and staging works due to identifying anomalies with groundwater level results which have required further investigation and monitoring prior to finalisation of staging works.	-13,422	-	0	-	0	-	0	-	0	13,422

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
Waste	Gulgong WTS Office Replacement - Underspent budget to be used in the 2021/22 year as it is a multi-year project.	-9,160	-	0	-	0	WASTE RESERVE	9,160	-	0	0
Waste	Mudgee Landfill Wheel Wash - Sealing works postponed due to rain and was not able to be scheduled until July 2021.	-5,600	-	0	-	0	WASTE RESERVE	5,600	-	0	0
Water	Rural Customer Fill Stations - Delays due to difficulty in gaining TfNSW approval and Covid travel restrictions.	-138,781	GRT - WATER CAPITAL	138,781	-	0	-	0	-	0	0
<b>Total</b>		<b>(9,643,548)</b>		<b>4,892,511</b>		<b>116,884</b>		<b>2,940,478</b>		<b>8,886</b>	<b>1,684,789</b>

## 9.5 Monthly Budget Review - July 2021

REPORT BY THE MANAGER FINANCE  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400087, FIN300315

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Finance on the Monthly Budget Review - July 2021;
2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report;
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the purchase of portable traffic control devices;
4. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the hire of water carts to transfer water to Clandulla reservoir in June 2021; and
5. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the clean-up of roads following the snow event in June 2021.

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### Executive summary

This report provides Council with information on the progress of the 2021/22 capital works program at 21 July 2021.

### Disclosure of Interest

Nil

### Detailed report

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

### Authority to commit funds in an emergency

The General Manager is provided the following delegation from Council, and he has exercised his authority in regard to:

- the ordering of portable traffic control devices to meet TfNSW site safety requirements. The budget has been entered into this monthly report, and was for an amount of \$59,550 including GST.

- The hire of water carts to transfer water from Mudgee to Clandulla reservoir following rising main break. The total spend was \$18,381 including GST.
- Clean up of debris on roads in the areas of Hill End, Hargraves, Bocoble, Queens Pinch, Aarons Pass, and Nullo Mountain. As maintenance budgets were expected to be fully spent at end of financial year additional budget was requested. The cost was \$24,537 including GST.

3. *Limitations in this delegation:-*

*3.1 To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.*

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

Not applicable.

### Legislation

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

- 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
- 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	✘	-	-
Future Years	-	-	✔

## Associated Risks

Not applicable



NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

16 July 2021

*Attachments:* 1. Monthly Budget Review Attachment - July 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

*Good  
Government*

## MONTHLY BUDGET REVIEW – JULY 2021

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

21 JULY 2021



MID-WESTERN REGIONAL COUNCIL  
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



**1. PROPOSED BUDGET VARIATIONS**

**FUNDING SUMMARY**

Fund	Funding Source	21/22	22/23	23/24	Grand Total
General	CAPITAL PROGRAM RESERVE	113,644			113,644
	GRT - ROADS & BRIDGES OTHER CAPITAL	-44,404			-44,404
	GRT - ROADS TO RECOVERY	0			0
	PLANT REPLACEMENT RESERVE	387,620	-264,177	-76,567	46,876
	RMS CONTRIBUTIONS - BLOCK	38,962			38,962
	SEAL EXTENSION PROGRAM RESERVE	-14,801			-14,801
	Unrestricted Cash	-1,384,588			-1,384,588
<b>General Total</b>		<b>-903,567</b>	<b>-264,177</b>	<b>-76,567</b>	<b>-1,244,311</b>
Sewer	SEWER RESERVE	-30,000			-30,000
<b>Sewer Total</b>		<b>-30,000</b>			<b>-30,000</b>
Water	Unrestricted Cash	-462,648			-462,648
	WATER RESERVE	0			0
<b>Water Total</b>		<b>-462,648</b>			<b>-462,648</b>
<b>Grand Total</b>		<b>-1,396,215</b>	<b>-264,177</b>	<b>-76,567</b>	<b>-1,736,959</b>

## 2021/22 VARIATIONS

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
General	Plant Purchases - Revisions to plant replacement schedule with additional 2 water carts and vehicles for new staff	615,124	-	0	PLANT REPLACEMENT RESERVE	317,620	(932,744)
General	Cudgegong Waters Park House - Grant funding would not cover this component of Cudgegong Park upgrades	250,000	-	0	-	0	(250,000)
General	Ulan Road - Blacksprings Road To Buckaroo Lane - Delays due to wet weather, however scope has been increased to cover full rehab in 21/22	230,803	RMS CONTRIBUTIONS - BLOCK	(230,803)	-	0	0
General	Seal Extension - Queens Pinch Rd - Transfer of savings made on Pyramul Rd to Queens Pinch	59,205	GRT - ROADS & BRIDGES OTHER CAPITAL	(44,404)	SEAL EXTENSION PROGRAM RESERVE	(14,801)	0
General	Drainage Administration - Employee adjustment to increase engineering position	52,200	-	0	-	0	(52,200)
General	Insurance - General - Amend budgeted insurance to be in line with the insurance invoice.	26,000	-	0	-	0	(26,000)
General	Rural Rehab - Cudgegong Rd - Guardrail required to be installed	25,000	GRT - ROADS TO RECOVERY	(25,000)	-	0	0

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – JULY 2021

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Planning Proposal Pitts Lane - Rezoning proposal costs	10,000	-	0	-	0	(10,000)
General	Art Gallery Facility - Multiyear project. Reducing transfer from Reserve in 21.22 due to higher cash council contribution in 20.21	0	-	0	CAPITAL PROGRAM RESERVE	113,644	(113,644)
General	Rural Sealed Road Rehab & Widening - Allocate Roads to Recovery Funding to complete guardrail Cudgegong Rd	-25,000	GRT - ROADS TO RECOVERY	25,000	-	0	0
General	Rural Sealed Regional Road Capital - Allocate block grant to BVW Upgrade project as Council contribution	-38,962	RMS CONTRIBUTIONS - BLOCK	38,962	-	0	0
General	Plant Operations Fund - Amend budgeted insurance to be in line with the insurance invoice. Comprehensive vehicle insurance is less than expected invoice received.	-70,000	-	0	PLANT REPLACEMENT RESERVE	70,000	0
General	Ulan Road - Rehabs, Widening And Conforming Reseals - Budget - Allocate to Ulan Rd segment Black Springs Road to Buckaroo Lane	-230,803	RMS CONTRIBUTIONS - BLOCK	230,803	-	0	0
Sewer	Sewer Treatment Works - Gulgong Stp Spillway - Reinstate budget from 20.21 that was delayed due to water level	30,000	-	0	SEWER RESERVE	(30,000)	0
Water	Water Management & Administration - Correct data error in water fund budget	462,648	-	0	-	0	(462,648)
Water	Water Mains - Mayne Street - Increasing project scope Fisher ST to Medley St	370,000	-	0	WATER RESERVE	(370,000)	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
Water	Water Mains - Nicholson St Court To Cox - Project for 21.22	200,000	-	0	WATER RESERVE	(200,000)	0
Water	Water Reservoir Renewals - Prioritised work at various reservoirs	100,000	-	0	WATER RESERVE	(100,000)	0
Water	Water Mains - Byron Place - Required for completion of water main replacement	40,000	-	0	WATER RESERVE	(40,000)	0
Water	Water Mains - Nicholson St Perry Road Crossing - Project for 21.22	25,000	-	0	WATER RESERVE	(25,000)	0
Water	Water Mains - Nicholson St Court St West Road Crossing - Project for 21.22	25,000	-	0	WATER RESERVE	(25,000)	0
Water	Water Mains - Nicholson St Court St East Road Crossing - Project for 21.22	25,000	-	0	WATER RESERVE	(25,000)	0
Water	Water Reservoir - Flirtation Hill Mudgee - Transfer to reservoir renewal project	-100,000	-	0	WATER RESERVE	100,000	0
Water	Water Mains - Capital - Allocate budget only to Mayne St, Nicholson St, Byron Place	-685,000	-	0	WATER RESERVE	685,000	0
<b>Total</b>		<b>1,396,215</b>		<b>(5,442)</b>		<b>456,463</b>	<b>(1,847,236)</b>

**2022/23 VARIATIONS**

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Plant Purchases -Revisions to plant replacement schedule, some vehicles will be held longer due to lower than expected utilisation	264,177	-	0	PLANT REPLACEMENT RESERVE	(264,177)	0
<b>Total</b>		<b>264,177</b>		<b>0</b>		<b>(264,177)</b>	<b>0</b>

**2023/24 VARIATIONS**

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Plant Purchases - Revisions to plant replacement schedule, some vehicles will be held longer due to lower than expected utilisation	76,567	-	0	PLANT REPLACEMENT RESERVE	(76,567)	0
<b>Total</b>		<b>76,567</b>		<b>0</b>		<b>(76,567)</b>	<b>0</b>

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 21 July 2021.

