



17 DECEMBER 2014

## ORDINARY MEETING

### ATTACHMENT **6.3.7**

► Planning Proposal – George Campbell Drive



# Planning Proposal

Lot 63 DP18063 George Campbell Drive, Mudgee

Prepared for: J Cole and R Ware

Date: November 2014

Project No. 10290



## Planning Proposal

Lot 63 DP 618063 George Campbell Drive, Mudgee

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## Table of Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
1.1	Background	1
<b>2.0</b>	<b>Site Analysis</b>	<b>3</b>
2.1	Site Description	4
2.2	Surrounding Development	4
<b>3.0</b>	<b>Current Planning Controls</b>	<b>6</b>
3.1	Mid-Western Regional Local Environmental Plan 2012	6
<b>4.0</b>	<b>Planning Proposal</b>	<b>10</b>
4.1	Objectives or Intended Outcomes	10
4.2	Explanation of Provisions	10
4.3	Justification	10
4.3.1	Need for the Planning Proposal	10
4.3.2	Relationship to Strategic Planning Framework	11
4.3.3	Environmental, Social and Economic Impact	19
4.3.4	State and Commonwealth Interests	20
4.4	Community Consultation	21
<b>5.0</b>	<b>Summary and Recommendations</b>	<b>22</b>

## Tables

Table 1: Relevant MWR LEP 2012 Planning Controls	6
Table 2: Relevant Goals of the Mid-Western Regional Community Plan	15

## Figures

Figure 1: Context and Location of Subject Site	3
Figure 2: Aerial View of Subject Site and Surrounding Development	4
Figure 3: Subject Site and Land Zoning	8
Figure 4: Subject Site and Minimum Lot Size	9
Figure 5: Extract from Mudgee Town Structure Plan and Subject Site (outlined <i>red</i> )	14

## Appendices

Appendix A:	Indicative Subdivision Layout Examples
Appendix B:	State Environmental Planning Policies
Appendix C:	Section 117 Directions

## 1.0 Introduction

This Planning Proposal (**PP**) has been prepared by GLN Planning (**GLN**) of behalf of Mr John Cole, Mr. Robert Ware and Mrs Jan Ware (**the proponents**) in relation to Lot 63 DP 618063, 55 George Campbell Drive, Mudgee (**the subject site**).

This PP is submitted to Mid-Western Regional Council (**MWRC**) to accompany a request to amend Mid-Western Regional Local Environmental Plan 2012 (**MWLEP**) in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

This PP includes the following:

- A statement of the objectives or intended outcomes;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those objectives, outcomes and provisions, the process for their implementation and compliance with the Council's and Department's adopted planning strategies (including whether the proposed instrument will comply with the relevant Directions under Section 117 of the EP&A Act).

This PP has been prepared having regard to discussions between the proponents and Council's planning officers over an extended period during 2014 and, "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans" published by the NSW Department of Planning and Infrastructure (now the Department of Planning and Environment **DP&E**) dated October 2012 and April 2013 respectively.

This Report concludes that the PP should be supported and recommended to the DP&E for Gateway Determination.

## 1.1 Background

The land the subject of this PP is located approximately 5 kilometres to the northeast of the Mudgee CBD and occupies an area of 16.74 hectares. The subject land is zoned RU4 Primary Production Small Lots Zone under the Mid-Western Regional Local Environmental Plan 2012 and is currently undeveloped. An established cherry orchard covers approximately 40% of the site area. The Mudgee Airport, which is a vital infrastructure asset for the Mid-Western Region, is situated adjoining to the south and west of the subject land.

Development approvals for the construction of a rural residence and second rural residence were issued by the MWRC on 17 September 2008 and 8 April 2013 respectively (DA0091/2009 and DA0173/2014). Certification of commencement has been gained for DA 0091/2009.

The Proponents also own a 1 hectare allotment of land that adjoins the southern boundary of the subject site, being Lot 4 DP 561282. This allotment directly adjoins the northern boundary of the Mudgee Airport and holds a current development consent for an 11 lot subdivision and construction of 10 aircraft hangars with residential accommodation, with direct access to the Airport (see DA 1052/2012). This was approved under DA 1052/2012. This adjoining site is zoned SP2 Infrastructure - Airport.

This PP is seeking a reduction in the subject site's prescribed 20 hectare minimum lot size control to 2 hectares so as to permit further subdivision and residential development. This is consistent with the current MWLEP and the recent approach taken by the MWRC and DP&E, where a similar parcel of RU4 Zoned land on the opposite side of the Airport runway that was

also prescribed a 2 hectare minimum lot size. This proximate lot and the subject lot are identified the same in the Midwestern Comprehensive Land Use Strategy adopted by Council and the Department. This proposal seeks to make the same change as has already been made for the adjacent proximate lot.

The need for provision for larger residential blocks within close proximity to Mudgee is also espoused by the Draft Mudgee and Gulgong Urban Release Strategy which has been advertised and adopted by Council. This identifies that there is a growing demand and limited supply of allotments of 2 hectares and proposes the subject site for release in 2015+.

Given the subject site's proximity to Mudgee and the Airport, it has a unique potential to capitalise on an opportunity for the establishment of residential "airparks". These airparks are typically designed around an existing airport and comprise a number of dwellings whereby aircraft accommodation can be either attached to or integrated into the overall design of the residential subdivision. The residents of the development can operate an airplane that is parked within their respective lot and have access to runway facilities.

The airpark concept is well established throughout the United States and other European Countries, and has recently emerged within regional and rural Australian towns to help contest the disturbing trend of airfield closures. Examples of well-established Australian residential airparks include, Kensington Parkside Airpark, Whitsunday Aviation Village Estate and Gatton Airpark in Queensland, Temora Airpark Estate in NSW and Denmark Airpark in Western Australia.

The location of Mudgee Airport, being a 50 minute flight from Bankstown and a 2.5 hour flight from Melbourne or Brisbane (light aircraft), as well as the increase in activities such as mining, tourism and viticulture in the Mid-West Region, present as a strategic advantage for the potential development of a residential development close to the Airport with the opportunity for aeroplane accommodation. Such subdivision development could also further provide for various living opportunities, which could, for example, complement the recently developed Mudgee Airport "Hangar House", which provides accommodation for up to 14 guests as well as 4-5 light aircraft. The unique opportunity is one that should be facilitated.

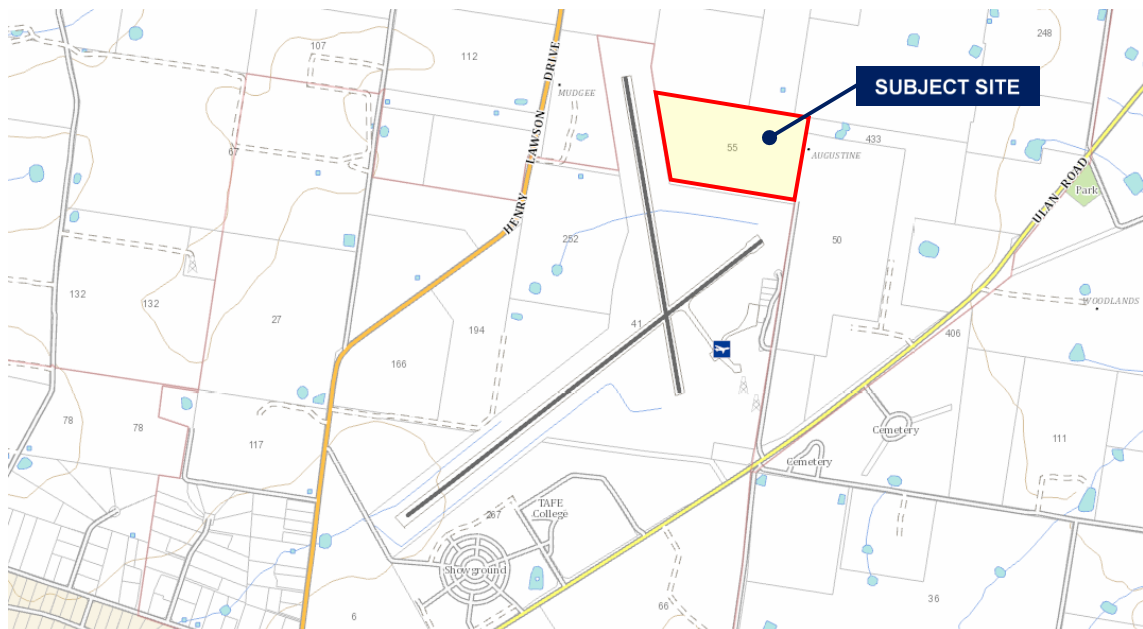
In addition to the above, establishment of an airpark opportunity at Mudgee Airport could stimulate aviation interest and demand, which would strengthen the economic returns of the Airport facility as well as other aviation related business and industry within the Region.

Based on the proposed 2 hectare minimum lot size, the subject site is capable of accommodating 8 large residential allotments. There are various potential subdivision plans which facilitate the residential subdivision with the opportunity to capitalise on the unique location. Some of these are attached (in 'mud map', example/indicative form) in **Appendix A**. This shows various opportunities to have a direct link to the airport which can be dealt with in more detail during the development application phases.

## 2.0 Site Analysis

The subject site is known as No. 55 George Campbell Drive, Mudgee. Key features of the site's location and context (as depicted in **Figures 1 & 2**) include:

- The subject site is located within the MWRC Local Government Area (LGA). The MWRC LGA is located in the Central West region of NSW being approximately 250km or 3-4 hours from Sydney.
- The MWRC is centrally located, with a strong and diverse economy based on agriculture, viticulture, mining, tourism and related industries.
- The subject site is located approximately 5 kilometres north-east of the Mudgee Centre, which is defined as a District Centre, providing a range of business, employment, retail, entertainment and recreation activities.
- Mudgee Airport, which is a vital infrastructure asset for the Mid-Western Region directly adjoins the subject site to the west.
- Lot 4 DP 561282, which is also owned by the Proponents, adjoins the subject site to the south. This allotment is zoned for Airport related purposes and has a current consent for an 11 lot subdivision and construction of 10 aircraft hangers, with direct access to the Airport (DA 1052/2012).
- The subject site holds current development approvals for the construction of a residence and a second residence, which were issued by the MWRC on 17 September 2008 and 8 April 2013 respectively (DA0091/2009 and DA0173/2014).



**Figure 1: Context and Location of Subject Site**

(Source: Land and Property Information, SIX Maps, September 2014 (as adapted by GLN))



**Figure 2: Aerial View of Subject Site and Surrounding Development**

(Source: Land and Property Information, SIX Maps (as adapted by GLN Planning))

## 2.1 Site Description

The subject site is legally described as Lot 63 in DP 618063. It is generally rectangular in shape and has an area of approximately 16.7 hectares. All weather vehicular access is provided via George Campbell Drive to the south with access also available from Eurunderee Road via Henry Lawson Drive to the north.

The subject site is characterised by relatively flat topography, which slopes slightly from the northern to southern property boundaries. A cherry orchard covers approximately 40% of the subject site with the remaining area currently vacant but previously used for the growing of grapes. Both uses have remained consistently uneconomic.

As advised by the proponent's, the subject site holds existing water rights and is serviced by infrastructure from the Pipe Clay Creek aquifer.

## 2.2 Surrounding Development

The subject site's immediate surrounds comprise rural and rural, urban, residential activity, including agricultural and non-agricultural land uses. In particular,

- The Mudgee Airport and associated ancillary infrastructure/development adjoins the subject site to the south and west.
- Land immediately to the north and east of the subject site is currently used for cropping and other agricultural uses. An operational vineyard and associated restaurant/cellar door is situated to the southeast of the subject site on the opposite side of George Campbell Drive.



- Lot 4 DP 561282, which is also owned by the proponents, adjoins the subject site to the south. This allotment has a current approval for an 11 lot subdivision and construction of 10 aircraft hangars, with direct access to the Airport.
- The TAFE Western – Mudgee College and Australian Rural Education Centre, which is a major educational establishment for the Mid-Western Region, adjoins the southern extent of the Mudgee Airport approximately 1.5km from the subject site.
- The Mudgee Cemetery is situated approximately 1km to the south of the subject site, on the eastern alignment of Ulan Road.
- Rural residential lot subdivisions of 2000 – 4000m and the Country Comfort Resort are along Casillis Road between the site and Mudgee town centre.



### 3.0 Current Planning Controls

#### 3.1 Mid-Western Regional Local Environmental Plan 2012

The principal planning instrument applying to the subject site is the Mid-Western Regional Local Environmental Plan 2012 (**MWR LEP 2012**). This is the local statutory planning instrument that establishes what form of development and land uses are permissible or prohibited on all land within the MWRC LGA. The MWR LEP 2012 was gazetted on 10 August 2012 and replaced the previous Mid-Western Regional Interim Local Environmental Plan 2008, which applied to the subject site.