**398 K**

Actual YTD

**196**

Capital Projects

**\$74.27M**

Budget

**\$11.7M**

Commitments

- This budget total includes proposed revotes from 2020/2021 to 2021/22



\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
<b>Looking after our Community</b>						
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	214	11	225	1	1%	2
MUDGEES POUND - SECURITY UPGRADES	20	0	20	0	0%	0
CEMETERY CAPITAL PROGRAM	16	0	16	0	0%	0
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	0	0%	0
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	85	0	85	0	0%	0
PUBLIC TOILETS - GOOLMA	11	0	11	0	0%	0
LIBRARY BOOKS	93	0	93	1	1%	7
STABLES COMPLEX - CAPITAL	41	0	41	0	0%	0
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	30	0	30	0	0%	0
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	80	13	93	0	0%	0
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0
MUDGEES TOWN HALL THEATRE - AIR-CONDITIONING UPGRADE	50	0	50	0	0%	0
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	80	0	80	0	0%	0
KANDOS HALL & LIBRARY - TOILETS	60	0	60	0	0%	0
POOL SHADE PROGRAM	45	0	45	0	0%	0
GULGONG POOL HEATERS	105	0	105	0	0%	0
MUDGEES SHOWGROUNDS - REDEVELOPMENT	250	225	475	1	0%	471
GLEN WILLOW SPORTS GROUND UPGRADES	4,000	1,189	5,189	1	0%	3,038
GLEN WILLOW CARPARK	0	57	57	0	0%	1
MUDGEES SHOWGROUND TREE PLANTING *	20	0	20	0	0%	0
GLEN WILLOW NETBALL AREA BUBBLER *	10	0	10	0	0%	0
GULGONG TENNIS COURTS *	130	0	130	0	0%	0

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0
RYLSTONE & KANDOS DOG PARK	25	0	25	0	0%	0
BILLY DUNN AMENITIES	200	123	323	1	0%	296
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	75	0	75	0	0%	0
MUDGEES SHOWGROUNDS - GRANDSTAND FIT-OUT	250	0	250	0	0%	225
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	70	0	70	0	0%	0
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	0	0%	0
VICTORIA PARK GULGONG - CRICKET WICKET SYNTHETIC REPLACEMENT	8	0	8	0	0%	0
MUDGEES SHOWGROUND EQUIPMENT	47	0	47	0	0%	0
RED HILL - PATHWAY AND LANDSCAPING UPGRADE*	40	0	40	0	0%	0
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0
SCULPTURES ACROSS THE REGION	27	0	27	0	0%	1
PLAYGROUND SHADING PROGRAM	348	88	436	0	0%	113
PITTS LANE - LIGHTING *	0	17	17	0	0%	14
RED HILL CAPITAL WORKS	325	8	333	0	0%	5
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	245	0	245	0	0%	0
MOUFARRIGE PARK FENCE	10	0	10	0	0%	0
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	10	0	10	0	0%	0
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0
LAWSON PARK MUDGEES -IRRIGATION RENEWAL	30	0	30	0	1%	0
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	146	0	146	0	0%	0

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	0
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	25	0	25	0	0%	0
PASSIVE PARK SIGNAGE REPLACEMENT	7	0	7	0	0%	0
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS*	50	0	50	0	0%	0
ART GALLERY FACILITY	1,000	523	1,523	24	2%	176
STREETSCAPE - STREET BINS	12	0	12	0	0%	0
<b>Total</b>	<b>9,156</b>	<b>2,253</b>	<b>11,409</b>	<b>28</b>	<b>0%</b>	<b>4,348</b>

### Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	180	67	247	0	0%	25
MUDGEES WASTE DEPOT UPGRADES	37	0	37	0	0%	0
NEW TIP CELL CONSTRUCTION	100	0	100	0	0%	0
WASTE SITES REHABILITATION	50	0	50	0	0%	0
REMOTE SECURITY CAMERAS AT WTS	53	0	53	0	0%	0
RECYCLING PLANT UPGRADES	193	0	193	0	0%	0
LEACHATE POND ENLARGEMENT	440	0	440	0	0%	0
KANDOS WTS OFFICE REPLACEMENT	80	15	95	2	2%	59
GULGONG WTS OFFICE REPLACEMENT	0	9	9	3	29%	0
MUDGEES LANDFILL WHEEL WASH	0	6	6	0	0%	6
CAUSEWAY IMPROVEMENTS	67	0	67	0	0%	0
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0
KANDOS STORMWATER UPGRADE	350	91	441	31	7%	5
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEES	160	0	160	0	0%	0
DRAINAGE INSTALLATION - NICHOLSON STREET MUDGEES	40	0	40	0	0%	0

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
DRAINAGE IMPROVEMENTS- MAYNE STREET GULGONG	58	0	58	0	0%	0
PUTTA BUCCA WETLANDS TOILET	95	0	95	0	0%	0
PUTTA BUCCA WETLANDS - PATHWAYS AND CAR PARK*	50	0	50	0	0%	0
PUTTA BUCCA WETLANDS INFRASTRUCTURE	613	0	613	0	0%	0
WATER NEW CONNECTIONS	95	0	95	8	8%	0
WATER AUGMENTATION - MUDGEES HEADWORKS	2,273	0	2,273	0	0%	6
WATER RYLSTONE DAM UPGRADE	2,063	0	2,063	0	0%	0
WATER MAINS - CAPITAL BUDGET ONLY	1,080	(685)	395	0	0%	0
WATER MAINS - NICHOLSON ST COURT TO COX	0	200	200	0	0%	0
WATER MAINS - BYRON PLACE	0	40	40	7	17%	9
WATER MAINS - MAYNE STREET	270	370	640	0	0%	0
WATER MAINS - NICHOLSON ST PERRY ROAD CROSSING	0	25	25	0	0%	0
WATER MAINS - NICHOLSON ST COURT ST WEST ROAD CROSSING	0	25	25	0	0%	0
WATER MAINS - NICHOLSON ST COURT ST EAST ROAD CROSSING	0	25	25	0	0%	0
WATER PUMP STATION - CAPITAL RENEWALS	96	0	96	0	0%	0
WATER RESERVOIR - FLIRTATION HILL MUDGEES	100	(100)	0	0	0%	0
RAW WATER SYSTEMS RENEWALS	21	0	21	0	0%	0
WATER RESERVOIR RENEWALS	0	100	100	0	0%	0
WATER TREATMENT PLANT - RENEWALS	150	0	150	0	0%	0
RURAL CUSTOMER FILL STATIONS	0	139	139	6	5%	68
SEWER NEW CONNECTIONS	25	0	25	1	4%	0
SEWER AUGMENTATION - RYLSTONE & KANDOS	500	0	500	0	0%	0
SEWER TELEMTRY	0	17	17	0	0%	13
SEWER MAINS - CAPITAL BUDGET ONLY	900	0	900	0	0%	0

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
SEWER MAINS RELINING	0	126	126	0	0%	99
RISING MAIN ULAN RD TO PUTTA BUCCA	400	0	400	0	0%	0
SEWER PUMP STATION - CAPITAL RENEWALS	75	0	75	0	0%	0
SEWER PUMP STATION - RACECOURSE MUDGEE	125	0	125	0	0%	0
SEWER TREATMENT WORKS - RENEWALS	101	0	101	0	0%	0
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	0	30	30	0	0%	0
MUDGEE STP EMERGENCY WORKS	0	73	73	3	4%	8
<b>Total</b>	<b>10,989</b>	<b>572</b>	<b>11,561</b>	<b>61</b>	<b>1%</b>	<b>296</b>

### Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	500	0	500	1	0%	0
RYLSTONE CARAVAN PARK - CAPITAL	499	16	515	4	1%	5
RIVERSIDE CARAVAN PARK FIRE SERVICES	0	76	76	0	0%	0
MUDGEE VALLEY PARK UPGRADE	100	219	319	2	1%	217
CUDGEGONG WATERS PARK HOUSE	0	250	250	0	0%	0
DIGITAL SIGNAGE	80	0	80	0	0%	0
SALEYARDS - CATTLE CRUSH	17	0	17	0	0%	0
<b>Total</b>	<b>1,196</b>	<b>560</b>	<b>1,756</b>	<b>6</b>	<b>0%</b>	<b>221</b>

### Connecting our Region

URBAN RESEALS - BELMORE ST SEG 10-20,50-90	74	0	74	0	0%	0
URBAN ROADS KERB & GUTTER CAPITAL	27	0	27	0	0%	0
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	335	366	701	42	6%	211
URBAN HEAVY PATCHING	26	0	26	0	2%	2

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
URBAN REHAB - PERCY NOTT*	150	0	150	0	0%	0
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	182	0	182	0	0%	0
URBAN REHAB - CHARBON	128	0	128	0	0%	0
URBAN RESEALS - BOMBIRA	45	0	45	0	0%	0
URBAN RESEALS - CHARBON	65	0	65	0	0%	0
URBAN RESEALS - PUTTA BUCCA	44	0	44	0	0%	0
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	541	299	840	0	0%	0
URBAN RESEALS - SMALL GULGONG RESEALS	34	0	34	0	0%	0
URBAN RESEALS - SNELSONS LANE SEG 10 GULGONG	16	0	16	0	0%	0
URBAN RESEALS - WHITE ST GULGONG SEG 10 20 50-90	31	0	31	0	0%	0
URBAN RESEALS - ANGUS AVE SEG 40-60 KANDOS	70	0	70	0	0%	0
URBAN RESEALS - DUNN ST KANDOS SEG 40 50	7	0	7	0	0%	0
URBAN RESEALS - BANJO PATERSON AVE MUDGEE SEG 10-40	28	0	28	0	0%	0
URBAN RESEALS - LAWSON ST MUDGEE SEG 30-90	67	0	67	0	0%	0
URBAN RESEALS - MACQUARIE DR MUDGEE SEG 30	24	0	24	0	0%	0
URBAN RESEALS - MEARES ST MUDGEE SEG 10	47	0	47	0	0%	0
URBAN RESEALS - NICHOLSON ST MUDGEE SEG 10-30	58	0	58	0	0%	0
URBAN RESEALS - ROBERTSON ST MUDGEE SEG 10	16	0	16	0	0%	0
URBAN RESEALS - WENTWORTH AVE MUDGEE 10-20	13	0	13	0	0%	0
URBAN RESEALS - SOUTH MUDGEE	53	0	53	0	0%	0
URBAN RESEALS - MEROO CRESCENT MUDGEE SEG 10	5	0	5	0	0%	0
URBAN RESEALS - RYLSTONE	32	0	32	0	0%	0
RESHEETING - URBAN ROADS	16	0	16	0	0%	1
ROAD SAFETY IMPROVEMENTS - MUDGEE SCHOOLS	60	0	60	0	0%	0
URBAN ROADS LAND MATTERS CAPITAL	24	0	24	0	0%	0

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
GUTTERING BYLONG VALLEY WAY KANDOS	50	0	50	0	0%	0
RURAL SEALED ROADS RESEALS BUDGET ONLY	12	0	12	0	0%	0
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	552	(25)	527	0	0%	0
RURAL REHAB - CUDGEGONG RD	0	30	30	1	4%	0
RURAL REHAB - BARNEYS REEF RD	0	124	124	26	21%	52
HEAVY PATCHING	48	0	48	4	8%	5
RURAL REHAB - LUE ROAD MONIVAE SEG 100	469	0	469	0	0%	0
RURAL RESEAL - CRUDINE RD SEG 40, 80 & 160	139	0	139	0	0%	0
RURAL RESEAL - BUCKAROO	89	0	89	0	0%	0
RURAL RESEAL - WINDEYER ROAD GRATTAI SEG 10	34	0	34	0	0%	0
RURAL RESEAL - HARGRAVES	120	0	120	0	0%	0
RURAL RESEAL - LUE ROAD LUE SEG 152-165	110	0	110	0	0%	0
RURAL RESEAL - PYRAMUL RD PYRAMUL SEG 140-190	140	0	140	0	0%	0
RURAL RESEAL - MOGO RD WOLLAR SEG 10 40	30	0	30	0	0%	0
RURAL RESEAL - BURRENDONG DAM RD YARRABIN SEG 10	30	0	30	0	0%	0
RURAL RESEAL - RYLSTONE	99	0	99	0	0%	0
RURAL RESEAL - BLACK SPRINGS ROAD SEG 10 20 60 110 120 150	163	0	163	0	0%	0
RURAL RESEAL - BUDGEE BUDGEE	117	0	117	0	0%	0
RURAL RESEAL - ST FILLIANS	145	0	145	0	0%	0
RURAL RESEAL - ABATTOIRS RD MENAH SEG 10 20	67	0	67	0	0%	0
RURAL RESEAL - LOWER PIAMONG RD MENAH SEG 10-30	125	0	125	0	0%	0
RURAL SEALED ROAD LAND MATTERS	16	0	16	0	0%	0
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	220	(39)	181	1	0%	0
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	800	0	800	0	0%	0
MUNGHORN GAP REALIGNMENT & UPGRADE	2,380	0	2,380	0	0%	49

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
HILL END ROAD SAFETY IMPROVEMENTS	2,564	12	2,575	8	0%	12
BVW UPGRADE RNSW 2080	1,260	156	1,416	40	3%	71
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	9	0	9	0	0%	3
SEAL EXTENSION - LOWER PIAMBONG RD	578	0	578	0	0%	0
SEAL EXTENSION - AARONS PASS RD	1,548	199	1,747	1	0%	0
SEAL EXTENSION - QUEENS PINCH RD	2,300	59	2,359	0	0%	0
SEAL EXTENSION - COXS CREEK RD	1,360	0	1,360	0	0%	0
SEAL EXTENSION - MEBUL RD	0	724	724	70	10%	236
SEAL EXTENSION - COX STREET LUE	50	0	50	0	0%	0
SEAL EXTENSION - BOTOBOLAR RD	1,122	0	1,122	0	0%	0
RESHEETING	2,025	0	2,025	16	1%	0
UNSEALED ROADS LAND MATTERS CAPITAL	21	0	21	0	0%	0
GOODIMAN CREEK BRIDGE REPLACEMENT	1,150	0	1,150	1	0%	21
DIXONS LONG POINT CROSSING	7,663	0	7,663	0	0%	92
GOULBURN RIVER BRIDGE ULAN ROAD	1,000	156	1,156	10	1%	1,105
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	231	(231)	0	2	0%	0
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	0	402	402	29	7%	38
FOOTWAYS - CAPITAL WORKS	138	0	138	0	0%	0
PEDESTRIAN - PUTTA BUCCA WALKWAY	0	28	28	0	0%	27
PUTTA BUCCA ECO TRAIL	0	134	134	0	0%	131
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	200	170	370	23	6%	87
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	0	56	56	0	0%	0
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	0	87	87	0	0%	0
FOOTPATH - LIONS DRIVE	0	15	15	0	0%	30



\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
BUGGY PATH LIGHTING	0	2	2	0	0%	0
AIRPORT HANGER AND STUDIO	250	0	250	0	0%	0
CARPARK - MUDGEE COMMON	50	0	50	0	0%	0
CARPARK - GULGONG POOL	30	0	30	0	0%	0
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	0	72	72	0	0%	0
<b>Total</b>	<b>31,719</b>	<b>2,795</b>	<b>34,514</b>	<b>272</b>	<b>1%</b>	<b>2,171</b>

### Good Government

MUDGEE ADMINISTRATION BUILDING UPGRADE	0	7	7	0	0%	4
BUILDINGS MASTER KEY SYSTEM	150	0	150	0	0%	0
CONCEPT PLANS FOR MAIN ADMIN BUILDING	761	14	775	0	0%	119
IT SPECIAL PROJECTS	32	0	32	0	0%	0
IT - NETWORK UPGRADES	90	15	105	0	0%	15
IT CORPORATE SOFTWARE	102	50	152	19	12%	0
IT - DATACENTRE STORAGE ARRAY	150	0	150	0	0%	0
PLANT PURCHASES	7,089	1,874	8,963	11	0%	4,113
SOLAR FARM INITIATIVE	400	327	727	0	0%	507
WORKSHOP CONCRETE WORKS	0	18	18	0	0%	0
SOLAR FARM INITIATIVE - STAGE 3	3,953	0	3,953	0	0%	0
<b>Total</b>	<b>12,727</b>	<b>2,306</b>	<b>15,033</b>	<b>30</b>	<b>0%</b>	<b>4,758</b>

### Total Capital Works Program

**65,787      8,486      74,273      398      1%      11,795**

## 9.6 Draft Financial Statements 2020/21

REPORT BY THE MANAGER FINANCE  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400087, FIN300136

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Finance on the Draft Financial Statements 2020/21;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021:
  - 2.1 have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
  - 2.2 present fairly the Council's financial position and operating result for the year;
  - 2.3 accord with the Council's accounting and other records; and
  - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (CFO) to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2020/21 and Special Purpose Financial Report 2020/21;
4. authorise the General Manager to issue the 2020/21 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and
5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2020/21 are to be presented to the public.

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### Executive summary

Council is required to prepare financial reports for each year and refer them to audit as soon as practicable. Council is required to endorse the draft financial reports for referral to audit. The audit of the 2020/21 financial reports is scheduled for 27 August 2021.

### Disclosure of Interest

Nil

## Detailed report

The attached draft financial reports have been prepared in accordance with the legislated requirements included in this report.

The attached draft financial statements are not available to the public until after Council's auditor has provided an independent audit report. It is recommended that Council authorise the General Manager to issue the financial reports immediately upon receipt of the auditors' report, subject to there being no material audit changes or audit issues.

It is recommended that Council authorise the General Manager to finalise the date at which the auditors' report and financial statements are to be presented to the public. It is anticipated that this presentation will occur at the Council meeting of 3 November 2021.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Not applicable.

### **Legislation**

Section 413 of the Local Government Act 1993 requires that:

1. A council must prepare financial reports for each year, and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1)) after the end of that year.
2. Council's financial reports must include the following:
  - a) a general purpose financial report, and
  - b) any other matters prescribed by the regulations, and
  - c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. The general purpose financial report must be prepared in accordance with this Act and the regulations and the requirements of:
  - a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations, and
  - b) such other standards as may be prescribed by the regulations

Section 416 of the Local Government Act 1993 requires that:

1. A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.

Council's financial reports must be prepared in accordance with the requirements of:

- a) the Australian Accounting Standards and professional pronouncements; and
- b) the Local Government Code of Accounting Practice and Financial Reporting; and
- c) the Local Government Act 1993 and the Regulations.

Section 215(1) of the Local Government (General) Regulation 2005 requires that the statement by Council as to its opinion on the financial reports must be made by resolution of the Council and be signed by the Mayor, at least one other member of Council, the General Manager and the Responsible Accounting Officer. The statement must indicate:

- a) whether or not Council's annual financial reports have been drawn up in accordance with the required Standards and Regulations;
- b) whether or not those reports present fairly Council's financial position and operating result for the year;
- c) whether or not those reports accord with the Council's accounting and other records;
- d) whether or not the signatories know of anything that would make those reports false or misleading in any way; and
- e) include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.

## Financial implications

The cost of preparing and auditing the Financial Statements is already included in the Operational Plan; no budgetary changes are anticipated at this stage.

## Associated Risks

There is a risk of material misstatement in the Financial Reports, which is mitigated by the following:

- Completion by qualified professionals;
- Fraud controls;
- Financial compliance procedures; and
- External audit.

Should a material change be required before the audit report is issued, the Financial Statements will be required to come back to Council for confirmation.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

21 July 2021

*Attachments:*

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.7 Quarterly Budget Review June 2021

REPORT BY THE MANAGER FINANCE  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400087, FIN300240

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Finance on the Quarterly Budget Review June 2021; and**
2. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

---

### Executive summary

This is the final budget review for the 2020/21 Operational Plan. The attachment to this report provides commentary on the unaudited financial position and performance against budget, as at 30 June 2021.

### Disclosure of Interest

Nil

### Detailed report

Whilst the Local Government Regulation 2005 does not require a budget review statement for the June quarter it is managements' determination that a review of the 2020/21 actual performance to approved budget is provided to Council. As the 2020/21 financial statements are currently in draft format the review has been performed against the unaudited balances. Some sections of the midyear Quarterly Budget Review Statement such as Income Statement, Balance Sheet and Key Financial Indicators have been removed as final reporting will be provided in the audited financial statements.

Once audited financial statements are presented to Council, the actual variances to the original budgets can be found on the Income Statement and the Statement of Cash Flows. The Material budget variations note also provides commentary on material variations.

### Community Plan implications

Theme	Good Governance
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Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks association with all Council activities
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## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Not applicable.

### **Legislation**

The Local Government (General) Regulation 2005 section 203(2) requires a budget review statement must include or be accompanied by:

- (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regards to the original estimate of income and expenditure, and
- (b) if that position is unsatisfactory, recommendations for remedial action.