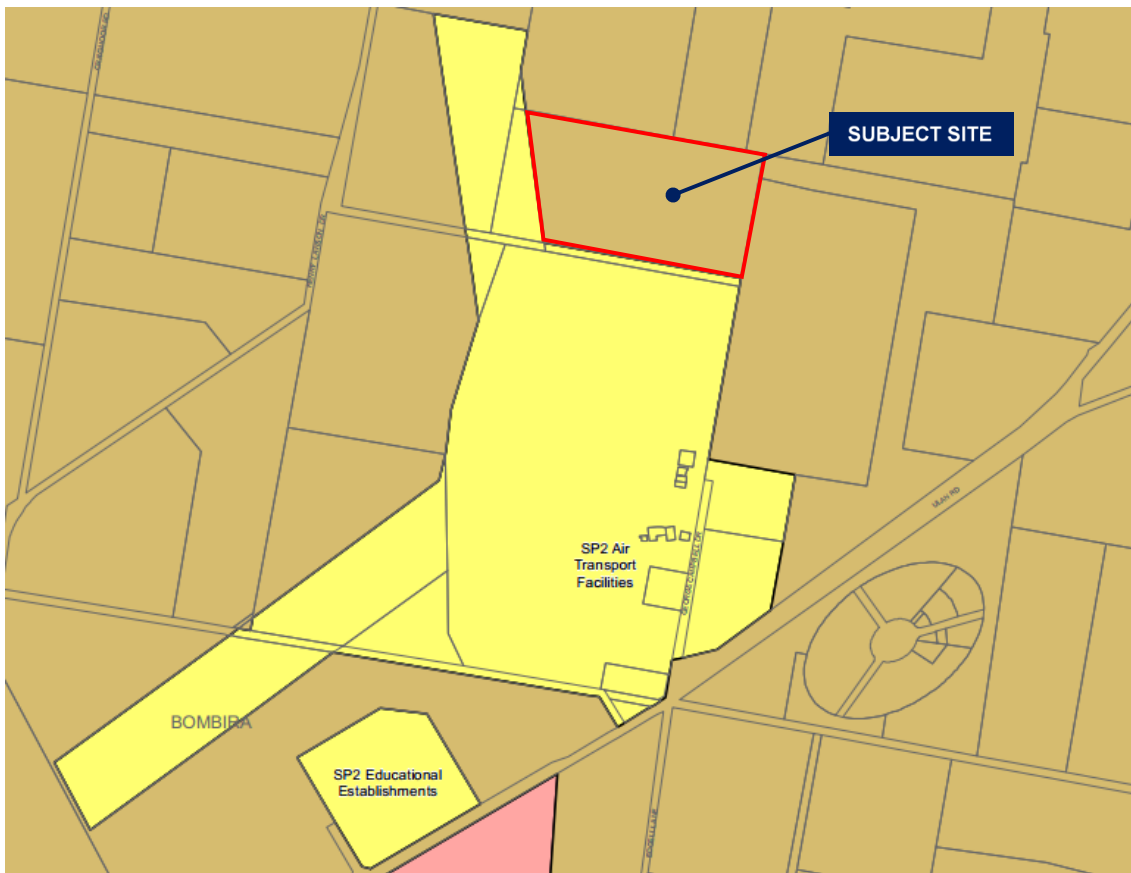
The key planning controls currently applying to the subject site under the MWR LEP 2012 are detailed within **Table 1**:

**Table 1: Relevant MWR LEP 2012 Planning Controls**

Clause	Matter	Requirement
2.2	Zoning of land to which Plan applies	The zoning of the subject site is shown on the Land Zoning Map ( <b>Figure 3</b> ).  The Land Zoning Map indicates that the subject site is located within the RU4 Primary Production Small Lots Zone.
2.3	Zone objectives and land use table	<p><b>Zone RU4 Primary Production Small Lots Zone</b></p> <p>1. Objectives of zone:</p> <ul style="list-style-type: none"> <li>▪ To enable sustainable primary industry and other compatible land uses.</li> <li>▪ To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</li> <li>▪ To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>▪ To ensure that land is available for intensive plant agriculture.</li> <li>▪ To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.</li> </ul> <p>2. Permitted without consent:</p> <ul style="list-style-type: none"> <li>▪ Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</li> </ul> <p>3. Permitted with consent:</p> <ul style="list-style-type: none"> <li>▪ Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls; Any other development not specified in item 2 or 4</li> </ul> <p>4. Prohibited:</p> <ul style="list-style-type: none"> <li>▪ Air transport facilities; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Crematoria; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel</li> </ul>

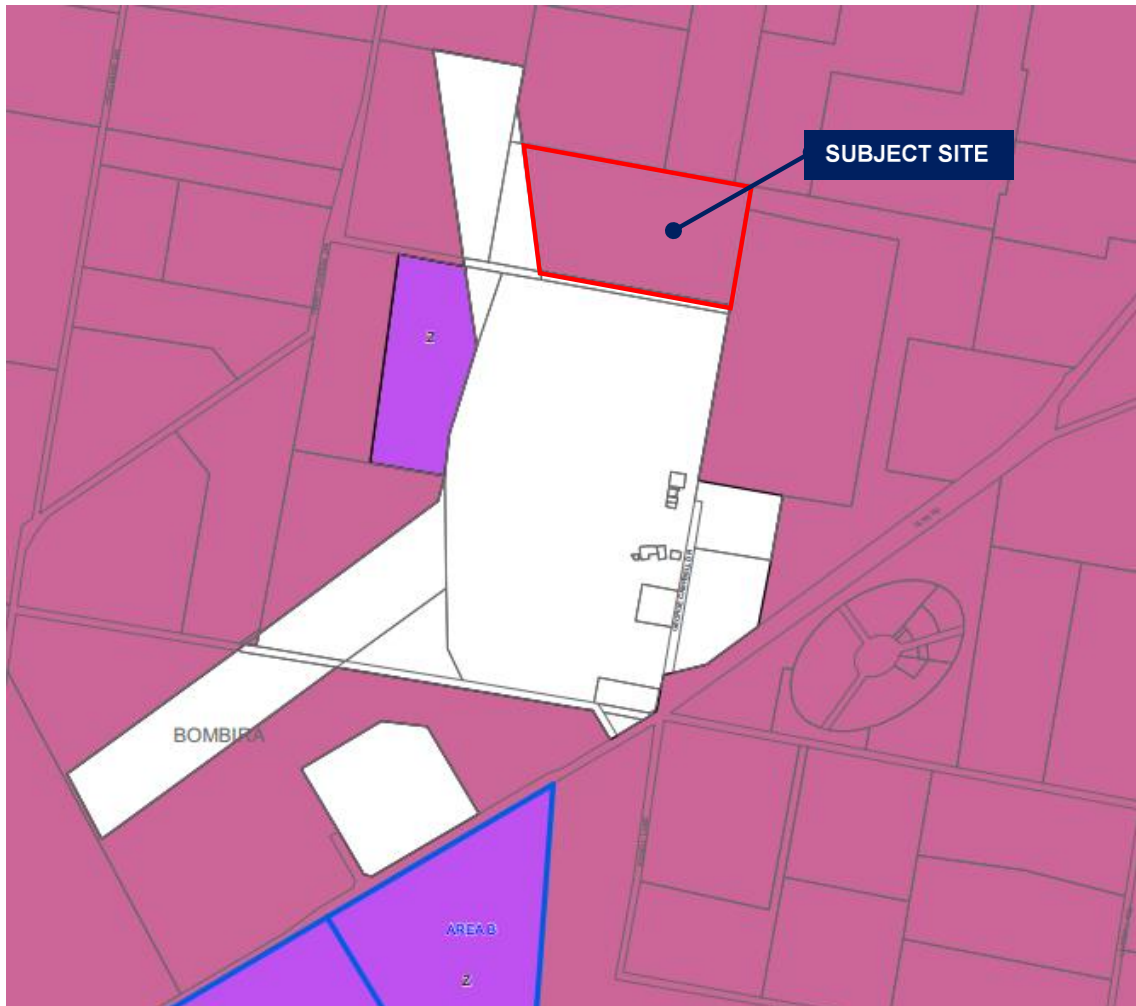
Clause	Matter	Requirement
		<i>accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Sawmill or log processing works; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Stock and sale yards; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Wholesale supplies</i>
4.1	Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map.  The Minimum Lot Size Map indicates a minimum lot size of 20 hectares for the subject site ( <b>Figure 4</b> ).
4.2	Rural Subdivision	Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum shown on the Lot Size Map in relation to than land.  However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
4.2B	Dwelling Houses on Land in Zone RU4 Primary Production Small Lots	The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.
5.3	Development Near Zone Boundaries	This clause does not apply to land in Zone RU4 Primary Production Small Lots.
6.4	Groundwater Vulnerability	The Groundwater Vulnerability Map indicates that the subject site is "Groundwater Vulnerable".  MWRC must consider this clause before determining a development application, and consider relevant issues such as, the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems.  This requirement is for the development stage and does not hinder further consideration of this PP. The soils and topography do not suggest any issues will be raised in the future application for effluent disposal areas. Note this requirement was able to be complied with for the purposes of the 11 lot development on the adjoining Lot 4 DP 561282, for which development consent was granted.
6.8	Airspace Operations – Mudgee Airport	The subject site adjoins the Mudgee Airport and as such, the provisions of this clause are applicable.  MWRC must consider this clause if a development application proposes a development that will penetrate the Limitation or

Clause	Matter	Requirement
		<p>Operations Surface of Mudgee Airport.</p> <p>This requirement is for the development stage and does not hinder further consideration of this PP. Note this requirement was able to be complied with for the purposes of the 11 lot development on the adjoining Lot 4 DP 561282, for which development consent was granted. That site is closer to the runway, has greater height restrictions and has 7.5m high buildings approved. There will be no height restriction so as to unduly hinder future development.</p>



**Figure 3: Subject Site and Land Zoning**

(Source: Extract from MWR LEP 2012, Land Zoning Map (as amended by GLN Planning))



**Figure 4: Subject Site and Minimum Lot Size – Shows 2ha lot size on opposite side of runway.**  
(Source: Extract from MWR LEP 2012, Lot Size Map (as amended by GLN Planning))

## 4.0 Planning Proposal

### 4.1 Objectives or Intended Outcomes

The objective of this PP is to reduce the prescribed minimum lot size to permit future subdivision and encourage further development of privately owned land.

### 4.2 Explanation of Provisions

This PP is seeking an amendment to the MWR LEP 2012 to permit future subdivision of Lot 63 DP 618063, 55 George Campbell Drive, Mudgee. This will be achieved by:

- 1) Amending the Lot Size Map Sheet LSZ\_006F by removing the **AB3** 20 hectare minimum lot size and replacing it with the **Z2** 2 hectare minimum lot size.

### 4.3 Justification

#### 4.3.1 Need for the Planning Proposal

##### 4.3.1.1 Is the planning proposal a result of any strategic study or report?

Yes. This PP is a result of the Draft Mudgee and Gulgong Urban Release Strategy (which has been on public exhibition), identifies a growing demand and limited supply of larger lot residential blocks of around 2,000m<sup>2</sup> and 2 hectares. This has been adopted by Council and identifies the subject site for future 2 hectare lots to be released 2015+. This PP also aligns with the Mid-Western Regional Comprehensive Land Use Strategy, which identifies the subject site as an area with an opportunity for additional uses.

Further to the above, this PP is specifically consistent with a recent approach taken by the MWRC and DP&E under the MWLEP2012, whereby a parcel of RU4 Zoned land on the opposite side of the Airport runways, namely Lot 2 DP 116658, is dealt with on lot size Map Sheet LS 2006F with the prescribed a 2 hectare minimum lot size in 2012 (refer to **Figure 4** above). The same change is sought for the subject lot through this PP.

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

Yes. This PP is the only means of enabling the amendment to the MWR LEP 2012, which is required to facilitate future subdivision and residential development on the subject land. The following points are noted in support of this view:

- Proximity to the Mudgee CBD (within 5 kilometre radius).
- Appropriate infrastructure is available to support residential use.
- The proposed minimum lot size as well as the existing soil type, are suitable for on-site effluent disposal.
- There are no significant environmental constraints that would limit future residential use.

- The proposed minimum lot size would provide a logical progression from the denser urban uses to the south west towards Mudgee CBD and to much larger rural land holdings situated further from the Mudgee CBD to the east.
- The subject site is a small holding, which is unsuitable and unsustainable for economically viable agricultural production.
- The location is appropriate for residential development associated with the airport, which is an emerging land use form within Australia. Numerous options are available to achieve this. A few are identified in Appendix A. Access and ownership opportunities have also been retained across the 11 lot development on the adjoining Lot 4 DP 561282, to the Airport. Potential for additional development such as bed and breakfast establishments would also be facilitated with the creation of 8 additional smaller lots.
- The proposed minimum lot size is consistent with that recently prescribed to a parcel of RU4 Zoned land on the opposite side of the Airport.
- The site's location to the eastern side of Mudgee is different from the other 2 hectare land located to the west.

Overall, the PP would further the opportunity to facilitate a precinct of smaller lots that can build upon the existing opportunities provided by the airport and the 11 lot development approved on the adjoining Lot 4 DP 561282. The site location adjoining the Airport runways provides variable development opportunities that relate directly to both the airport and general tourism, in an ideal location proximate to the Mudgee centre.

#### **4.3.2 Relationship to Strategic Planning Framework**

##### **4.3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy)?**

There is no State or Regional Environmental Plan that addresses future development in Mudgee, or that has relevance to the MWRC LGA. Nonetheless, there are a number of significant challenges common to strategic planning in inland and regional areas of NSW. These are:

- Supporting sustainable agriculture;
- Conserving valuable environmental assets;
- Minimising land use conflicts;
- Capitalising on existing infrastructure; and
- Supporting the economic sustainability and development of local communities, including providing varied living opportunities.

In general, this PP will facilitate the efficient use of land, which is proven to be unsuitable for viable agricultural production, without creating undue demands on services and/or infrastructure.

##### **4.3.2.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

Yes. This PP stems from opportunities identified in the adopted Mudgee and Gulgong Urban Release Strategy, the Mid-Western Regional Comprehensive Land Use Strategy, as well as

being aligned with Mid-Western Region Community Plan – Towards 2030, and the Mid-Western Regional Council's Economic Strategy as discussed below.

#### Mudgee and Gulgong Urban Release Strategy

As a result of strong population growth driven by the expansion of the local coal mining industry and sustained pressure for residential development, the MWRC in conjunction with the DP&E commissioned the preparation of an Urban Release Strategy (2014) for the towns of Mudgee and Gulgong to guide decision making in relation to the timing, location and type of future residential development. The Strategy timeframe is 20 years, starting in 2015.

According to the Strategy, there is a lack of diversity in housing types in Mudgee and Gulgong, which affects the ability of the diverse population to find accommodation that suitably meets their needs. The Strategy identifies a number of market trends that are indicative of the need for greater housing diversity. One of the observed trends is the growing demand and limited supply of larger lot residential blocks around 2,000m<sup>2</sup> and 2 hectares.

Specifically, the Strategy notes that the demand for larger residential lots (primarily 4,000m<sup>2</sup> and 2 hectares) in Mudgee's Urban Release Areas (see **Figure 5**) is projected to average about 7 lots per annum or 37 lots over 5 years. The land the subject of this PP, which is identified as Urban Release Area No. 23, is recorded as being capable of accommodating 8 x 2 hectare allotments with no zoning change.

The Strategy's recommendation for the availability of 2 hectare lots from the subject site is 2015+. It identifies Mudgee's population is increasing. There is a predominance of 700m<sup>2</sup> to 900m<sup>2</sup> blocks and a strong case for improving housing diversity in Mudgee to suit wide ranging needs and circumstances. The Strategy, in its Executive Summary, states "there is growing demand and limited supply of larger lot residential blocks around 2000sqm and 2 hectares".