## Financial implications

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*It is my opinion as the Responsible Accounting Officer, that the financial position of Mid-Western Regional Council as at 30 June 2021 is satisfactory, having regard to the original estimates of income and expenditure, and actuals, for the 2021/22 financial year.*

## Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

22 July 2021

*Attachments:*

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 10: Operations

---

### 10.1 Spring Flat Road Seal Extension

REPORT BY THE MANAGER WORKS  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, R0110001

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Works on the Spring Flat Road Seal Extension;**
2. **approve the sealing of 1,100m of Spring Flat Road with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and**
3. **amend the 2020/21 Operational Plan to include the sealing of Spring Flat Road for \$250,000, funded from \$45,000 (ex gst) contribution from the applicant, and an additional \$205,000 from the Seal Extension Program Reserve.**

#### Executive summary

As part of DA0204/2021 the developer is required to upgrade and seal Spring Flat Road for 1100m to the entrance of the property. Council have received a letter requesting Council to carry out the works with a contribution from the developer of \$45,000. The total cost of the seal extension is budgeted at \$250,000. The contribution is consistent with the Council Policy Bitumen Sealing of Council Roads where the applicant pays a contribution equivalent to the cost of the seal and Council completes the construction works. The purpose of this report is for Council to endorse the private works arrangement and allocate a budget for the works.

#### Disclosure of Interest

Nil

#### Detailed report

Council has approved DA0204/2021 for a Function Centre on Spring Flat Road. The property is approximately 110m from the end of the existing seal. The development requires the road to be upgraded prior to Occupation Certificate. The upgrade has been discussed with Council staff and a request received from the owners for Council to seal the section of road, with a contribution of \$45,000 from the owner.

Council staff have inspected the road and prepared a cost estimate for constructing the road to a 7-8m pavement width and a 6.2m seal including some minor tree pruning with no proposed upgrades to existing causeways. It should be noted that one of the causeways is 5.4m wide so

while narrow does allow 2 cars to pass, while the other is single lane being 3.6m wide. The total cost of the project is estimated to be \$250,000.

Council's Bitumen Sealing of Gravel Roads Policy makes provision for residents to apply to Council for consideration to seal sections of gravel road. The cost of the sealing is borne by the applicant while Council prepares the base ready for seal.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

## Strategic implications

### Council Strategies

Roads Asset Management Plan

### Council Policies

Council Policy Bitumen Sealing

### Legislation

Roads Act

## Financial implications

The cost to undertake the capital upgrade is \$250,000. This involves a cost of \$205,000 to Council for preparation of base, and a cost to the applicant of \$45,000 for the initial two coat bitumen seal. It is recommended that Council's required \$205,000 be funded from Seal Extension Program Reserve.

The cost to Council is generally greater for a sealed road than an unsealed road. The capital costs will increase overall, however as grading will no longer be necessary, the operating costs will decrease and improve the operating ratios in future years.

Sealing works will increase the cost of capital renewal, negatively impacting the Building & Infrastructure Renewal Ratio for future years, however will positively impact the Operating Performance Ratio in future years due to a reduced operational cost (grading).

<b>Budget Year</b>	<b>Operating Performance Ratio</b>	<b>Own Source Revenue</b>	<b>Building &amp; Infrastructure Renewal</b>
<b>2019/20</b>	<b>✗</b>	<b>✓</b>	<b>-</b>
<b>Future Years</b>	<b>✓</b>	<b>-</b>	<b>✗</b>

## Associated Risks

Nil



ANDREW KEARINS  
MANAGER WORKS

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

21 July 2021

*Attachments:* 1. Request for Spring Flat Road Seal Extension.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Sam Reece  
345 Spring Flat Road  
Spring Flat  
Mudgee  
NSW  
2850  
[samueljreece@gmail.com](mailto:samueljreece@gmail.com)  
+61 449 769 589  
8 July, 2021

FAO Brad Cam  
GM Mid-Western Regional Council  
86 Market Street  
Mudgee  
2850

Dear Councillors, Brad Cam and Julie Robertson,

**RE: Private Works Agreement with voluntary contribution request**

**Approved DA: 0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat.**

Thank you for all of your advice and support during our application process to date.

As detailed in the DA (point 41), prior to an Occupation Certificate being issued, Spring Flat Road is to be upgraded, from the end of the existing road seal, to the front gate of the subject site (approximately 1100m).

We would like to enter into a Private Works Agreement with the council, to carry out the required work. As discussed following the meeting with Brad Cam, Julie Robertson and Luke Morris (Barnsons) on May 26, 2021 we are willing to commit a maximum voluntary contribution of \$45K.

With regards to the work required, we are working towards all earthworks, carpark, slab/foundation etc detailed in the DA being complete by November 2021. We request that the council work to seal the road, is complete by the end of this calendar year (2021) and seek assurances from council that if the road is not complete by the end of this calendar year then we will be allowed to host events, beginning from January 1, 2022.

If you would like to arrange a time to discuss the PWA agreement then please do let us know,

Kind Regards,

A handwritten signature in black ink, appearing to read 'S. Reece', written over a horizontal line.

Sam Reece

## 10.2 Construction of Entrances to Wilpinjong Mine

REPORT BY THE MANAGER WORKS  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, ROA100367

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Works on the Construction of Entrances to Wilpinjong Mine;**
2. **amend the 2021/22 Operational Plan to include a budget for the construction of entrances to Wilpinjong Mine of \$535,500 funded by contributions from Peabody Energy;**
3. **grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 20% of the original contract sum; and**
4. **authorise the General Manager to negotiate final terms and sign all necessary contractual documentation to formally accept the funds from Peabody Energy.**

### Executive summary

Council has been requested by Wilpinjong Mine (Peabody Energy) to construct 2 entrances to the mine off Ulan-Wollar Rd that have been approved as part of their development consent. This work is proposed to be undertaken by Council as a Private Works arrangement where full costs are paid by Wilpinjong.

### Disclosure of Interest

Nil

### Detailed report

Peabody Energy requested Council quote the works based on design drawings supplied by Peabody. One entrance is existing, the other is a new entrance. Both entrances are designed to current standards and incorporate what is known as the Basic Right (BAR) treatment and include a widened sealed shoulder. Council staff have provided a cost and program schedule for the works that is acceptable to Peabody. The cost of the works is estimated at \$535,500. This construction project will be completed prior to the end of this calendar year subject to any delays.

Council will enter into a contractual agreement with Peabody Energy for the project.

### Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

## Strategic implications

### Council Strategies

Roads Asset Management Plan

### Council Policies

Private Works Policy -this project is considered as private works, however the conditions within the Private Works Policy are not suitable for the size and nature of this project. It is proposed to enter into a contractual arrangement that specify project specific conditions including payment terms that are acceptable to both parties.

### Legislation

Roads Act

## Financial implications

Staff have allowed for overheads and some profit in the quoted price. The budget allocation is for an amount of expenditure with matched income, so there is no impact to Operating Performance Ratio at this stage.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	✓	-
Future Years	-	-	-

## Associated Risks

Staff will manage the construction risks such as program and cost.

ANDREW KEARINS  
MANAGER WORKS

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

21 July 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 10.3 Construction of Sewer Line Across Drainage Reserves

REPORT BY THE DEVELOPMENT ENGINEER COORDINATOR  
 TO 04 AUGUST 2021 ORDINARY MEETING  
 GOV400088, GOV

### RECOMMENDATION

#### That Council:

1. **receive the report by the Development Engineer Coordinator and Manager Property and Revenue on the Construction of Sewer Line Across Drainage Reserves;**
2. **advise the applicant that a new linen plan needs to be prepared for the proposed sewerage line that removes Council from the schedule of easements in relation to Lot 8 DP122177 and Lot 35 DP 1199766; and**
3. **authorise the General Manager to enter into an access agreement or licence with the applicant if the need arises for construction of the sewer lines prior to finalizing the amended linen for registration.**

### Executive summary

The purpose of this report is for Council to endorse the instruction to the applicant to alter the linen plan in relation to DA0191/2015 to remove the reference to Council from the schedule of easements for the Council owned drainage reserves being Lot 35 DP 1199766 and Lot 8 DP 1221711 (the Reserves).

### Disclosure of Interest

Nil

### Detailed report

A development application was lodged for a subdivision at 196 Robertson Street Mudgee, DA 0191/2015.

The subdivision requires the creation of a series of easements to enable the construction of a sewerage line for the estate from Bruce Road to Sawyers Place. The schedule of easements as submitted with the linen plan is:

Number of Item shown on The intention panel on the plan	Identity of easement ,profit a Prendre, restriction or positive Covenant to be created an Referred to in the plan	Burdened lot(s) Or parcels(s)	Benefited lot(s),roads Bodies or Prescribes Authorities.
1	Easement to Drain Sewage 3 Wide	1/1000497 2/1000497 3/1204702 8/1221711 & 35/1179766	Mid-Western Regional Council

The easement is to run through land in 3 different ownerships apart from Council's Reserves.

The Reserves are drainage reserves vested in Council. Lot 35 DP 1199766 is classified as *Operational Land* and Lot 8 DP 1221711 is classified as *Community Land*.

The Reserves have been included in the schedule for the creation of an easement by the consultants for the developer. This is the result of Council conditioning that the applicant acquire an easement from the property owners concerned.

In this case it is not necessary to create an easement over Council's land. Council is able to rely on section s51 of the Local Government Act 1993 (the Act) which states that a Council can use a drainage reserve for any purpose that is not inconsistent with use for drainage purposes subject to the Environmental Planning and Assessment Act and any planning instrument applying to the land.

There is no clause in the Act or in Council's LEP to the contrary.

Consequently, it will be necessary for the applicant to have the Deposited Plan linen redrafted removing the notation referring the need to create an easement over the Reserve areas.

Whilst this adjustment is being made it may be necessary for the applicant to enter into an access agreement or license agreement to construct the sewer line in the interim.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Not Applicable

### Legislation

Local Government Act 1993

Conveyancing Act 1919 (NSW)

Environmental Planning and Assessment Act

## Financial implications

Nil

## Associated Risks

Nil

DON COTTEE  
DEVELOPMENT ENGINEER COORDINATOR

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

27 July 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 11: Community

---

### 11.1 70 Court Street Mudgee - operation of a community education facility

REPORT BY THE DIRECTOR COMMUNITY  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, P1122711

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the 70 Court Street Mudgee - operation of a community education facility;**
2. **endorse in principle the submission by Mudgee Arts Council Incorporated to assist Council in operating the community education facility at 70 Court Street Mudgee;**
3. **authorise the General Manager to finalise negotiations and establish a Memorandum of Understanding with Mudgee Arts Council Incorporated for the joint operation of the community education facility at 70 Court Street Mudgee; and**
4. **note that a different site will be considered for Council to provide the agreed assistance to Housing Plus for emergency accommodation support.**

#### Executive summary

This report seeks to provide information on the Request for Interest process undertaken to consider the operation of 70 Court Street as a community education facility. One response was received by Mudgee Arts Council Inc and it is deemed that this submission forms the basis for a successful relationship for the ongoing operation of the facility.

#### Disclosure of Interest

Nil

#### Detailed report

The former TAFE site at 70 Court Street Mudgee was purchased by Council with ownership changing hands in April 2021. At the April Council meeting it was resolved that Council seek expressions of interest from appropriate local community groups to coordinate the facility for community use.



One expression of interest was received from Mudgee Arts Council Incorporated. It is noted that this submission was supported by letters from Mudgee District U3A, Mudgee Performing Arts Society and the Mudgee Concert Band.

The submission proposes to use the site in line with Council's intent as a community facility for education and to support other creative pursuits such as the performing arts and music.

An annual fee of \$3,500 is proposed as a rental payment to Council. Alongside this, Mudgee Arts will also coordinate the regular cleaning and maintenance of the building and the grounds. They will also coordinate the use and booking of the facility by other not-for-profit groups. Council will remain responsible for the overall site and any major building considerations.

Council is also considering its own use of the site and there is the possibility of complimentary services being provided to university students on the site. As such, while the proposal is generally acceptable, it is recommended that negotiations with Mudgee Arts be finalised and a Memorandum of Understanding signed by both parties.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
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**

Not Applicable

## Financial implications

By entering into an agreement for Mudgee Arts Council Inc to assist in the operation of the 70 Court Street facility, Council will keep ongoing maintenance and operational costs to a minimum, as per the current operational plan.

## Associated Risks

70 Court Street is a substantial asset with a great deal of potential. Is it vital that Council retains a level of oversight over the site to ensure that it can be well used by the community and develops further as an important education and cultural resource for the community. A Memorandum of Understanding will be developed that allows Council to retain an overall strategic consideration for the site and potentially use part of the site for its own education purposes while ensuring that the responsibilities of Council and the Mudgee Arts Council are clear.

SIMON JONES  
DIRECTOR COMMUNITY

19 July 2021

*Attachments:* 1. CONFIDENTIAL - RFI 70 COURT ST MUDGEES.pdf. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.2 Mudgee Indoor Pool Update

REPORT BY THE MANAGER - RECREATION SERVICES  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, FO640002

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager - Recreation Services on the Mudgee Indoor Pool Update;**
2. **note the comments in the project progress report on the indoor pool development;**
3. **resolve to approve the design options one and three to progress into business case development as summarised in the body of this report:**
  - a) **option 1 - new indoor 8 lane 25 metre pool and leisure play area. Retain existing outdoor facilities, with the exception of the outdoor toddler pool;**
  - b) **option 3 - new indoor 50 metre pool and leisure play area. Retain existing outdoor water park only and decommission existing outdoor pools to accomodate new pools; and**
4. **resolve to approve multi-function facilities such as gym and fitness room to be considered as options in the business case development.**

### Executive summary

This purpose of this report is to provide Council with a summary of the varied actions completed to date regarding the proposed development of an Indoor Pool in Mudgee. It endeavors to provide Council with additional information to assist in guiding the scale and configuration of the project.

Features of this report include summaries of:

- Indoor Pool feasibility study and emerging industry trends
- Condition reporting on existing Mudgee pool
- Site identification and early planning
- Preliminary project brief
- Business case and concept design

The report concludes with a recommendation to proceed with the next phase of the project, being endorsing the business case to proceed with the preferred option one and three concept to allow further detailed concept design and financial analysis.

### Disclosure of Interest

Nil

## Detailed report

The development of a regional indoor Aquatic and Leisure Centre in the Mid-Western Region presents an opportunity for Council to significantly boost the quality and accessibility of public aquatic and recreational health facilities in the community. The below summary attempts to provide Council with an update on the developments for a regional indoor swimming complex.

### **Indoor Pool feasibility study**

In 2019, Council commissioned a feasibility study to investigate the financial and social implications of building and operating an indoor pool facility in Mudgee. It was also to identify current industry trends and provide potential design options for such facility. The feasibility study was placed on public exhibition to obtain public feedback from the community. The feedback indicated strong support for such facility development however highlighted that further investigation was required into the preferred site location and indoor pool design concept in particular facility inclusions.

Given the importance and significant investment required, it was resolved that in the best interest of the community that a longer term view was required to meet the needs of the community for decades to come. Further investigation into the site location and design principles were to be assessed.

### **Mudgee Pool Condition Report**

Council have been proactive in engaging a suitably qualified consultant to undertake a general condition assessment of the site. The purpose of the report was to identify any possible major defects that may impact the performance and asset life of the facility. The inspection was completed in May 2021 by GHD Pty Ltd outside the pool season to assist the assessment scope and limitations.

It is important to note that the report should not be viewed as an all-encompassing reporting dealing with issues to the facilities entirety. Rather it should be seen as a reasonable attempt to identify any significant defects visible at the time of inspection and general description of issues and remediation/recommendation proposals.

Based on the risk assessment and observations, the report surmises the following recommendations:

- All pools are in reasonable condition for their age and appeared to be reasonably watertight with no significant losses to report
- Given that the typical design life for a pool complex is 50 years and the Mudgee swimming pool was constructed in the 1960's, an estimated 10-year remaining life can be calculated when assessed against current overall condition rating
- It was stated that with periodic maintenance and repairs to any identified 'high' risk maintenance items the remaining life can be significantly extended past the estimated period calculated from the relevant predictive decay curves (as highlighted in the report)
- Items identified as Extreme or High should be as Priority items, and items identified as Moderate should be considered as part of maintenance activities

Council staff will consider the assets management strategies and options available to Council, including medium and long term works that should be undertaken in-line with the report findings.

### **Site Visits**

In early 2021 Council staff conducted site visits across Central West and Southern NSW with over 7 site visits being conducted. Sites were selected on relevancy to similar desired project scale, contemporary redevelopment site design and construction methodology.

A considerable amount of information was gathered from the visits to which included:

- benchmarking current regional facilities and gaining perspective on project scale
- potential facility inclusions and assessment on effective universal design principles
- methodology applied and lessons learnt from the various Aquatic Centre builds
- considerations to be given with any on-going operating costs associated with a redeveloped or expanded site

The site visit initiative included a Centre that is currently in the construction phase of a redevelopment of a similar scale to that desired for the Mid-Western Region.

**Preliminary Project Brief**

Supplement investigation completed by Council staff into the existing operational constraints, asset condition assessment and target user groups have contributed to the following preliminary project brief recommendations.

**Key Markets**

The following key markets and associated design principle are recommended for the indoor pool development:

<b>Key Market</b>	<b>Design Principle</b>
Recreation Users	Destination that provides all-year around swimming and water fun for all community members and varying types of swimming ability  Community activity hub that offers an array of target health, recreation and sporting programs, support services and casual leisure opportunities to all sectors of the community  Interactive aquatic playgrounds or active water spaces with splash pads, built in zero depths and fountains or splash buckets
Health, Fitness and Wellbeing	Exercising in water opportunities, including exercise and therapy activities  Increase the usability of program space and lane availability  Commitment to universal design and access for all principles  Ability to facilitate health and well-being programs for the community through diverse affordable programs, social interaction and developing civic pride
Aquatic Education	Learn to swim classes, squad swimming, school carnivals and teaching/water education program opportunities
Sports	Opportunity for increased swim and triathlon club participation and other aquatic sports
Public Safety	Addressing ageing assets on existing site

	Promoting awareness of water safety issues
--	--

**Site identification**

Following extensive site investigation carried out by Council staff and recent consultation with Council, Council in principal supported the notion of an indoor Aquatic Centre on the existing Mudgee pool site and sections of the adjacent Lawson Park.

The major benefits being the central location, maintaining access to existing outdoor pool facilities such as the waterpark, catering for greater pool activities during peak periods and minimal impacts to facility access during the construction phase of an indoor complex.

Operating costs for an expanded site will need to be carefully considered and monitored as well any transition into the adjacent open space facilities of Lawson Park. This includes any environmental and site drainage factors.

In the early stages of planning it is envisaged that any new development would primarily be within the existing footprint or slightly directed towards either the west side or the eastern side in Lawson park.

**Concept Design**

A review of the feasibility study, design principles and site identification have directed Council to the following configuration options:

Option	Features
One	New indoor 8 lane 25 meter pool, program pool and leisure play area  Retain existing outdoor facilities, with the exception of outdoor toddler pool
Two	Retain and enclose existing outdoor pool facilities
Three	New indoor 50 meter pool, program and leisure play area  Retain existing outdoor water park only  Decommission existing outdoor pools and diviing boards to accomadate new pools

From a Council management perspective, all options are practicable in achieving year-round access to aquatic facilities for residents of Mid-Western. They also meet community needs in particular for young families, elderly residents and regular lap swimmers. It would also significantly enhance community capacity and civic pride in the Mid-Western region.

There is merit however in suggesting that given the ageing asset of the outdoor pool, financial stability considerations and ensuring future demands can be met that option three be the most preferred. Outdoor leisure would be available in option three through the existing water park and greenspace.