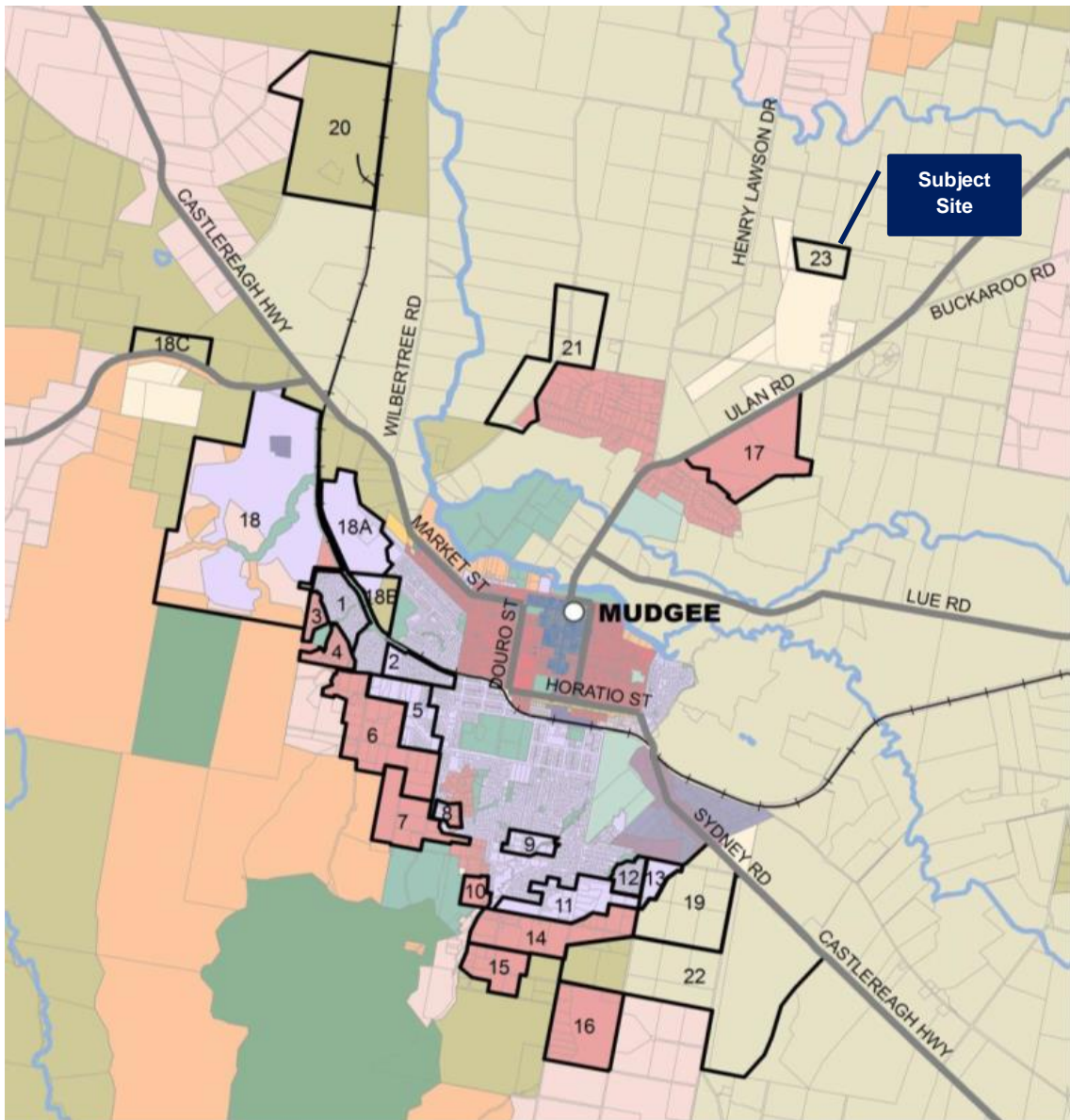


Figure 5: Extract from the Draft Mudgee and Gulgong Urban Release Strategy

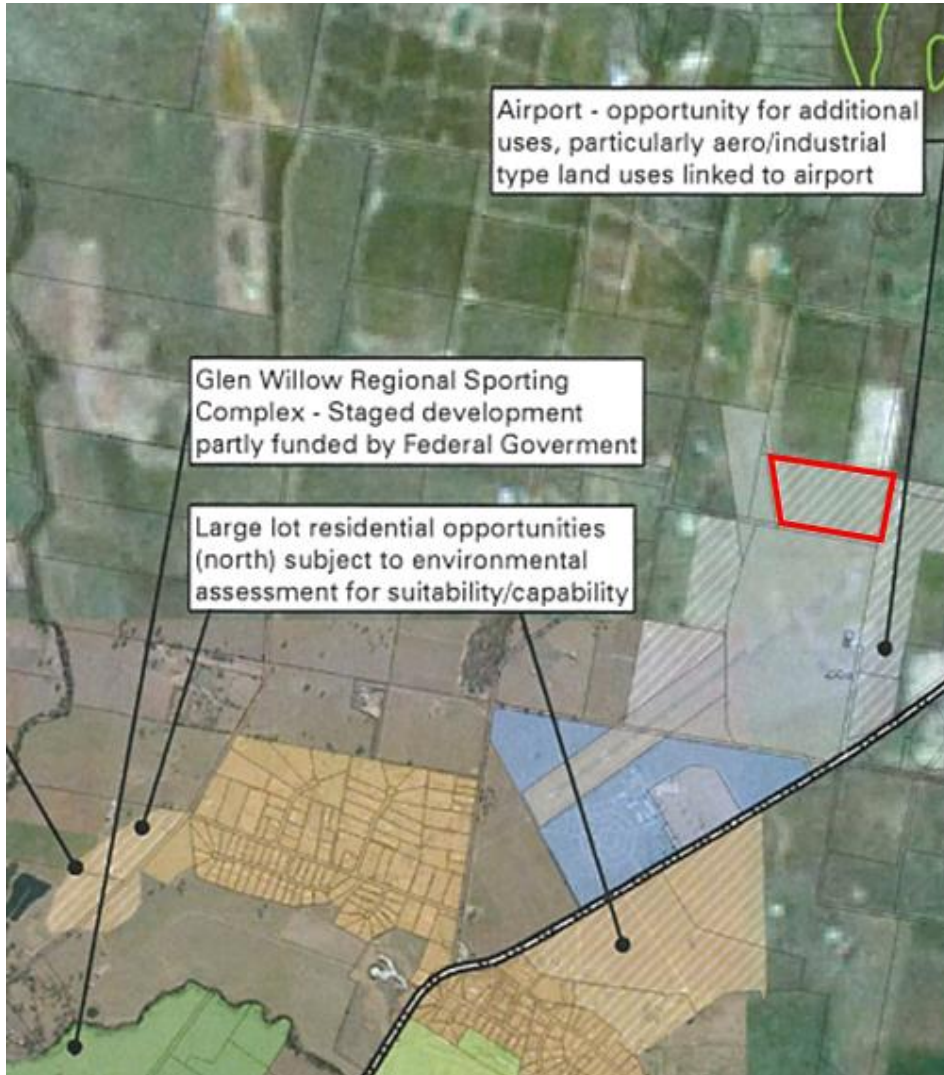
(Source: Draft Mudgee and Gulgong Urban Release Strategy, Hill PDA Consulting, 2014)

Mid-Western Regional Comprehensive Land Use Strategy

The MWRC has prepared the Comprehensive Land Use Strategy (**CLUS**), which provides clear direction for growth for the next 15-20 years. The Strategy has informed the MWR LEP 2012 and provides a context for future land use and is supported by the Mudgee Town Structure Plan.

The CLUS notes that the Mudgee Airport is an important asset for the LGA providing a gateway location into the region with opportunities on the Airport site and surrounding land for potential additional uses. In particular, land surrounding the Airport immediately to the north and west has been identified as a potential development opportunity for compatible airport linked uses and other compatible uses.

With reference to **Figure 6** below, the subject site, which adjoins the Airport to the north, has been identified as an area with an opportunity for additional uses. This PP is consistent with the CLUS, Mudgee Town Structure Plan and the objectives of the Zone as the proposed minimum lot size will enable future subdivision of the subject site, which could accommodate residential development with links to the airport. The proposal will facilitate the pursuit of this and is consistent with the Department's LEP change for the similarly identified lot on the western side of the north south runway.



**Figure 6: Extract from Mudgee Town Structure Plan and Subject Site (outlined red)**

(Source: Mid-Western Regional Comprehensive Land Use Strategy, Parsons Brinckerhoff, 2010 (as adapted by GLN))

#### Mid-Western Regional Community Plan – Towards 2030

Goals of the Community Plan and how this PP achieves these, is discussed in the **Table 2** below correlating to strategies identified in the Plan.

**Table 2: Relevant Goals of the Mid-Western Regional Community Plan**

Goal	Strategy From Community Plan	Planning Proposal/Response
<b>Theme 1 – Looking After our Community</b>		
Goal 2 – Vibrant Towns and Villages	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	<p>This PP will cater to the strong demand and limited supply of large residential allotments within Mudgee.</p> <p>The subject site is suitable for the residential use as it is unconstrained, un-fragmented and is strategically positioned to take advantage of existing infrastructure and services. Consents have previously been issued by the MWRC for residential developments on the subject site.</p> <p>This PP will also provide an opportunity for compatible land uses to locate within close proximity to the Mudgee Airport without creating undue demands on services and/or infrastructure.</p>
<b>Theme 2 – Protecting Our Natural Environment</b>		
Goal 1 – Protect and Enhance Our Natural Environment	Ensure land use planning and management enhances and protects biodiversity and natural heritage.	<p>The land the subject of this PP is currently under-developed with an uneconomic cherry orchard established on approximately 40% of the subject site area.</p> <p>Removal of the cherry orchard and future development of the subject site will not have any impact on biodiversity and/or natural heritage.</p>
<b>Theme 3 – Building a Strong Local Economy</b>		
Goal 2 – An Attractive Business and Economic Environment	Support the expansion of essential infrastructure and services to match business and industry development in the Region.	<p>The Mudgee Airport is an important asset for the MWRC LGA providing a gateway into the Region.</p> <p>This PP will enable future subdivision of the subject site which could accommodate the provision of airport linked residential development. Such development has the potential to stimulate aviation interest and demand, which could strengthen the economic returns of the Airport facility as well as aviation related business and industry development within the Region.</p>
Goal 3 – A Range or Rewarding and Fulfilling Career Opportunities to Attract and Retain Residents	Support projects that create new jobs in the Region and help to build a diverse and multi-skilled workforce.	With reference to the comments made at Goal 2 above, improvements to economic returns of the Airport facility will ultimately lead to the creation of new jobs within the Region. Construction jobs for houses and infrastructure would also be created.

Mid-Western Regional Council Economic Development Strategy

MWRC has an Economic Development Strategy (EDS) outlining a future economic direction for the Region in the next ten (10) years, to June 2020. The EDS provides a broad framework for

the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

Providing adequate infrastructure to support economic activity is a key principle identified in the EDS that will influence economic development in the Region for the future. According to the EDS, MWRC will be the lead agency to facilitate the development and availability of adequate infrastructure to support economic activity in the Region. In particular, one of the key activities that MWRC will undertake in the short term will be to promote development of airport infrastructure at Mudgee Airport as an opportunity for business expansion in aviation related industry.

This PP is seeking an amendment to the minimum lot size control for the subject site, which has been identified in the CLUS as an area with an opportunity for additional uses linked to the Airport. The proposed amendment will facilitate future subdivision of the subject site which could accommodate Airport linked residential development. This in turn, will strengthen the economic returns of the Airport facility as well as aviation related business and industry within the Region.

#### Mudgee Airport Master Plan

The Mudgee Airport Master Plan (the **Master Plan**) was adopted in principle, as amended, by Council at its meeting held on 26 October 2005. The Master Plan is based on an assessment of the aviation needs for Mudgee Airport to 2014 and focusses on the building area precinct of the Airport, which accommodates the passenger terminal, general aviation facilities and potential development areas.

Since the adoption of the Master Plan, MWRC has completed a number of actions identified within the Plan. In particular, during April 2009, MWRC issued development consent for a 16 lot staged subdivision of the Airport. Whilst a number of these allotments appear to have been developed, work is still required for the development of the remainder.

It is noted that the Master Plan also facilitates (if required) the ability to provide airside linkages directly to privately owned land, which is contiguous with the Airport. Whilst two nominal locations are depicted, the Plan acknowledges that others are available.

The Master Plan is currently under further review and the land the subject of this PP can be identified as one of the locations with potential. Further the approval that has recently been issued for the subdivision and construction of aircraft hangars on the Proponent's adjoining land (see DA 1052/2012) acknowledged for its suitable airside linkages that are compatible with the Master Plan. The physical linkages will be the subject of further detailed discussion with the Council though numerous options are available.

#### **4.3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The State Environmental Planning Policies (**SEPPs**) that are relevant to this PP have been detailed and reviewed below. For a complete checklist of SEPPs refer to **Appendix A**.

#### State Environmental Planning Policy (Rural Lands) 2008

The aim of State Environmental Planning Policy (Rural Lands) 2008 (**Rural Lands SEPP**) is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The Rural Lands SEPP applies to all rural land within the MWRC.



The land the subject of this PP has strategic development potential as identified in the Urban Release Strategy and CLUS (refer to **Section 4.3.2.2** above). This PP is seeking to formally recognise the development potential through an amendment to the MWR LEP 2012.

With reference to Part 4 and Schedule 2 of the Rural Lands SEPP, there is no State Significant Agricultural Land Classification that applies to the land the subject of this PP.

Based on the above, this PP is not inconsistent with the Rural Lands SEPP.

#### State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 provides state-wide planning controls for the remediation of contaminated land. Clause 6 of the SEPP provides the requirements, which must be considered by a planning authority in the preparation of a zoning or re-zoning proposal:

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
  - (a) *the planning authority has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
  - (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*
- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) *The following classes of land are identified for the purposes of this clause:*
  - (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

This PP does not propose the re-zoning of the subject site. However, with regard to subclause (4) above, it is noted that 'agricultural/horticultural activities' are listed in Table 1 of the 'Planning Guidelines – SEPP 55 Remediation of Land' (DUAP, EPA, 1998) as an activity which may cause contamination. As the land the subject of this PP has previously been utilised for agricultural/horticultural activities, it is noted that a report specifying the findings of a preliminary investigation of the subject land may be required at some time prior to approval of a development application. Given the previous agricultural uses however and the existing residential approvals is unlikely to be of any concern.

The PP is not inconsistent with SEPP No. 55.

#### 4.3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Section 117 Directions that are relevant to this PP have been detailed and reviewed below. For a complete checklist of Section 117 Directions, refer to **Appendix B**.