It is envisaged that the provision of an indoor 50 meter complex would see the annual operating deficit potentially double to that of an indoor 25m pool. This is a direct result of more supervision, energy costs for heating water and air and building structure. The indoor 50m pool however would

be able to cater for more users and meet pool availability needs during peak periods. In the instance of accommodating an indoor 25 meter pool in addition to a seasonal outdoor 50 meter pool the operating costs again would be significantly higher than that of any indoor pool only option.

Council may also decide to invest further developments in responding to contemporary and industry trends of modern aquatic and leisure centers by providing additional 'dry' facilities such as a gym and fitness room. These options may exist through a staged development process and would greatly enhance the health and wellbeing opportunities available at the complex.

In summary, at this point in planning phase the recommendation to Council on concept design objectives are as follows:

- utilising the existing site at Lawson Park Mudgee
- retain the existing water splash park and possibly outdoor 50m pool
- new minimum 8 lane x 25 meter or 50 meter heated indoor pool with disability ramps and suitable for short course swimming competition
- new indoor multi-purpose heated program pool with provisions for accessibility ramp, learn to swim programs, exercise and therapy activities
- new indoor leisure water play park that replaces the current outdoor toddler pool
- kiosk facilities that services both the swimming pool complex and adjacent Lawson park users
- internal seating and viewing areas to cater for regular activities, swimming carnivals and events
- multi-function room to service as a hired community space, staff training room and event purposes
- enhanced accessible and family change room
- administration offices and adequate storage solutions

Other considerations recommended to explore in the design of an indoor complex include:

- multi-functional facilities that would be able to offer additional health and wellbeing benefits (e.g gym and 'dry' area fitness rooms) whilst also being suitable to increase facility attendance
- improved entry-exit and parking allocations to the facility, ensuring that expected facility use is appropriately catered
- heritage and amenity aspects for existing pool infrastructure and adjacent Lawson park

### **Business Case and Concept Design**

Given the significant capital investment involved in a project of this scale, Council endorsed the development of a business case to assist in attracting funding to the project in the 2021/22 Operational Plan. The business case ensures that Council meet the requirements of the Office of Local Government capital review guidelines.

The business case is to be supported with design concepts that demonstrate Council's design strategy. The concept shall display items such as the proposed building envelope, strategy of pool configuration and associated rooms, and financial analysis of the facility.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
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**

Delivery and Operational Plan  
Recreation Strategy

### **Council Policies**

Not Applicable

### **Legislation**

Not applicable.

## Financial implications

This resolution does not commit Council to any new expenditure. Council committed funding towards the preparation of the indoor pool business case in the 2021/22 Operational Plan. If Council wishes to deliver the supporting actions identified within the business case, it will need to allocate appropriate resources and budget at the appropriate stage and time to progress to a construction phase.

PETER RAINES  
MANAGER - RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

22 July 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 11.3 Community Services Quarterly Update - April to June 2021

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, 30000

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Community Services Quarterly Update - April to June 2021;**
2. **note the recent services provided and activities coordinated by Council's Community Services Department; and**
3. **place the amendment to the Community Transport fee on public exhibition for 28 days and, if no submissions are made, endorse the amended fee of \$5.00 for Zone 1 Single fee for community transport.**

### Executive summary

This report aims to familiarise Council with services and activities provided by its Community Services Department and to inform it of issues and events of note that arose during the period April to June 2021 (inclusive). The report also seeks to reinstate the Zone 1 single fee (FC0226) for Mudgee Community Transport which was inadvertently reduced by 10 cents during the 2021/2022 fees and charges review.

### Disclosure of Interest

Nil

### Detailed report

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

- Survey responses from Mudgee Community Transport clients highlight the importance and quality of the service for the community;
- The Mid-Western Regional Family Day Care Scheme continues to seek out new Educators to assist in addressing the increasing waitlist for Family Day Care early childhood education and care in the community. The Scheme is also waiting on the outcome for two funding applications lodged with the Federal Government's Community Child Care Fund Sustainability Support program.

Staff note the Zone 1 single fee for community transport (FC0226) was initially included in the exhibited version of Council's schedules of fees and charges 2021/22, and due to an administrative error (rounding) it was exhibited as 10 cents lower than intended. Rectification is being sought by placing the amendment on public exhibition for 28 days and reinstating the intended charge of \$5.00 if no submissions are received.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

## Strategic implications

### Council Strategies

Not Applicable.

### Council Policies

Not Applicable.

### Legislation

The *Local Government Act* 1993 requires any change to a fee or charge after the commencement of an operational plan to go on public exhibition for at least 28 days prior to commencement.

## Financial implications

Zone 1 Single fees for Mudgee Community Transport are the most common fare types over any one year. If the intended fee of \$5.00 is not reinstated, there would be a reduction in anticipated client contributions which are now utilised for the purchase of replacement vehicles for the service.

## Associated Risks

Negligible.

FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

8 July 2021

*Attachments:* 1. Community Services - Quarterly Report - April to June 2021.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## COMMUNITY DEVELOPMENT

### Meetings

Since March this year combined meetings (face to face and on line) for the Mudgee and Gulgong Interagency group have been held on a monthly basis.

The April Interagency meeting was attended by a large number of agencies from Mudgee as well as outreach services. The guest speakers for that meeting were Ken Lam and Karen Golland from Legal Aid NSW discussing Work and Development Orders.

The guest speaker for the May Interagency meeting was Anna Robards (Wellbeing Health In-reach Nurse (WHIN) Coordinator – in the Mudgee/Gulgong area). The purpose of Anna's role is to work in collaboration with school staff to facilitate and assist students and families in accessing the health and wellbeing services they may need to support them through their school journey.

Julie Anne Vass from Western NSW Community Legal Centre Inc was the guest speaker for the June Interagency meeting.

Local issues discussed during this quarter affecting the community services sector, and the most significant concern amongst members include the absence of mental health services and the shortage of professionals in the area including, counsellors, psychologists, psychiatrists and allied health.

Kandos and Rylstone Interagency meetings have continued via the TEAMS online platform. Issues and events discussed are the continuing post bush fire programs supporting local communities, COVID 19 impacts and continuing roll out of various NGO programs. Like Mudgee, Kandos High School now has a Wellbeing staff member; facilitating and assisting students and their families to access health and wellbeing services.

The Rylstone Family Fun Day is being arranged for the 28 September. This year's theme is 'Connect with Nature' and activities will focus on the many beautiful outdoor places and activities available to young families in the region.

Meetings also continued online and face to face for the Mudgee Child and Family Network which is a network to supply and share information on services, provide a voice for implementing programs, regarding targeted early intervention initiatives. The meetings for the quarter have been attended by representatives from Council, Mudgee Preschool, Mission Australia (NDIS), local childcare centres, and Mudgee Community Health.

### Targeted Early Intervention activities

The Kandos-Rylstone Community Singing Group has continued to be popular although the colder weather initially impacted attendances. The group (now called Wollemi Singers) has moved into Kandos CWA hall for the colder months. The group has an excellent voluntary accompanist/taskmaster who retired in Kandos following many years of experience in community and church choirs in the Sydney area.

A working group has been meeting since May to develop a proposal for the Wirimbili Indigenous Plants Community Garden project. It is expected to be completed shortly. It is hoped that the project will promote cultural interactions, horticultural aspects, business development, mental health support and general community interest. The resulting Indigenous medicinal and culinary plants garden will then be utilised as part of the cultural program in the centre, as well as a community resource.

A workshop was facilitated by Council and delivered by Mudgee Aboriginal Land Council in early May with the aim of teaching the history and culture of the Local Aboriginal Community as well as how to apply Cultural Protocols for community engagement. It was attended by 28 participants, including professionals and the general public.

### **Events**

Seniors Week 2021 was a very successful week of celebrations, including lunches in Rylstone, Kandos, Mudgee and Gulgong. Each town recognised a Senior Citizen or organisation for their contributions to their communities. A concert and morning tea was also attending by more than 100 seniors at Club Mudgee.

## COMMUNITY TRANSPORT

### Quarterly statistics

Commonwealth Home Support Program trips	852
Community Transport Program trips	179
National Disability Insurance Scheme trips	94
Department of Veterans Affairs trips	30
Health Related Transport trips	60
Full cost recovery trips	120
Non reportable trips	18
<b>Total</b>	<b>2205</b>

### Unmet requests for transport

Twenty-four requests for transport were unmet during this quarter; two-thirds of which were due to COVID restrictions.

### Vehicles

Three vehicles are approaching the 300,000km threshold and will be replaced using client contributions. This is updated advice from Transport for NSW as previously it had been instructed that funding could not be used to replace vehicles and they must be leased instead.

### Volunteers

Volunteer driver numbers remain relatively steady at twenty-one.

### Annual client surveys

Annual surveys have been sent to clients and results of note include:

50% of clients are referred through the Federal Government My Aged Care system.

50% of clients responding to survey indicated they would like to be involved in social outings (which will be implemented as a strategy to increase outputs and be an advantage to the wellbeing of isolated clients).

30% of clients rely on Mudgee Community Transport as their only means of transport.

50% of clients responding to the survey have conditional driver's licences and require Mudgee Community Transport for regional transportation.

Comments from the survey indicate clients are very happy and grateful to have the service available to them. All comments are of nothing but praise for the staff, volunteers, and processes in conducting the service.

**COVID response**

All advice and instruction from Transport for New South Wales, the State and Federal Governments are being monitored and adhered to.

## **CULTURAL SERVICES**

The gallery underwent a brand development with Destination Marketing Store who came to Mudgee to do develop an archetype based on community and stakeholder consultation. The name 'Mudgee Arts Precinct' was selected as the name and a logo adopted for the Precinct's collateral.

### **Guido Maestri**

Guido Maestri (formerly Guy Maestri) recently completed his body of new large-scale oil paintings ahead of Mudgee Arts Precinct's inaugural exhibition: 'Stories from Homedale'. The works have been photographed in preparation for the gallery's catalogue. Dr Lisa Slade, Assistant Director from the Art Gallery of South Australia who is a specialist in Guido's art has written the catalogue essay.

The marketing and advertising strategy is being prepared for the exhibition and preproduction for Guido Maestri's 'Making Conversations' interview and educational video content is underway.

The exhibition and building will hold an invitation-only opening for politicians, artists and stakeholders on Friday, 6 August which will be opened by the Director of the Art Gallery of NSW, Michael Brand. An Open Day for the local community is planned for the following day.

### **Volunteers**

The Cultural Officer is developing Mudgee Arts Precinct's volunteer protocols and policy in anticipation of the Precinct opening.

### **Waste to Art competition and exhibition**

Local category winning artists have had their works delivered to showcase at the regional Waste to Art Exhibition at Coonamble. This will open to the public on the 17 July at the Outback Arts Creative Centre.

## **FAMILY DAY CARE**

Mid-Western Regional Family Day Care Scheme continues to provide consistent high quality education and care to families within our local community.

Educator numbers have remained steady at fifteen over the past quarter: seven Educators in Mudgee, one in Gulgong, one in Kandos and six in Wellington. Interest in becoming an Educator with the Scheme continues, with three enquiries received in the past six weeks, including one interested in commencing their service in early 2022. As always, endeavours to secure additional Educators continue.

There are currently no vacancies throughout the Scheme and the waiting list is growing (predominately with families with children under the age of two). Currently, there are 16 children waiting to commence with Family Day Care (not including those families already engaged with services and seeking additional care).

The Scheme's external funding arrangements with the Commonwealth ceased on 1 July 2021. Notification received from the Community Grants Hub in mid-June was that outcomes for the two applications for Round 3 funding under the Community Child Care Fund Sustainability Support program can be expected sometime during July.

Due to the uncertainty around grant funding going forward, the staffing structure has been adjusted with the Child Development Officer roles reverting to casual bases and a part-time administrative position being re-instated.



## MEALS ON WHEELS

### Meal statistics

Main meals including hot meals, chilled deserts, sandwiches and soups:

April	610
May	536
June	574
TOTAL	1720

Frozen meals including meals, baked meals:

April	58
May	24
June	35
TOTAL	117

### Active clients

50 clients for meal delivery.

Four clients receiving frozen meals only on an adhoc basis.

Incoming referrals have been consistent and a small number of clients have transferred to home care packages and are no longer entitled to subsidised meals through the Commonwealth Home Support Program. Client numbers have fluctuated due to clients moving into residential care and sadly, some long-standing clients have passed away during this period.

### Volunteers

Volunteer numbers are steady and cover all roster requirements. All volunteers have been trained on best methods to adhere to health orders and implementing COVID safe practices.

## **YOUTH SERVICES**

### **Employment Expo**

Four local businesses participated in an Employment Expo in May. The businesses gave presentations to young people (14-25 years of age) and their parents on application processes and opportunities, business culture, and new employee support. Following the presentations, the local business representatives were available to answer specific questions and provide information to young people who were potentially interested in working at their business.

### **Regular after school programming**

Regular monthly after school programming in the Library branches continues, including Book Bouncers, Crafternoon, Manga & Anime Squad and Level Up programs.

### **One YA Book One Community**

The latest One YA Book One Community [OYABOC] project was launched in April during Youth Week and concluded at the end of Term 2 in June. The four local high schools and TAFE libraries all agreed to partner by hosting a total of 50 copies of the novel *The Left-Handed Booksellers of London* by Garth Nix. Due to COVID-19 restrictions local businesses were not asked to host books this year, as such Mid-Western Regional Council Library branches were responsible for the remaining 100 books. Statistics obtained throughout the project indicate 315 people participated in OYABOC 2021.

### **School holiday and Youth Week activities**

Youth Services were pleased with the overall take-up and interest in the events run over the 3 week Autumn school holidays/Youth Week period. Increased COVID restrictions, however, have had an effect on winter school holiday activities.

## 11.4 Library Services - Quarterly Report

### REPORT BY THE MANAGER LIBRARY SERVICES

TO 04 AUGUST 2021 ORDINARY MEETING  
 GOV400088, F0620020

### RECOMMENDATION

**That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.**

### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad themes of Customer Visits, Library Borrowings & Purchased Items, and Sustainable Organisations. This report covers the period April-June 2021.

### Disclosure of Interest

Nil

### Detailed report

#### **CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS**

Visits to our Library branches during the April-June 2021 period are similar to the number of visits during the previous quarter.

Quarter	Visits
April – June 2021	18,884
January – March 2021	18,048

Across the Library Service, loans of library items remain stable compared to the previous quarter.

Quarter	Loans
April – June 2021	19,342
January – March 2021	20,228

Loans from the Mobile Library during April – June 2021 remain stable when compared to the previous quarter

Quarter	Loans
April – June 2021	1,397
January – March 2021	1,287

The use of library resources (library subscribed databases) has increased by 14% when compared to the previous quarter

Quarter	Accesses
April – June 2021	20,974
January – March 2021	18,294

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic formats, and DVDs.

Quarter	Purchases
April – June 2021	2,173

### **SUSTAINABLE ORGANISATION**

The Library hosts 2 adult Bookgroups, and facilitates 5 community Bookgroups – in addition to 2 Teen Bookgroups in partnership with Council's Youth Services. There is also a Teen writing group, meeting monthly at Mudgee Library.

The Library continues to encourage a life-long love of books and reading through its early literacy initiatives. During the April-June 2021 period, Library staff hosted 74 separate early learning sessions, reaching 344 children.

The Library is continuing to pilot 2 literacy programs for school-aged children – Bigger Bookworms for K-Y2 students, and Junior Book Bouncers for Yr3-6 children. During the April – June 2021 period, there were 8 face-to-face sessions held at Mudgee Library, reaching 52 children.

The Library continues to facilitate small craft groups for a disability services group – during this period, Library staff conducted 3 workshops, reaching 30 customers.

Monday History talks have continued to be popular with the community, averaging 15-20 people at each event.

Chess Club has proven to be very popular at Mudgee Library, meeting every second Wednesday, with between 8 and 12 participants at each event.

During the April school holidays, Library staff held 20 storytelling and activity workshops, reaching 115 children. During May, the Library celebrated National Simultaneous Storytime with 78 children and their parents/carers attending. Library staff also conducted outreach visits to preschools and childcare centres.

The Library Knitting Group continues to meet monthly at Mudgee Library.

### Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Strategic implications

### **Council Strategies**

The Library Services – Quarterly Report has been developed in line with the 2017/18 – 2020/21 Delivery Program, and the Library’s Collection Management Strategy.

### **Council Policies**

Not applicable

### **Legislation**

Not applicable

## Financial implications

Not applicable

## Associated Risks

Not applicable

MICHELLE MAUNDER  
MANAGER LIBRARY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

21 July 2021

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.5 Exemption from Tender- Scoreboard Rugby Union

REPORT BY THE MANAGER - RECREATION SERVICES  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, PAR300584

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager - Recreation Services on the Exemption from Tender- Scoreboard Rugby Union;**
2. **approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the acquisition of a scoreboard at the Rugby Union field at Glen Willow Regional sporting complex, noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders; and**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
  - a) **tenders were recently publically invited for the acquisition of the Glen Willow stadium scoreboard. Submissions was appropriately evaluated with a contract being awarded that provided the best value for money to Council;**
  - b) **a change of supplier would cause significant inconvenience and substantial duplication of costs to Council by the way of operational maintenance and supplier negotiations;**
  - c) **exceptionally advantageous conditions that arise from technical compatibility with existing scoreboard, particularly in user training, component familiarity and risk mitigation; and**
  - d) **specification could not be altered in such a way to invite other suppliers to competitively compete without impacting the desired outcome**

### Executive summary

To ensure the performance and future integrity of scoreboard operations at the Glen Willow Regional Sporting Complex, Council require a like-for-like scoreboard to be installed at the Rugby Union field at the Glen Willow Regional Sporting Complex.

This report seeks an exemption from tender for the additional scoreboard in order to complete a component of the Glen Willow Stage 2 masterplan.

### Disclosure of Interest

Nil

## Detailed report

The Glen Willow Regional Sporting Complex is owned and operated by Mid-Western Regional Council and was developed to provide an elite level sporting complex.

As part of the stage 2 expansion, an elite field specification has been planned for the Rugby Union field. A major component in achieving elite standard is the provision of an LED scoreboard that will also assist in attracting major events and be made available for regional sporting competitions.

In 2019, Council invited tenders for the supply and installation of a LED scoreboard at Glen Willow Stadium. The contracted was successfully awarded and delivered by Big Screen Video. The project objectives included:

- Seeking a professional organisation that can provide a high standard of capability in the delivery of supply and installation of a scoreboard at Glen Willow Stadium
- Seeking excellent service and a strong commitment to providing optimum results for Mid-Western Regional Council

In order to replicate the elite level playing field specifications at the Rugby Union field and maintain technical compatibility, Council now require the same LED scoreboard specification. A replicated scoreboard development will need to include:

- The supply of a new like-for-like LED scoreboard as Glen Willow stadium that allows video playback and advertising
- Supply of like-for-like software and associated equipment, licensing and maintenance provisions
- Design and site works including engineering plans, installation of footings and scoreboard and site restoration works back to an approved condition
- Installation of cabling from the scoreboard back to the Rugby Union amenities building
- User operating manual and onsite user training to operate scoreboard and software

Whilst it is noted that there are alternate scoreboard suppliers available in the market, a satisfactory outcome would not be achieved by inviting tenders due to the following reasons:

- Tenders were recently publically invited for the acquisition of the Glen Willow stadium scoreboard. Submissions was appropriately evaluated with a contract being awarded that provided the best value for money to Council
- A change of supplier would cause significant inconvenience and substantial duplication of costs to Council by the way of operational maintenance and supplier negotiation
- Exceptionally advantageous conditions that arise from technical compatibility with existing scoreboard, particularly in user training, component familiarity and risk mitigation
- Specification could not be altered in such a way to invite other suppliers to competitively compete without impacting the desired outcome
- High-level service support currently provided by supplier Big Screen Video

Big Screen Video submitted a proposal to supply and install a like-for-like scoreboard at the Rugby Union field. This submissions falls within the allocated project budget and conforms to the specifications and objectives of the project. This report therefore seeks an exemption from tender to directly engage Big Screen Video, noting that due to extenuating circumstances, a satisfactory result would not be achieved by publically inviting tenders.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
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 Strategic Plan  
Glen Willow Master Plan

### **Council Policies**

Procurement Policy

### **Legislation**

Local Government Act 1993

## Financial implications

There are no financial implications. Council at its meeting held on 21 July 2021 resolved to set an expenditure budget for the supply and installation of an LED scoreboard at the Rugby Union field.