##### 1.2 Rural Zones

The purpose of this Direction is to protect the agricultural value of rural land and applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

As per Clause 4(b) of the Direction, this PP contains provisions that will increase the permissible density of land within a rural zone. Therefore, this PP is seeking to be justifiably inconsistent with the terms of the Direction under Clause 5. Specifically, this PP gives consideration to the objectives of this Direction, is in accordance with the MWRC Urban Release Strategy, CLUS and is of relatively minor significance.

Further to the above, as previously noted within this PP, the subject land is currently predominantly vacant with further potential for subdivision and development should this PP be supported. Importantly, the subject land is insignificant having regard to the area of the surrounding rural zoned land available for agricultural production.

##### 1.5 Rural Lands

The purpose of this Direction is to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural land for rural and related purposes. This Direction applies pursuant to Clause 3 as the PP will affect land within an existing rural zone by changing the existing prescribed minimum lot size.

The proposed change to the minimum lot size control as detailed throughout this PP is consistent with this Direction as it conforms to the Rural Planning and Rural Subdivision Principles listed in the Rural Lands SEPP and that it does not compromise the production value or development of rural land for rural purposes. In particular, this PP will:

- Not enable the fragmentation of high quality agricultural land.
- Not enable the potential for additional rural land use conflicts.
- Provide development opportunities compatible with surrounding and adjoining developments.
- Provide development opportunities within an area close to an existing town centre that is well serviced and capable of meeting the daily needs of the intended occupants.

##### 3.5 Development near Licensed Aerodromes

This Direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The objectives of this Direction are to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development and ensure development for residential purposes is not adversely affected by aircraft noise.

The land the subject of this PP adjoins part of the northern boundary of the Mudgee Airport and has been identified in the MWRC Urban Release Strategy and CLUS as a potential development opportunity.

Clause 6.8 of the MWR LEP 2012 provides a number of provisions that aim to protect the airspace operations of Mudgee Airport as well as the community from undue risk, including consultation with the relevant Commonwealth authority. In this regard, consultation with the relevant Commonwealth body is likely to form part of the future development process.

#### 5.1 Implementation of Regional Strategies

This Direction requires a PP to be consistent with a regional strategy released by the Minister for Planning.

As noted at **Section 4.3.2.1**, there is no State or Regional Environmental Plan that addresses future development in Mudgee, or that has relevance to the MWRC LGA. Nonetheless, this PP is consistent with the vision, land use strategy, policies, outcomes and actions as identified in the relevant MWRC's local Strategies (refer to **Section 4.3.2.2**).

#### 6.1 Approval and Referral Requirements

This Direction aims to minimise the inclusion of provisions that require the concurrence, consultation or referral of development to a Minister or public authority.

This PP does not propose to include additional uses beyond what is permitted within the relevant land use table. It is therefore, consistent with this Direction.

#### 6.3 Site Specific Provisions

This Direction relates to the use of site specific planning controls.

This PP does not seek to include additional uses beyond what is permitted within the MWR LEP 2012 Land Use Table for the RU4 Primary Production Small Lot Zone. It is noted that the RU4 Primary Production Small Lot Zone will permit the type of development that is envisaged for the subject site in the future. This PP is therefore, consistent with this Direction.

### **4.3.3 Environmental, Social and Economic Impact**

#### **4.3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

The subject site contains minimal vegetation (mainly cherry trees associated with an existing orchard) and no remnant vegetation. Therefore, the potential for impact on critical habitat, threatened species, populations or ecological communities is considered to be immaterial.

#### **4.3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Due to the proximity of the subject site to the Airport, there is potential for the amenity of approved future residences to be impacted as a result of aviation noise. The potential for impact would be assessed at the development stage and should not hinder further consideration of this PP.

Nonetheless, due to the low frequency of commercial flights (typically one in and one out per day) plus a few private flights, the potential impact of aviation noise would be insignificant. If required acoustic treatments can be applied to the construction of future residences (e.g. laminated glass, double plaster board ceilings and masonry walls). This however, would typically be prescribed as a condition of consent, though such conditions were not found



necessary in the circumstances of low usage and size/type of aircraft for the existing dwelling consents.

The potential impact of aviation noise did not preclude the issuing of development consents for the construction of 2 residential dwellings on the subject site (see DA 0091/2009 and 0173/2014). The PP will only create the potential for 6 more.

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

Overall, the social and economic effects of this PP are expected to be positive. In particular,

- The loss of agricultural land (in this instance) is considered to be insignificant with regard to the area of the surrounding rural zoned land available for viable agricultural production.
- Part of the subject site contains an established cherry orchard and has previously also been used for the growing of grapes. According to the proponent's, the size of the subject site is such that neither grapes nor cherries have been (or can be) an economically viable agricultural venture, with losses well documented for at least a decade.
- This PP will enable the utilisation of land that has available infrastructure and will provide an opportunity for residential development without creating additional demands on services and/or infrastructure.
- This PP will cater to the strong demand and limited supply of appropriately zoned 2 hectare allotments near Mudgee and on the eastern side of Mudgee.
- The Mudgee Airport is an important asset for the MWRC LGA, which provides a gateway into the Region. The potential for tourist and airport related development on the subject site if capable of subdivision into 2ha lots could strengthen the economic returns of the Airport facility as well as aviation and/or tourist related business or industry within the Region.

#### **4.3.4 State and Commonwealth Interests**

There are not considered to be any State or Commonwealth interests in this PP other than ensuring general consistency with the State Policies and facilitating the ongoing operation and development of Mudgee Airport.

##### **4.3.4.1 Is there adequate public infrastructure for the Planning Proposal**

Yes. There is considered to be adequate public infrastructure as detailed below:

- Future development will not generate a need for reticulated water. Rather, a 10,000 litre dedicated water supply tank would be provided with a petrol or diesel powered pump. This is consistent with DA 0091/2009 and DA 0173/2014.
- The soils within the subject site have previously been analysed and identified as suitable for the provision of an on-site sewerage management system (see DA 0091/2009 and DA 0173/2014).

- Being adjacent to the Mudgee Airport and approved for dwellings, key utilities such as electricity and telephone are available for connection to the subject site. Connections to these utilities would be formalised during the subdivision design stage,
- The subject site is located approximately 5 kilometres from the Mudgee CBD and is well positioned to utilise existing all-weather access roads, including George Campbell Drive, Ulan Road, Eurunderee Road and Henry Lawson Drive.

#### **4.3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation has been carried out with either State or Commonwealth public authorities in relation to this PP. Nonetheless, following the Gateway Determination, relevant agencies will be consulted where required.

Any proposed variations to this PP would be addressed following the consultation period.

## **4.4 Community Consultation**

It is expected that direction as to the nature and extent of community consultation will be given by the Minister as part of the LEP Gateway Determination.

Should this PP be supported, it is likely that it will be exhibited as a 'low impact' proposal for a period of not less than 14 days in accordance with Section 5.5.2 of *A Guide to Preparing Local Environmental Plans*. A 'low impact' proposal is defined as 'a planning proposal that, in the opinion of the person making the Gateway determination is:

- *Consistent with the pattern of surrounding land use zones and/or land uses.*
- *Consistent with the strategic planning framework.*
- *Presents no issues with regard to infrastructure servicing.*
- *Not a principal LEP.*
- *Does not re-classify public land.*

Public exhibition of the PP will include notification in the newspapers that circulate widely in the area. Information relating to the PP will also be on display at Council's administration building located at 86 Market Street, Mudgee.

## 5.0 Summary and Recommendations

The submitted PP seeks an amendment to the Mid-Western Regional LEP 2012 to permit future subdivision into 2 hectare lots and residential development of Lot 63 DP 618063, 55 George Campbell Drive, Mudgee.

This will be achieved by amending the MWR LEP 2012 as follows:

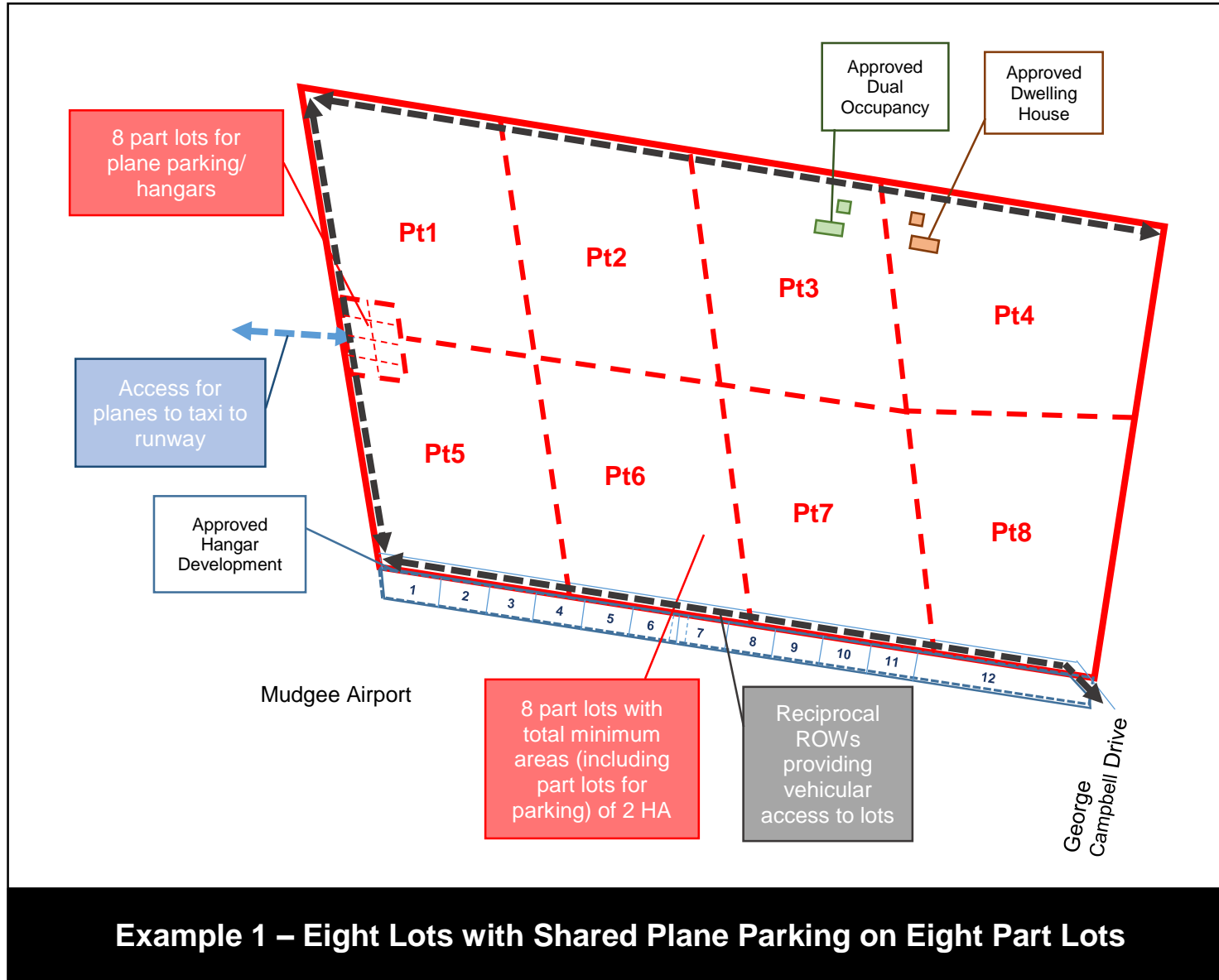
- 1) Removing the 20 hectare minimum lot size from the subject land and replacing it with a 2 hectare minimum lot size. This requires amending the Lot Size Map LSZ\_006F by removing it from the **AB3** 20 identification and replacing it with the **Z2** ha designation.

The PP is in accordance with the objectives of the relevant MWRC's Local Strategies, applicable SEPPs and Section 117 Directions. There are not considered to be any environmental, social or economic impacts arising as a result of the PP.

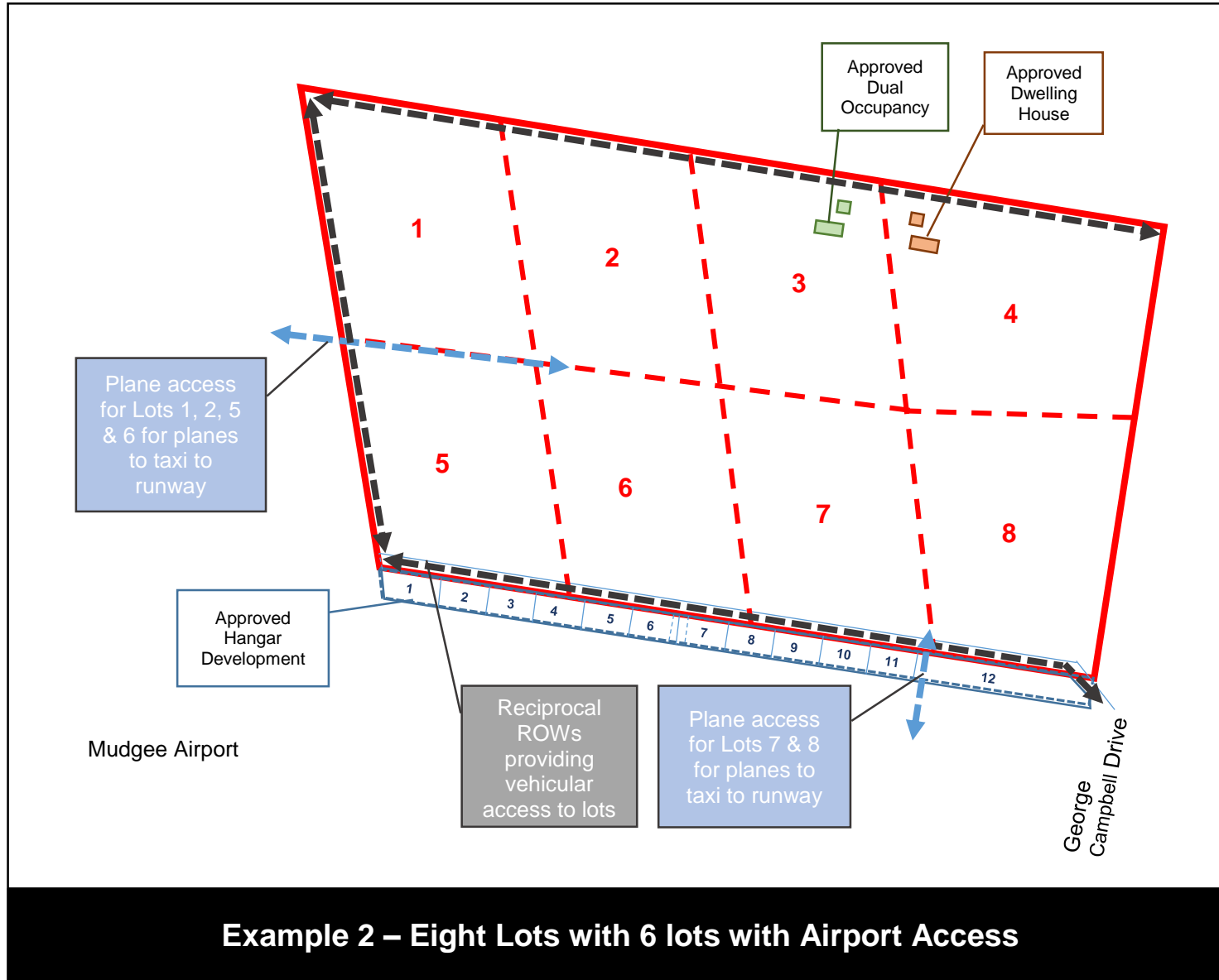
It is therefore requested that the Council resolve to forward this PP to the DPE for LEP Gateway Determination in accordance with the EP&A Act.

**APPENDIX A**  
**Three Indicative Lot Layout Plans**

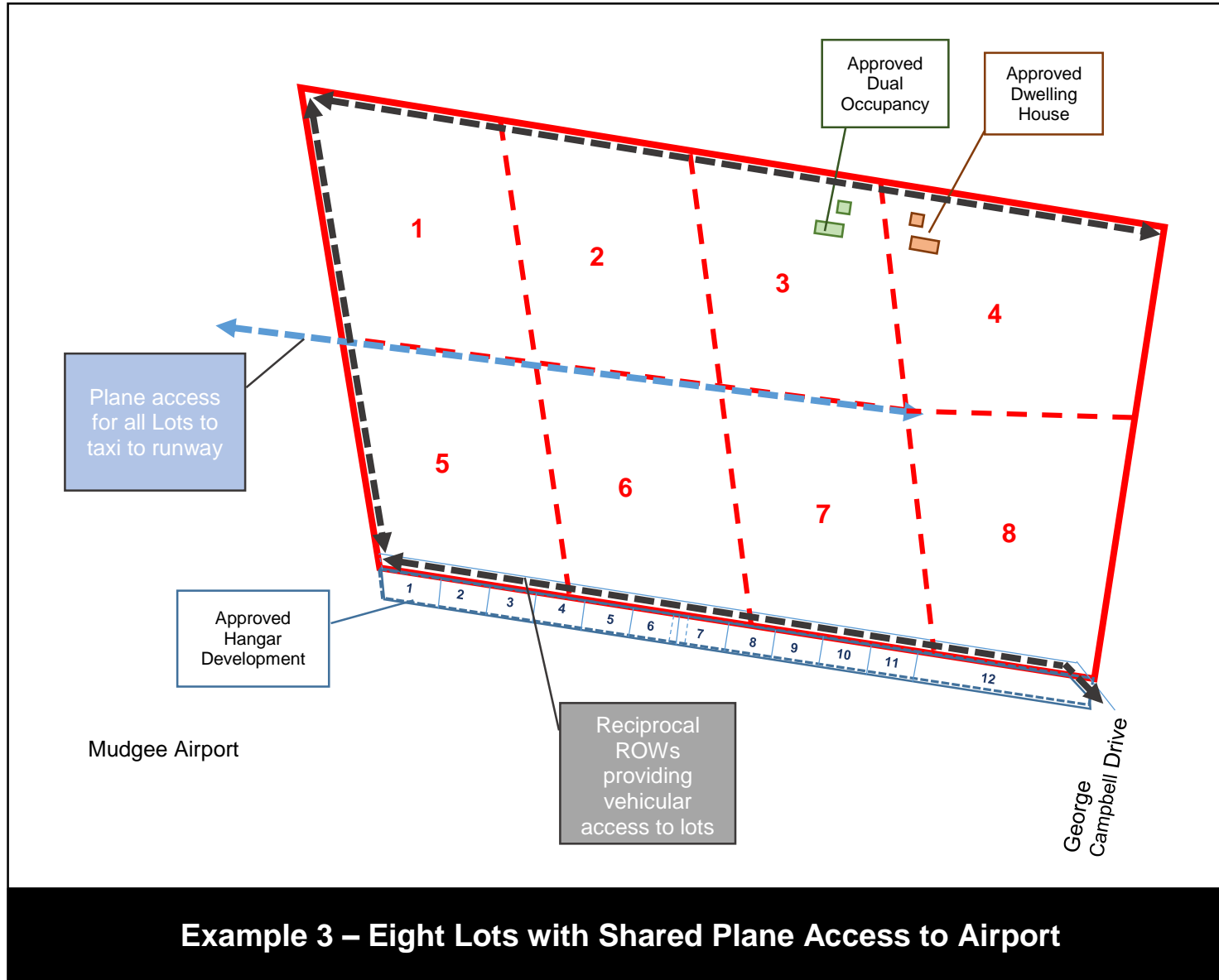




**Example 1 – Eight Lots with Shared Plane Parking on Eight Part Lots**



**Example 2 – Eight Lots with 6 lots with Airport Access**



**Example 3 – Eight Lots with Shared Plane Access to Airport**



**APPENDIX B**  
**State Environmental Planning Policies**

**Planning Proposal**

Lot 63 DP 618063 George Campbell Drive, Mudgee

State Environmental Planning Policy	Relevance	Consistency
SEPP No. 1 – Development Standards	N/A	
SEPP No. 14 – Coastal Wetlands	N/A	
SEPP No. 15 – Rural Land-sharing Communities	N/A	
SEPP No. 19 – Bushland in Urban Areas	N/A	
SEPP No. 21 – Caravan Parks	N/A	
SEPP No. 26 – Littoral Rainforests	N/A	
SEPP No. 29 – Western Sydney Recreation Area	N/A	
SEPP No. 30 – Intensive Agriculture	N/A	
SEPP No. 32 – Urban Consolidation (Re-development of Urban Land)	N/A	
SEPP No. 33 – Hazardous and Offensive Development	N/A	
SEPP No. 36 – Manufactured Home Estates	N/A	
SEPP No. 39 – Spit Island Bird Habitat	N/A	
SEPP No. 44 – Koala Habitat Protection	N/A	
SEPP No. 47 – Moore Park Showground	N/A	
SEPP No. 50 – Canal Estate Development	N/A	
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
SEPP No. 55 – Remediation of Land	YES	CONSISTENT
SEPP No. 59 Central Western Sydney Economic and Employment Area	N/A	
SEPP No. 62 – Sustainable Aquaculture	N/A	
SEPP No. 64 – Advertising and Signage	N/A	
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	
SEPP No. 70 – Affordable Housing (Revised Schemes)	N/A	

## Planning Proposal

Lot 63 DP 618063 George Campbell Drive, Mudgee

State Environmental Planning Policy	Relevance	Consistency
SEPP No. 71 – Coastal Protection	N/A	
SEPP – Affordable Rental Housing 2009	N/A	
SEPP – Building Sustainability Index BASIX 2004	N/A	
SEPP – Exempt and Complying Development Codes 2008	N/A	
SEPP – Housing for Seniors or People Living with a Disability 2004	N/A	
SEPP – Infrastructure 2007	N/A	
SEPP – Major Development 2005	N/A	
SEPP – Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP – Rural Lands 2008	YES	CONSISTENT
SEPP – State and Regional Development 2011	N/A	

**APPENDIX C**  
**Section 117 Directions**

Section 117 Ministerial Directions	Relevance	Consistency
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	YES	CONSISTENT
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	YES	CONSISTENT
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	YES	CONSISTENT
3.6 Shooting Ranges	N/A	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulphate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	

Section 117 Ministerial Directions	Relevance	Consistency
4.4 Planning for Bushfire Protection	N/A	
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	YES	CONSISTENT
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific highway, North Coast	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	YES	CONSISTENT
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	YES	CONSISTENT
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	



17 DECEMBER 2014

## ORDINARY MEETING

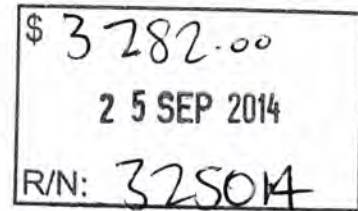
### ATTACHMENT **6.3.8**

► Planning Proposal – MLS Broadhead Road



25 September 2014  
Our Ref: A02 Broadhead Road

The General Manager  
Mid-Western Regional Council  
86 Market Street  
MUDGEES NSW 2850



Dear Sir

**PLANNING PROPOSAL - CHANGE TO MIN LOT SIZE TO ALLOW SUBDIVISION CONCEPT IN EXISTING R2 LOW DENSITY RESIDENTIAL LAND, LOT 9 DP1150667, BROADHEAD ROAD, MUDGEES NSW 2850 FOR MR PETER CONSADINE**

Please accept this proposal on behalf of the owner of Broadview Estate, 238 Broadhead Road, Spring Flat, Mr Peter Consadine. The current provisions of the MWR LEP 2012 permit serviced subdivision to a min of 4000m<sup>2</sup> at the site. The land subject of the proposal should be considered for lots of min 2000m<sup>2</sup> to allow flexibility in the lot layout and infrastructure design. The reduction in the minimum lot size will provide the developer flexibility in achieving an appropriate subdivision design considerate to the constraints of the land. With the assessed characteristics of the land and constraints being considered, namely the power lines, watercourse, road realignment to avoid native vegetation and topographic suitability, the land will be able to yield a similar number of lots without a rezoning. The concept plan provided includes a variety of lot sizes ranging from 7294m<sup>2</sup> to 2010m<sup>2</sup>, achieving a yield of 24 residential lots. A marginal increase in yield therefore can be expected, whereby which based on area and utilising a 4000m<sup>2</sup> min. yields approx. 21 lots.

The proponent, through Minespex, appreciates being kept informed of the progress of the proposal. Should you require further information in relation to this matter, please do not hesitate to contact myself on 0457 711 169 or Mr Bob Crooks of Jabek Pty Ltd on 0427 721 818.

Yours faithfully



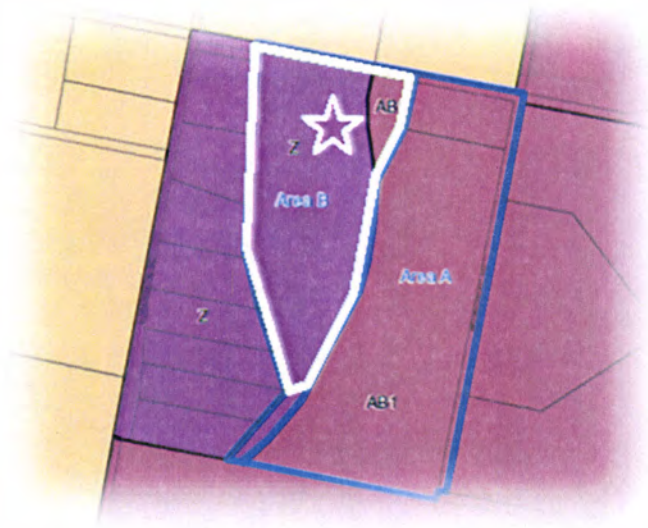
**EMMA YULE**  
**ENVIRONMENTAL TOWN PLANNER**  
MINESPEX PTY LTD



**Attachments:**

**1 – Planning Proposal - Change to min lot size to allow subdivision concept in existing R2 Low Density Residential Land, Lot 9 DP1150667, Broadhead Road, Mudgee NSW 2850 for Mr Peter Consadine (Project Ref. – JAB025/A02)**





## Planning Proposal Change to min lot size to allow subdivision concept in existing R2 Low Density Residential Land

Lot 9 DP1150667

Broadhead Road, Mudgee NSW 2850

for

Mr Peter Consadine

Project Ref. – JAB025/A02

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February 2014



*Consultation and operational support to the mining industry*

PO BOX 604, MUDGEE NSW 2850

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## ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	FEB 13	DRAFT FOR CLIENT	EY	RJC, PC
2	1	FEB 14	FINAL	EY	GM



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## OVERVIEW OF PROPOSAL

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Minespex was commissioned by Jabek Pty Ltd on behalf of Mr Peter Consadine to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* for existing R2 Low Density Residential zoned land to align the minimum lot size with adjoining land to facilitate a large lot residential subdivision, with lot sizes varying from 2000m<sup>2</sup>.

This report describes the proposed development concept, objectives and outcomes of the LEP amendment, explanation of provisions and justification for the planning proposal.

The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of residential land, addressing sustainability and economic development outcomes for land that has synergy with development approved residential subdivisions. The planning proposal intends to:

- Enable a range of lot sizes to be created:
  - supporting fulfilment of lot yield predictions for the land;
  - providing flexibility in the future subdivision design options;
  - considerate to physical constraints associated with the land; and
  - co-ordinate a supply of land that is readily developed.
- Amend the corresponding lot size map for the part of Lot 9 DP115066, to align the minimum lot size for the area labelled 'Area B' (i.e. 4000m<sup>2</sup> with reticulated services) with the adjoining 'Area A' (i.e. 2000m<sup>2</sup>) both within the existing R2 Low Density Residential zone.
- Facilitate the development of the locality with consideration of constraints in accord with the concept plan provided; incorporating the subject land with the development of adjoining DA 0367/2013, to create a development that best utilises infrastructure extended to services the development, with consideration to the unique aspects of the landscape in the locality.

With regard the concept plan submitted, the expected maximum number of lots at the current minimum lot size is 21 lots (based on 4000m<sup>2</sup> min) compared to the attached plan which results in 24 lots of various sizes ranging from 7294m<sup>2</sup> to 2010m<sup>2</sup> (Proposed 2000m<sup>2</sup> min). The proposal is not by any means seeking to result in a doubling or significant additional lots but to provide flexibility in subdivision design to address site constraints. The larger lots are located on the higher ground with the smaller lots on the more level sites available on the eastern side of the proposed new road.

The consideration of options to maximise the return for infrastructure expenditure is appropriate. The planning proposal has included the concept plan to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development and sensitive riparian environments.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report.