## Associated Risks

Not applicable.

PETER RAINES  
MANAGER - RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

23 July 2021

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## Item 12: Reports from Committees

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### 12.1 Local Traffic Committee Meeting Minutes - 16 July 2021

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, A0100009

#### RECOMMENDATION

##### That Council :

1. **receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 16 July 2021; and**
2. **approve the event 'Flavours of Mudgee Street Festival.**

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#### 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 16 July 2021.

One event reports were considered

- Flavours of Mudgee Street Festival

Two traffic reports were considered:

- Meares Street parking

General Business items included

- Heavy Vehicle Use of Church Street Roundabouts
- Pedestrian Crossing at the intersection of Church Street and Denison Street

Correspondence items included

- Mudgee Small Farm Field Days – postponed until 5<sup>th</sup> & 6<sup>th</sup> November 2021 due to COVID

Full discussion notes are included in the attached report.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Not applicable

### **Legislation**

Not applicable

## Financial implications

Not applicable

MICHELLE NEILSEN  
EXECUTIVE ASSISTANT, OPERATIONS

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

21 July 2021

*Attachments:* 1. Minutes - LTC - 16 July 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Mid-Western Regional Council

Date: 16 July 2021

## Minutes of the Local Traffic Committee

Held at the via Teams  
on 16 July 2021.

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Present	Garry Hemsworth (MWRC), Cr Alex Karavas, Garry McGovern (NSW Police), Mark Fehon (NSW Police), Samantha Cecchini (MWRC), Ray Kearns (MWRC) and Wayde Hazelton (TfNSW)
Apologies	Don Cottee (MWRC) and Phil Blackman
Secretary	Emma Broadfield (MWRC)

The LTC meeting commenced at 9:30am.

### MINUTES OF PREVIOUS MEETING

**MOTION: Transport for NSW Wayde Hazelton / Inspector Mark Fehon**

**That the Minutes of the previous Local Traffic Committee held on 18 June 2021 be taken as read and confirmed.**

## MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Moving forward. Assets Coordinator is working on this project and it should be finished by July 2021. Follow up required for the July 2021 LTC meeting. 16/7/2021 – Completion date delayed til late August due to delay with material delivery.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Subject to funding. Follow up if there is a budget for this new parking.  16/7/2021 - Budget confirmed for 21/022 for investigations on safety improvements around schools.
Request to review traffic flow of Gulgong CBD	November 2018  February 2019  August 2019  Nov 2020	Request a review of the traffic management and parking within the Gulgong CBD  Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong  Investigate alternative crossing options for pedestrians in the CBD of Gulgong and present findings to Traffic Committee	Review is underway.
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	Will go to the July 2021 Council meeting for approval. There is an amendment to extend the HPAA further up Perry Street and Gladstone Street Mudgee.
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	It appears to be driver behaviour that causes issues. Police will be advising the school at the beginning of every term of the rules. There will be no leniency from the Police but they do want to educate the people of the road usage. Continue discussions with the school will take place with the Police and the Council. 16/7/2021 – adjustment to the rollout of the awareness campaign made due to health orders.
Denison Street and Church Street Intersection	August 2020		Manual traffic counts have been completed. Report to be finalised.

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Ulan Road and Buckaroo Road	December 2020	Further investigation to take place at this intersection.	Traffic Counts have been done. Report to be finalised.
Mudgee library carpark	February 2021	Further investigation required.	Reed Jackson has been on site to review., Report to be finalised
3T signage on Short Street			Remove the 3T signage. To be confirmed by Council.
Rocky Waterhole Road			Further investigation required.
Reedy Creek Rd Bridge	May 2021		Further investigation required.
Henry Lawson Drive and Ulan Road	March 2021	Speed and signage at the intersection.	Traffic counts have been completed. Report to follow.
Lisbon Road	June 2021	Investigate the removal of 3 parking spots on Lisbon Rd at the intersection of Oporto Road.	Report to follow.
Madeira Road	June 2021	Report to Councillor Karavas any past incidents at the intersection of Madeira Road and Oporto Road	Report to follow.

#### PAST EVENT DEBRIEF

EVENT	
Mudgee Classic	

#### CALENDAR OF EVENTS

2021		
JANUARY	DATE	COMMENTS
Kandos Street Machine and Hot Rod Show	21-24 <sup>th</sup> January 2021	Approved – Did not go ahead
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	27 Feb 2020	Approved
MARCH	DATE	COMMENTS
Femta	13 March 2021	Approved
Can Cruises	20 March 202	For LTC information only
APRIL	DATE	COMMENTS
NRL Event – Manly vs Titans	17 April 2021	Approved
Wings, Wine and Wheels Air show	18 April 2021	For LTC information only
ANZAC Day Services Mudgee	25 April 2021	Approved
ANZAC Day Services Gulgong	25 April 2021	Approved

MAY	DATE	COMMENTS
Mudgee Classic	2 May 2021	Debrief took place
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
Small Farm Field Days	2 <sup>nd</sup> – 4 <sup>th</sup> July 2021	Postponed until 5-6 <sup>th</sup> November 2021
AUGUST	DATE	COMMENTS
Outback Classic	August 2021	
Mudgee Running Festival	22 August 2021	
SEPTEMBER	DATE	COMMENTS
Flavours Of Mudgee	18 September 2021	
Mudgee High School Rainbow Day	16 September 2021	
OCTOBER	DATE	COMMENTS
Sunset Sounds	31 October 2021	Not a council event but an event in the area
NOVEMBER	DATE	COMMENTS
Mudgee 200	22 November 2021	
Small Farm Field Days	5-6 <sup>th</sup> November 2021	
DECEMBER	DATE	COMMENTS

Red = Unapproved

Green = Approved

21/034 FLAVOURS OF MUDGEE - SATURDAY 18TH SEPTEMBER 2021

#### RECOMMENDATION

That the event – *Flavours of Mudgee Street Festival, 18 September 2021* – 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 3.5* and submitted to and approved by Council prior to the event.
- b. A Traffic Guidance Scheme (TGS) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
- c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
- d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
- f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- g. Reimbursing Council for the cost of damage repairs;
- h. Complying with any of Council's Law Enforcement Officers' directives;
- i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the

- roadways or footpaths;
- j. **The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;**
  - k. **Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;**
  - l. **Maintain a four-metre wide emergency vehicle lane;**
  - m. **Notify NSW ambulance and NSW Fire and Rescue of the event**
  - n. **Traffic Control plan to be in accordance with Transport for NSW Traffic Control at Worksites Manual**

**Committee Comments**

- TCP should be changed to TGS
- Roads and Maritime Services should be Transport for NSW
- NSW Fire Brigade should be NSW Fire and Rescue

**MOTION: Transport for NSW Wayde Hazelton / Inspector Mark Fehon**  
**That the above recommendation be accepted and approved.**

21/035 MATTERS IN PROGRESS

Discussion took place to finalise 'Matters in Progress' list.

21/036 MEARES STREET PARKING

Discussion took place in relation to parking in Meares Street Mudgee now the parking onsite parking at Mudgee Hospital has been completed.

**Committee Comments**

- Remove the temporary 2P parking signs on Church and Lewis Street.
- Remove the 'Authorised Vehicles Only' sign. (patient transport holding area)
- Parking Conditions to be returned to unlimited time.

21/037 GENERAL BUSINESS

HEAVY VEHICLE USE OF CHURCH STREET ROUNDABOUTS

Irrigation systems and landscaping at the roundabouts of Church and Market Streets, and Church and Mortimer Streets are being damaged by heavy vehicles driving over them.

Recreation Services are requesting information about what heavy vehicle access is permitted at these intersections, especially in non-peak times, and what can be done to prevent future damage to the landscaping infrastructure.

**Committee Comments**

Council to do some further investigations. Issue to be moved to Matters In Progress.

**PEDESTRIAN CROSSING AT THE INTERSECTION OF CHURCH AND DENISON STREET MUDGEE.**

Councillor Karavas - I believe there should be better lighting at both and I would also like to see if the one at the Winning Post could be moved further north so it is more safe.

**Committee Comments**

Move to works in progress. Will be included in a study on the adequacies of lighting on pedestrian crossings.

21/038 CORRESPONDENCE

**SMALL FARM FIELD DAYS - POSTPONED**

The Small Farm Field Days have been postponed due to COVID restrictions. The new date is 5<sup>th</sup> & 6<sup>th</sup> November 2021.

**CLOSURE**

There being no further business the meeting concluded at 10.54am.



## Item 13: Urgent Business Without Notice

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### 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

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### LOCAL GOVERNMENT ACT, 1993

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#### **10A**      ***WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?***

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### **10D**      ***GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED***

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A(2)
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**DISCLOSURE AND MISUSE OF INFORMATION**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
  - (e) with other lawful excuse.
  
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
  
2. (1B) Subsection (1A) does not apply to:
  - (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
  
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
  
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
  - (a) the determination of an application for an approval, or
  - (b) the giving of an order.

**Maximum penalty: 50 penalty units**

## MOTION

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**I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.**

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

## CHAIRMAN

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*The following matters have been listed for consideration in Confidential Session:*

### **14.1 General Manager's Performance Agreement 2020-2021**

***The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.***

### **14.2 Bowdens Silver Voluntary Planning Agreement**

***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a proposal subject to Council negotiation.***

### **14.3 Update on LEC Matter DA0077/2020**

***The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a matter subject to legal proceedings.***

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion “to close the meeting” to the vote.