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## TABLE OF CONTENTS

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<b>PART 1 - Objectives and intended outcomes of the proposal .....</b>	<b>1</b>
<b>Statement of Intended outcomes .....</b>	<b>1</b>
<b>PART 2 - Explanation of Provisions .....</b>	<b>3</b>
<b>PART 3 - Justification .....</b>	<b>4</b>
<b>SECTION A - Need for the Planning Proposal.....</b>	<b>5</b>
<b>Policy Context .....</b>	<b>6</b>
<b>SECTION B - Relationship to the strategic planning framework .....</b>	<b>14</b>
<b>SECTION C - Environmental, Social and Economic Impact .....</b>	<b>20</b>
<b>SECTION D - State and Commonwealth interests.....</b>	<b>26</b>
<b>PART 4 - Details of the community Consultation that is to be undertaken on the planning proposal.....</b>	<b>27</b>
<b>CONCLUSION.....</b>	<b>28</b>
<b>APPENDIX A – Concept Plans</b>	



## ABBREVIATIONS

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AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

### **Purpose and Objectives of this Planning Report**

This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific amendment to the Lot Size Map. The amendment is proposed to amend the lot size within the existing R2 Low Density Zone to allow lots to 2000m<sup>2</sup>.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (October 2012).



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## **PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL**

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### **STATEMENT OF INTENDED OUTCOMES**

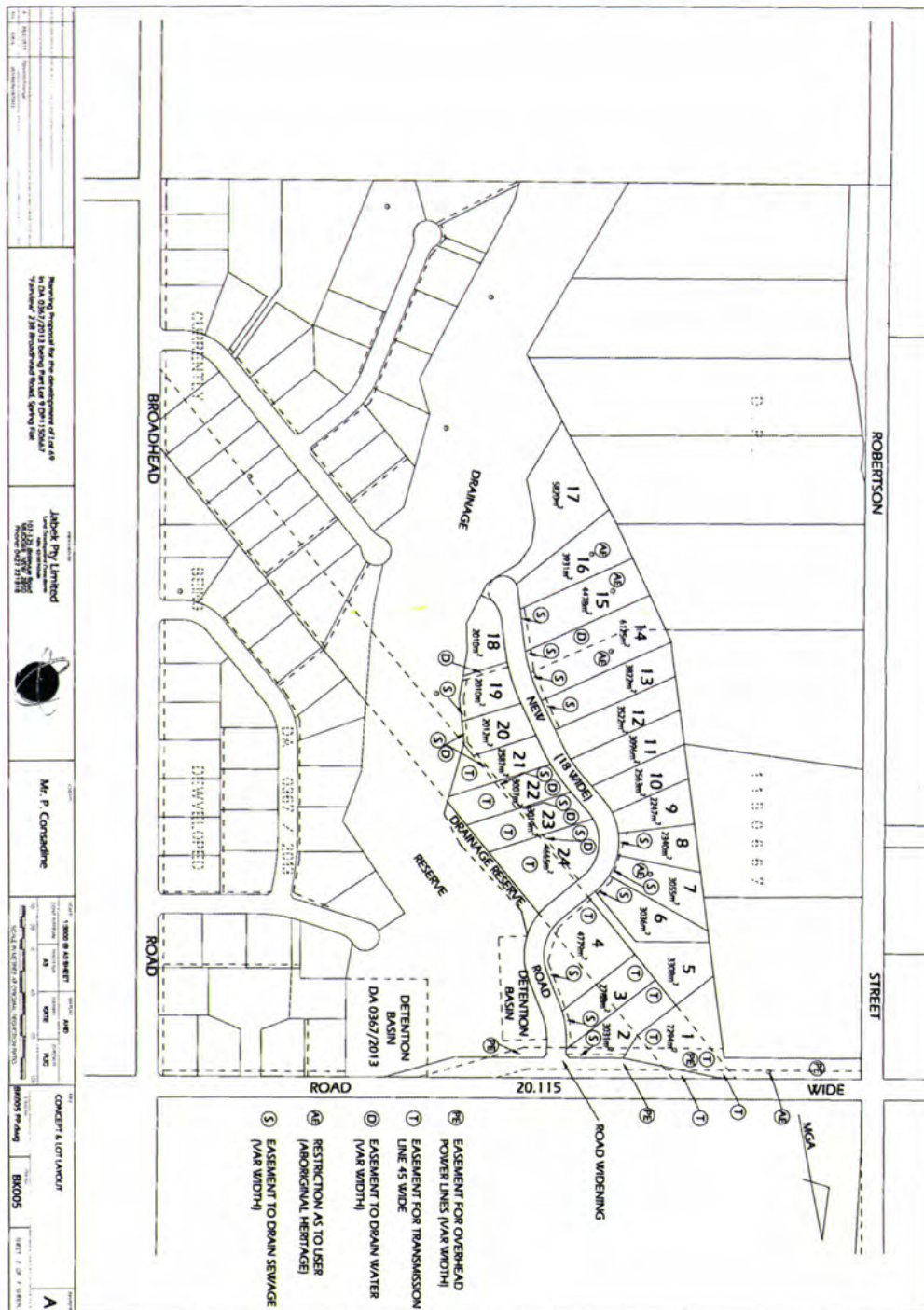
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*The planning proposal refers to existing R2 Low Density Residential zoned land south of Mudgee, and seeks to amend the minimum lot size from 4000m<sup>2</sup> to 2000m<sup>2</sup> to align with the min lot size for adjoining R2 zoned land. This aims to facilitate development of future 'low density residential' lots in accordance with the development concept.*

The subject land forms a parcel, referred to as part of "Fairview", 238 Broadhead Road that forms part of residue Lot 69 in DA0367/2013. This recently approved subdivision creates lots of min 2000m<sup>2</sup>. It is intended through this proposal to provide an opportunity to best utilise the associated infrastructure (reticulated power, water and sewerage) and be able to create lots appropriate to the landscape ranging from 2010m<sup>2</sup> to 7294m<sup>2</sup> and transition to the adjoining 2ha lots to the north.

The concept provides a marginal increase in lot yield compared to the 4000m<sup>2</sup> minimum; though the concept design primarily includes a mix of larger and smaller lots to account for topography, physical restriction due to obstacles such as easements and drainage, and a new road without creating a situation where an underdeveloped site is created when the infrastructure is available to support the development. The concept, addresses development limitations such as natural drainage features, transmission line, and items of heritage significance with a mix of lot sizes able to best utilise the developable area and infrastructure to be extended to the locality.

Figure 1:  
Subdivision  
Concept Plan  
prepared by  
Jabek Pty  
Limited





## PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following:

1. No amendment to the Mid-Western Regional LEP 2012 Land Zoning Map – Sheet LZN\_006E shown at **Figure 2**.
2. Amendment to the Mid-Western Regional LEP 2012 Lot Size Map – Sheet LSZ 006E where this map depicts the subject land, it is proposed to change the reference to Area A, as shown in **Figure 3**.

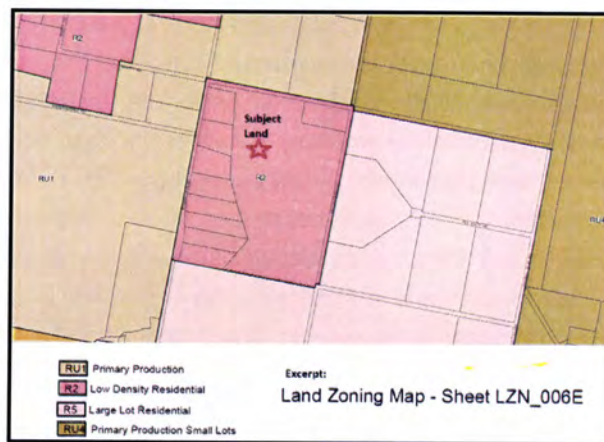


Figure 2: Excerpt from Land Zoning Map depicting the site location

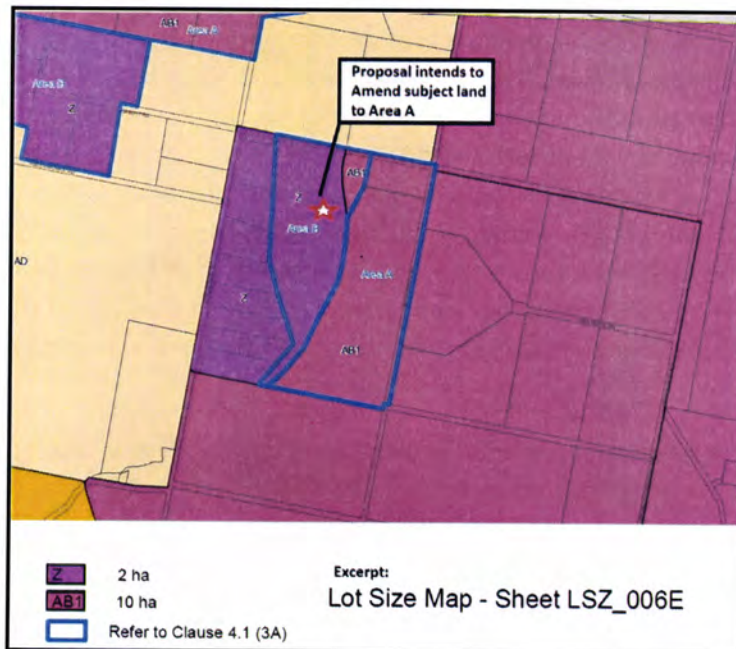


Figure 3: Proposed Amendment to Lot Size Map

## PART 3 - JUSTIFICATION

This section sets out the reasoning for the proposed change to the MWRLEP 2012, taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

Alternatives have been considered to achieve the future development of the R2 Low Density Residential land. It is assumed that the parcel was included in the LEP with a 4000m<sup>2</sup> minimum to provide a transition area from the elevated 2ha lots to the undulating land off Broadhead Road, with a 2000m<sup>2</sup> minimum.

However, the capacity of the land to serve as a transitional area is hindered due to the size of the land and the topography. With the developed elevated building sites (i.e. the developed 2ha lots) being able to overlook the subject land and view the smaller lots east of the watercourse and further with the development offering at most a two lot width will not in effect provide a noticeable physical transition and is not justification for persisting with a in larger min. lot size. Similarly, the slope of the land does not preclude smaller lots; with the steeper unserviceable slopes in the location already being included in the developed 2ha lots. The mix of lots sizes achieved in the concept, with larger lots primarily located on the northern side of the proposed new road, will reduce the number of neighbours for the 2ha lots and continue to provide a transitional facet.

Due to the exclusion of land for offsetting of Vegetated Riparian Corridor (for DA0367/2013), drainage and detention basin requirements and consideration of the transmission line affecting the land, the actual lot yield is only marginally increased from the 4000m<sup>2</sup> minimum. However a suitable planning outcome is achieved whereby the design is considerate to constraints but also utilises the land efficiently achieving economic goals with all lots provided adequate area for building envelopes free of constraint. The reduction in the minimum lot size will provide the developer flexibility in achieving an appropriate subdivision design for the land. The concept plan includes a variety of lot sizes ranging from 7294m<sup>2</sup> to 2010m<sup>2</sup>, achieving a yield of 24 residential lots. Compared to the potential yield; (based on available area with the current 4000m<sup>2</sup> minimum), i.e. a max. yield of 21 residential lots is estimated. This minor variance supports the assertion that the main aim of the planning proposal is to ensure that economic development of the land can be achieved with the lot yields reflecting the site features, rather than a reduction of lot size to achieve a doubling of density in the location.

Though the lot yield increase is marginal, justification for the potential increase in this location has been considered with regard to alternative available land. The developers are aware of the availability of additional land supply under the Mid-Western Regional Comprehensive Land Use Strategy (CLUS). However many of these areas are not able to be readily developed and achieve reported projected lot yields. Where Council has invested in significant infrastructure improvements and issued consents, it is prudent to ensure the best use of such expenditure, and avoid instances of under-utilisation of land resources. This planning proposal seeks to make provision for the best use of the land and infrastructure through alignment with the development standards of the subdivision of the related land (DA0367/2013). If approved, the development will proceed as a stage of the



greater development of the land generally, and is a genuine development proposal (rather than an attempt to increase land value or other long term venture). The proposal is for current R2 Low Density zoned land, and no increase in zoned land is proposed.

The concept presented has approached the site's physical constraints and has been responsive to achieving a 'community' framework with a focus on utilising the services and road access extended to the site as part of DA0367/2013 and creating a development with similar development standards. Amending the minimum lot size to create consistency with the adjoining land east of the riparian corridor will provide the subject site with a marginally increased lot yield, while compensating for existing physical constraints. The concept design demonstrates the variation of lot size required to create a suitable outcome for the constrained site providing suitable building sites. This will allow the future development to best utilise services which are to be provided to the site, including reticulated water sewer and access to the sealed road network.

## SECTION A - NEED FOR THE PLANNING PROPOSAL

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### *Q.1. Is the planning proposal the result of any strategic study or report?*

**No.** Prior to the CLUS, the land was identified by Council and rezoned in the previous Interim LEP (2008) corresponding to the current R2 Low Density Residential zoning within current Mid-Western Regional LEP 2012. The Mudgee Town Structure Plan identifies the zoning of the land for large lot residential lots. The Planning Proposal has stemmed from these strategically identified opportunities and further directed due to adjoining development approval (DA0367/2013) for residential subdivision for lots of min 2000m<sup>2</sup>. The proposal to reduce the minimum lots size is the result of development constraints assessment and preliminary subdivision concept development.

The land is identified in the Mid-Western Regional Comprehensive Land Use Strategy for residential development, as well as being aligned with Mid-Western Region Community Plan towards 2030 and Mid-Western Regional Council's Economic Strategy as discussed below.

### **Mid-Western Regional Draft Comprehensive Land Use Strategy (CLUS)**

The Mid-Western Regional Council has prepared the CLUS, which provides direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use and is supported by the Mudgee Town Structure Plan. The following description from the CLUS refers to the subject land (Sect 3.1.3 pg 31):

#### ***"Future large lot residential land supply***

*...It is likely that there will be a range of densities achieved on land identified for this type of development depending on the availability of services and infrastructure, and other environmental constraints. Ideally, development of this land should be delayed until such time as reticulated sewerage and water and tar sealed road access is available.*

*Detailed site investigations would be required to ensure the design of any future large lot urban fringe subdivision and subsequent development appropriately responded to individual site constraints (such as natural or cultural values), road access and on-site water supply and effluent disposal.*

.....

*The existing large lot residential land to the south is constrained by high voltage power lines, access and the lack of sewerage infrastructure, which has limited development in this area to date and may continue to do so."*

Since the CLUS (2010), the land has been approved for development (DA0367/2013) with sealing of the road access and reticulated services to be extended to the location. The development of this land should not be delayed further with the provision of servicing as indicated.

## **POLICY CONTEXT**

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The subject area in the CLUS is considered as a whole i.e. not Area A or Area B as referenced in the LEP. It is assumed that these areas are topographically based on slope and serviceability. The framework as established within the CLUS, is the basis on which the opportunities for this planning proposal have been explored and policy basis. The CLUS identifies opportunities for expansion of the Mudgee Township, supported by the Structure plan. The subject land was included in the preceding Interim LEP 2008 and similarly noted in the CLUS and has been consistently zoned for low density residential development in the current LEP.

Opportunities for residential development in line with adopted Policy to support future growth are discussed. Population growth in the LGA has triggered the need to identify how to facilitate the supply of residential land into the future as estimated land supplies are adjusted and the Mudgee Town Structure Plan is updated. The subject proposal does not require change to the Mudgee Town Structure Plan and is not seeking to provide an increased land supply. This proposal aims to describe how the land recognised as available and included in projected land supply estimates may be developed with appropriate design and constraints assessment.

The subject site has been the focus of development constraints assessment namely as part of the planning proposal and as part of the work undertaken as part of the DA processes for approved subdivisions for adjoining land. Identified constraints with reference to the subdivision concept supporting the planning proposal are discussed:

- **High Voltage Power Line (Transgrid)**

Constraint is due to existing power easement and high voltage transmission line affecting the subject land.

Flexibility in minimum lot size will ensure new boundaries avoid transmission structures. Transgrid Easement Guidelines for Third Party Development have been taken into consideration and the guidelines will be followed to ensure that high voltage transmission line is avoided. The location of proposed boundaries in relation to the existing transmission line structures has been considered with appropriate clearances achieved.



- Riparian Corridor

Constraint is due to the land being affected by three mapped watercourses.

One of the first order watercourses is not defined on the ground and is insignificant in terms of riparian habitat. The integrity of other first order watercourse (located within proposed Lot 14 in the concept plan) has been sought to be retained through the creation of a 20m wide easement and collection into the road drainage system and conveyed by pipe to the main drainage reserve. Flexibility in lot size will enable larger lots sizes to coexist with smaller lots without loss of total lot yield, as land is excluded to protect riparian environments.

The main 4<sup>th</sup> order watercourse located at the site has been the subject of environmental investigation as part of the DA0367/2013. Controlled activity approval is to be sought for works associated with the approved development. With reference to the NOW Guidelines for riparian corridors on waterfront land (NOW, 2012) the width of the Vegetated Riparian Zone (VRZ) achieved in the concept and approved development is compared to the guidelines. The averaging rule has been applied to the development, with offsets applied to the VRZ primarily on the western side of the watercourse for non-riparian use encroachments to the outer 50% of the VRZ on the eastern side of the watercourse. That is a wider VRZ is achieved for the watercourse on the bank subject to the Planning Proposal. Similarly compensation/offsetting can be applied to the off line detention basin for the area of the proposal. This reduces the available area for development on the western side of the watercourse.

- Cultural Heritage

Constraint is further due to ensuring the ongoing protection of four (4) known sites of Aboriginal Heritage having been identified in previous survey of the whole of the land owned by Mr Peter Consadine.

The constraint is acknowledged with 'Restriction as to User' provisions proposed to ensure that the identified sites are protected and avoided by new subdivision boundaries.

- Road Access and Services

Constraint to increased residential density was previously stated in the CLUS due to unsealed roads that need upgrade. Further the reticulation of services was not readily extended to the site to facilitate development.

Roads and servicing no longer delays the development of the land. Sealed road access will be provided as roads are upgraded for approved subdivision and for this proposal. Access to the lots is provided from Robertson Street on the west with a new road to be constructed within and without the existing road reserve. It is intended to link this road through to the approved subdivision to the east (Road No 5 in DA 0367/2013). The development of land associated with DA0367/2013 will facilitate the additional development. Similarly, providing a surrounding constructed road network for the area bounded by Robertson Street to the east, Broadhead Road to the west and Bruce Road to the north, and Road No 5 (DA0367/2013) to the south will facilitate additional residential development in accord with the CLUS.

Water and sewerage facilities are currently being extended to service the subdivision to the east (DA0367/2013) and can be readily extended to service the proposed site. Power and telecommunication services already exist having been developed with adjoining 2ha development to



the west (accounting for such development to the east). Hence these services can be economically extended to service the proposed development.

The proposal is consistent with the Mudgee Town Structure Plan within the CLUS and was zoned prior for low density residential purposes in the Interim LEP (2008). Though this planning proposal seeks to amend the minimum lot size in the LEP, it is aligned with the Policy context:

- *The land has been identified in the LEP and CLUS as available supply for large lot residential development.*
- *The Proposal is consistent with the surrounding land values identified in the Structure Plan. The subject site includes further land owned by the proponent, approved for development to lots of 2000m<sup>2</sup>. In addition, the site adjoins land identified in the CLUS for future large lot residential land use (north of Spring Flat Road between Bruce Road and Hill Sixty Drive).*
- *The Planning Proposal promotes development addressing the constraints identified in the CLUS affecting timing of the development; such as transmission lines, access, servicing, and natural environments.*
- *Provides good utilisation of infrastructure, servicing and access upgrade approved as part of DA0367/2013.*
- *Provides an opportunity for implementation of best practice urban and landscape design principles through the concept plan, integrating with existing development.*



Mid-Western Regional Council

Figure 3-1 Mudgee town structure plan

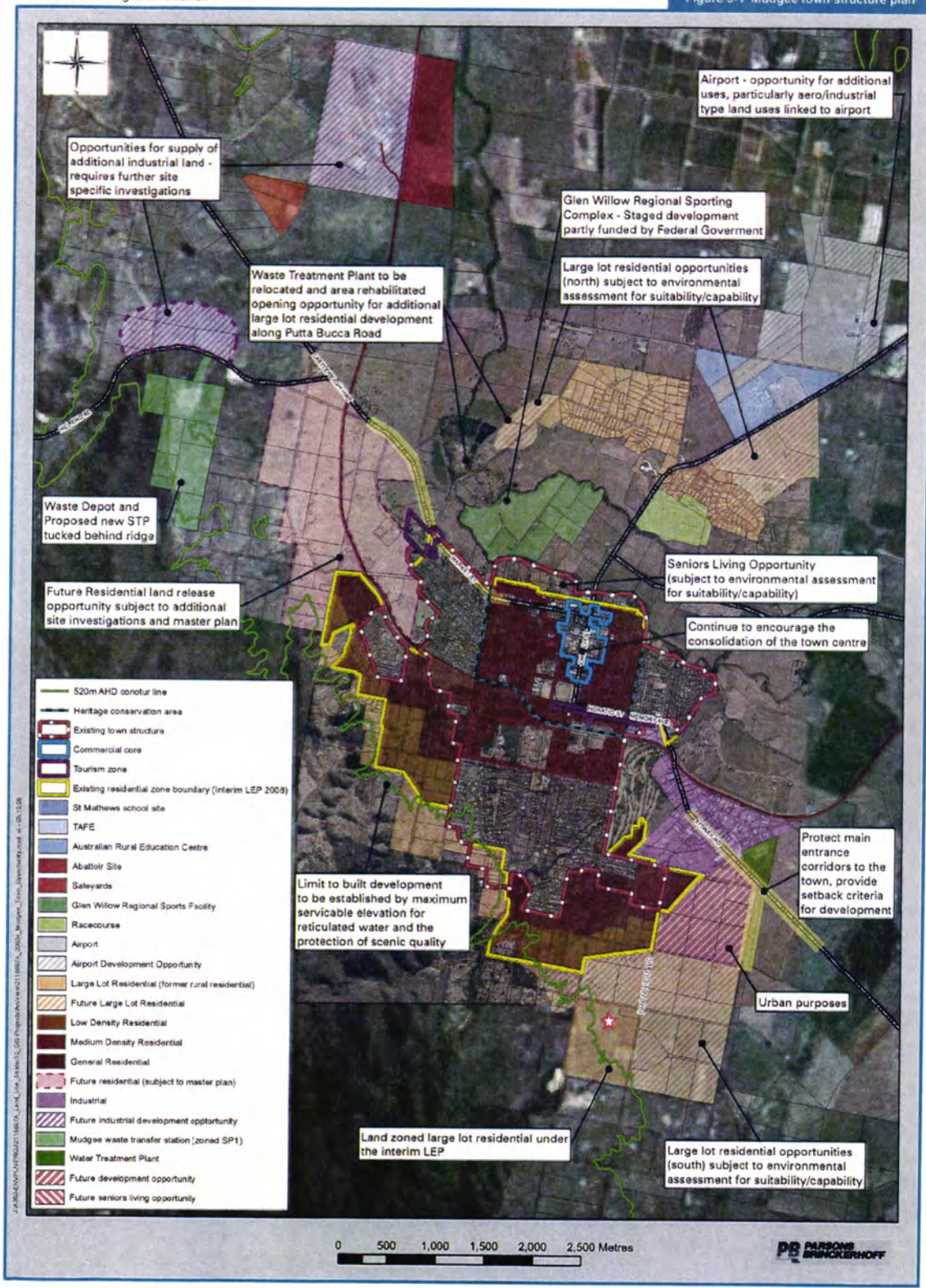


Figure 4: Mudgee Town Structure Plan



**Mid-Western Region Towards 2030 Community Plan**

Goals of the Community Plan and how the Planning Proposal achieves these, is discussed in the table below correlating to strategies identified in the Plan.

Goal	Strategy From Community Plan	Planning Proposal/Response
<b>Theme 1: Looking after our Community</b>		
<b>2 Vibrant towns and villages</b>	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	<i>Effective land use planning includes making the most of available infrastructure. The utilisation of land that has available access &amp; adjoins similar development is effective and efficient planning. The planning proposal will provide a variety of low density lots South of Mudgee, which provides a delivery of larger prestige lots and smaller lots promoting a diversity of housing types in the location. Land release would be staged based on demand.</i>
<b>4 Meet the diverse needs of the community and create a sense of belonging</b>	Provide equitable access to a range of places and spaces for all in the community.	<i>The concept plan has included the provision of open space and landscaped areas, to ensure all lots are located within 400m of a local park, playground or passive open space.</i>
<b>Theme 2: Protecting our Natural Environment</b>		
<b>1 Protect and enhance our natural environment</b>	Minimise the impact of mining and other development on the environment both natural and built.	<i>Environmental mitigation measures were included in the concept plan. Surface water management has been considered as well as impact on biodiversity and riparian environments, with measures to minimise impact inherent in the concept design.</i>
<b>Theme 3: Building a Strong Local Economy</b>		
<b>2 An Attractive Business and Economic Environment</b>	Develop tools that simplify development processes and encourage high quality commercial and residential development.	<i>MWRC is to maintain and review the CLUS and LEP to encourage growth under the Plan. The Planning Proposal is in line with actions to increase the availability of residential supply and tools developed by Council.</i>
<b>Theme 4: Connecting our Region</b>		
<b>1 High quality road network that is safe and</b>	Develop and enhance walking and cycling networks across the Region.	<i>The concept plan includes opportunities for pathways and cycleway to extend into adjoining</i>

efficient.

undeveloped lands and well as connecting to existing cycle/walking paths.

### Mid-Western Regional Economic Development Strategy (EDS)

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Region in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

In line with the Strategy, provision of adequate infrastructure will support economic activity. Availability of residential land has not been identified as a key principle that will influence economic development in the region for the future. However maintaining adequate residential land supply will support Council in efforts to deliver projects that maximise local opportunities and economic benefits in line with the Economic Development Strategy.

### State and Regional Policies

There is no specific State or Regional Environmental Plan that addresses the Mid-Western Regional LGA.

*Q.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is considered the best means of achieving the intended outcomes as:

- The existing min. lot size of adjoining land of the same zoning is extended without confusion;
- The objectives of the R2 Low Density Residential zone and clause 4.1 are upheld;
- The concept plan provides opportunity for integration and transition to existing developed areas. The plan:
  - Integrates well with neighbouring properties to the developed land in Robertson Street.
  - Further, density of residential development is afforded with opportunity for appropriate transitioning to neighbouring land through application of mixed lot sizes.
- The R2 Low Density zone objectives will not be compromised by allowing the planning proposal to reduce the minimum prescribed lot size. Similarly, the current application of the zone to comparable development types in Mudgee supports the application of the smaller lot size in this instance, without hindering the intended outcomes.

*Q.3. Is there a net community benefit?*

The proposed low density residential development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series



of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being 'no change' to zoning/retaining the status quo.

Table 1: Net Community Benefit Test

Question	Application to Planning Proposal
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</i>	The NSW Government is currently preparing a draft strategic regional land use plan for the Western region. There is no applicable State or Regional strategic directions for development. However, the development is supportive of development identified in the LEP and <i>Mid-Western Regional Comprehensive Land Use Strategy (CLUS)</i> .
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	No.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. The planning proposal is unique in the location, with the land being zoned for the purpose and will be able to be economically serviced. The proposal will not set a precedent that is inconsistent with current strategic documents, but provides flexibility in achieving the projected lot yields.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	The MWRLEP commenced on 10 August 2012. There have been no previous spot rezoning proposals in the locality under the LEP to date.
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	The MWRLEP amendment will not facilitate a permanent employment generating activity or result in a loss of employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	Yes.  The use of the site to provide a range of residential densities in the location will make a more effective use of this land, utilising existing residential zoned land to greater potential.  The proposal uses land where infrastructure and services are available. A need for less new infrastructure will have a flow on effect of reduced land supply costs.

Question	Application to Planning Proposal
	<p>The planning proposal seeks to provide for residential uses which retain the unique quality lifestyle concept established in the locality, supporting diverse housing types with larger 2ha lots adjoining in elevated sites. The flexibility in lot size seeks to improve design options considering limitations without reducing overall lot yields.</p>
<p><i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i></p>	<p>The site is to be well serviced by road and other essential services. Access is provided to an upgraded existing road network. The site will also be serviced by a network of new proposed roads.</p> <p>The existing pedestrian and cycle network is linked to the site in a combination of shared road areas and separate paths (along the riparian corridor). The access point is linked to the open space areas in the concept plan where the cycle path/walkway is extended and linked to existing approved pathways.</p> <p>Servicing will be brought in vicinity of the site of the proposal with the development of neighbouring land associated with DA0367/2013.</p> <p>Public transport is not currently available to the land. The site has capacity for designated bus service stops to be provided in the concept layout.</p>
<p><i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i></p>	<p>Yes. The provision of additional local parks and passive open space areas within the development site will improve connectivity to such areas. Further provision of walkways/cycle paths improves connectivity. This will reduce car dependency; provide direct walking and cycle access, encouraging an active and healthy community.</p>
<p><i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i></p>	<p>No.</p>
<p><i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i></p>	<p>The site is not within an identified Flood Planning Area or high biodiversity significance under MWRLEP.</p> <p>The designated vegetated riparian zone (VRZ) to be enhanced by the developer will improve the current riparian corridor and protect the watercourse from development impacts.</p>



Question	Application to Planning Proposal
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i>	The proposed residential use is not inconsistent with current adjoining zoning or the surrounding land use. The proposed use will not adversely impact on amenity of the existing residential land use, as the concept plan has addressed the integration with existing development and adjoining residential and rural areas.
<i>Will the public domain improve?</i>	N/A  It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain.
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	N/A
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	N/A The MWRLEP amendment would not have the potential to develop into a centre.
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The MWRLEP amendment is intended to facilitate the development of residential land that is currently zoned in the LEP. This proposal supports development potential, improves road access and path linkages, refines riparian zone buffering and overall making the best use of available land. The lot size amendment at this stage provides surety for the developer and community that the development option can proceed in accordance with project lot yields, making best use of infrastructure improvements.  Should the planning proposal not proceed, future residential development is likely to be uneconomical due to the constraints and reduced lot yield. The proposal takes up opportunity to provide greater available residential lots to the Mudgee district in the medium to longer timeframes, utilising land that would be readily serviced and zoned for the purpose.

## SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

*Q.4. Is the planning proposal consistent with the applicable regional or sub-regional strategy?*

There are no regional strategies in place relevant to the planning proposal.



Q.5. *Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?*

**Yes.** Also refer to PART 1 and Q.1.

The current relevant local strategic plan is the Comprehensive Land Use Strategy (CLUS) which provides a context for future land use and informed the preparation of the Mid-Western Regional Local Environmental Plan (MWRLEP) (gazetted on 10 August 2012). The subject land was identified prior to this strategic work and identified by Council and was zoned for residential use in the Mid-Western Region Interim LEP 2008, i.e. prior to the MWRLEP.

The existing supply of residential zoned land was not increased with the gazettal of the Mid-Western LEP 2012, as this was based on the CLUS. The subject land has been included in the projected lot yields in the CLUS for the location. As such the proposal is consistent with Council's strategic plan and is consistent with the objectives of the current zoning.

## State Environmental Planning Policies

Q.6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below. Analyses of applicable SEPPs are provided in the table below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 – Number of Storeys	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
15 – Rural Land sharing Communities	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
44 – Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.
55 – Remediation of Land	Relevant. <i>See comments below.</i>
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal. <i>See comments below.</i>
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.
Temporary Structures 2007	Not relevant to planning proposal.
Rural Lands 2008	The proposal aims to reduce impacts and



SEPP	Applicable/Consistency
	does not fragment rural land.
State & Regional Development 2011	Not relevant to planning proposal.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing 2009	Through the provision of a variety of lot sizes, the future housing will potentially cater to a range of income levels. An objective of the planning proposal is to preventing housing affordability issues from escalating as identified in the Local Services Assessment.

**State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a proposal under Clause 6 of SEPP 55. However given the current use of the site the potential for contaminants should be considered at the development stage. Based on known use and land ownership it is unlikely that contamination will prevent future development of the land for residential purposes. However, any soil contamination would require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

**State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) potentially applies to the site. The site does not contain flood liable land. Hence Clause 15 of the ISEPP referring to development with impacts on flood liable land is not relevant.

With reference to clause 104 Traffic Generating Development, it is unlikely that the future development would trigger the need for referral to the Road and Maritime Services (RMS) and further consideration under this clause.

*Q.7. Is the proposal consistent with applicable Ministerial directions (s.117 directions)?*

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 2**.

Table 2: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	N/A.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2.1	Environment Protection Zones	<p>The development has been identified as nearing sensitive biodiversity pursuant to map BIO_006 of the MWRLEP. The small amount of identified Sensitive Biodiversity will be generally contained within the associated drainage corridor where it is considered that there is the lowest possible impact.</p> <p>Furthermore the site has been indicated to contain sensitive ground water supply demonstrated by map GRV_006 of the MWRLEP. This has been negated by the LEP which does not permit the development without connection to reticulated services. This will eliminate any negative impacts on ground water dependent ecological communities. Natural drainage lines have also be considered and utilised to provide drainage, ensuring minimal impact to any sensitive features.</p>
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	<p>No items of European heritage have been identified in the subject site. The site contains Aboriginal objects that are protected under the National Parks and Wildlife Act 1974. A Site survey has been carried out to ensure there is no disturbance of objects by the future subdivision. The planning proposal has adopted measures that facilitate the conservation of environmental heritage. The concept plan has been adapted and includes measures to avoid impact to any sites from future subdivision works.</p>
2.4	Recreation Vehicle Areas	N/A
3.1	Residential Zones	<p>This direction applies to the subject land as a change to the lot size map is proposed. The planning proposal will make best use of the available infrastructure which is to be supplied to the locality (particularly roads, sewer and water). The residential zoning supports development of good design which is capable of sustaining the smaller lots subject to connection to the relevant utilities.</p> <p>The LEP does not permit subdivision below 2ha until such time as the provision of a reticulated water and sewerage has been made to a development site. The planning proposal will make more efficient use of infrastructure and services which are to be</p>



Section 117 Ministerial directions		Compliance of Planning Proposal
		provided to the locality.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	The planning proposal is consistent with this Direction, and the capacity for dwellings to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport	The planning proposal and concept plan aids reduction of the dependence of cars, and travel demand through adequate provision of road linkages, adequate room for pathways and new open space areas. The proposal has considered the approved infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The planning proposal will build upon the existing level of access and public transport met by the adjacent residential area approved by residential subdivision DA0367/2013.
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	N/A
4.4	Planning for Bushfire Protection	Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The land captured by this planning proposal is outside of the mapped bushfire prone land. The planning proposal does not hinder adjoining lands from complying with the provisions of Planning for Bushfire Protection 2006. The subject land will be serviced with town water and have future hydrants installed as part of the concept subdivision.
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchment	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
6.1	Approval and Referral Requirements	This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A

The Planning Proposal is considered to be consistent with the applicable Ministerial directions as identified above.

**SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

*Q.8. Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Planning Proposal involves cleared pasture. The watercourses in this location have also been historically cleared of significant vegetation. The subject land adjoins mapped sites of High Biodiversity Sensitivity under the Mid-Western Regional LEP 2012 as depicted below (refer to **Figure 5**). The areas are associated with riparian corridors which have been avoided in the development concept resulting in minimal impact from development.

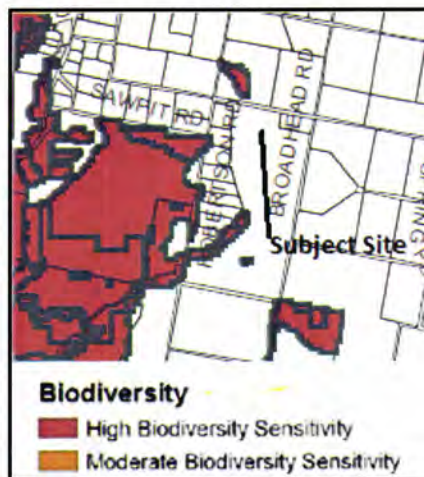


Figure 5: Biodiversity Sensitive Mapping (excerpt MWRLEP 2012 Sensitivity Biodiversity Sheet BIO\_006)

*Q.9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The constraints assessment and concept plan development carried out as part of the planning proposal preparation process has identified key environmental issues and development constraints. Environmental issues are able to be addressed in greater depth as part of a Development Application process.

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

**Constraints Assessment Summary**

Where a constraint has been identified, they are able to be addressed in the concept design and further assessment at the development stage.



## Topography and Soils

The site is located in a foot slope, terrace landscape and can generally be described as sloping gently to the east. The shape of the land, soils and topography presents no particular hindrance for subdivision, with relatively regular shapes to be developed.

The MWRELP has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located along the edge of the Visually Sensitive Land identified under the MWRLEP, and characterised by the 520 AHD contour. Future residential subdivision will not significantly compromise the visual setting forming the backdrop of Mudgee. It is considered that the proposed reduced minimum lot size will form an appropriate transition into higher density lots without compromising the character of the locality. A 2000m<sup>2</sup> minimum lot size, support by variety in lot sizes and layout that reduces the number of lots adjoining the established 2ha lots, being considered to provide suitable physical space, to result in a sympathetic outcome to the Visually Sensitive land identified within the planning proposal.

The area can be described as alluvial plains and terraces of the Cudgegong River and its tributaries. The lower terraces consist of various alluvial deposits of loams and sands. The landscape is considered in accordance with Murphy and Lawrie as Non Calcic brown soils and Yellow Podzolic Soils, with both Craigmore (cm) and Mullamuddy (mm) landscapes being identified within the subject site (refer to **Figure 6** below). Soil qualities and limitations indicate that both landscapes are generally suitable for residential development, care should be taken to minimise runoff and erosion during development and housing development should consider the possibility of moderate shrink and swell potential with the ability to affect foundations.

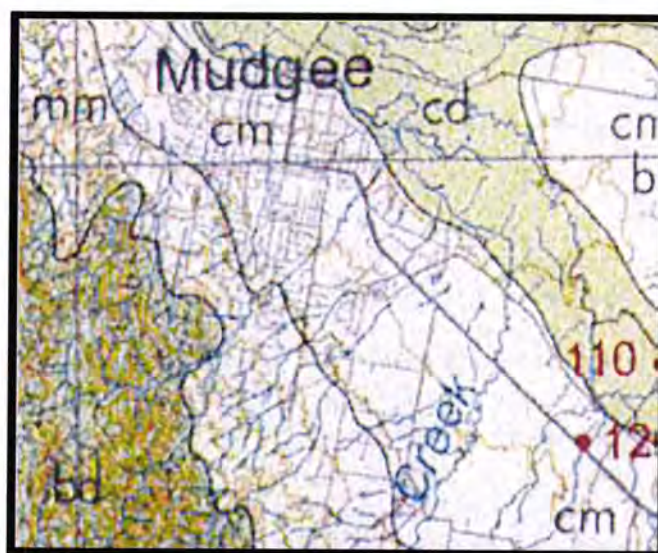


Figure 6 Soil landscape (Murphy & Lawrie 1998, subject site locality excerpt)



## Groundwater Vulnerability

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped area as depicted in the excerpt from the map in **Figure 7** below.

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of impacting on groundwater dependent ecological communities and the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals). This requirement is for the development stage and does not hinder further consideration of the planning proposal. Furthermore it is noted that connection to both reticulated water and sewer is required, before any such physical development could occur, which negates major contributing factors for possible groundwater contamination.

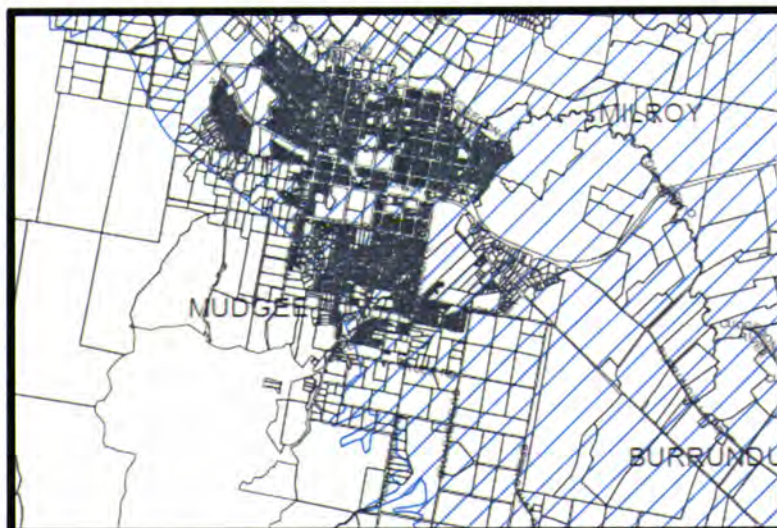


Figure 7: Groundwater Vulnerability (excerpt MWRLEP 2012 Groundwater Vulnerability Map GRV\_006)

## Salinity

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmere (cm) soil landscape group. This may place focus on land to the east of the subject land. Sites can become saline if salts in subsurface layers of the soil are mobilised and brought to the surface through rising groundwater or development of a perched water table due to an impediment to water drainage. Site specific drainage measures would need to be addressed in relation to any future subdivision proposals with current concept planning retaining natural drainage lines for development drainage.

The Mullamuddy (mm) landscape is demonstrated to have no apparent soil salinity problems in its current state. The landscape has the potential to development soil salinity issues in the medium to



long term. This should be considered during the development stage and salinity prevention methods should be implemented to negate any possible future issues.

Connection of the site to reticulated sewerage will ensure that ground water levels are not affected by onsite disposal of waste water. Site specific soil samples have not been collected for this planning proposal. The soil landscape features do not indicate a high risk for salinity to occur. Salt tolerant species, stressed vegetation and areas of scalding were not observed during the site inspection by Minespex in 2013. Future subdivision developments are able to consider the potential for salinity and supplementary reports can be prepared at that stage.

It is considered appropriate that the provisions of 'Building in Saline Environments' as outlined in the *MWRC Development Control Plan (2013)* be adopted for future development application proposals, without need for additional site specific measures.

## Flora and Fauna

With the grazing of the site occurring since before the 1950's, the disturbed nature of the land, and historical clearing plus pasture improvements, the habitat value of the land has diminished. Within the subject land, existing vegetation consists generally of cleared grazing land. The planning proposal encompasses drainage corridors which do not contain any significant riparian vegetation. Future enhancement of the corridor would occur in the event of development of the land.

The subject property is not known to contain any threatened species, endangered ecological communities or critical habitat. It is considered that the site is suitable for the planning proposal with minimal site disturbance required to any vegetation located within the locality.

A number of noxious weeds are known to occur within the Mid-Western Regional LGA. No noxious weeds are currently identified as occurring within the subject site. While this may be the case, it is proposed that prior to any future development the land be inspected for weeds and any appropriate treatment provided to ensure that weeds are not spread and are adequately controlled. Overall, flora and fauna issues do not raise any issue for change to the minimum lot size as proposed.

## Road Network

The road network will be upgraded as a result of residential development occurring in the locality and does not constrain the development of the site. As indicated, sealed road access will be provided as roads are upgraded for neighbouring approved subdivision and for this proposal. Access to the lots is provided from Robertson Street on the west with a new road to be constructed.

## Essential Services

Power and telecommunication services are all available to the subject site and can be readily extended to service all lots proposed within the concept plan. Both reticulated water and sewerage service are required and will be extended to the site prior to the commencement of any future development. The planning proposal identifies an area currently zoned for residential development, which could greater utilise infrastructure to be provided and mitigate future impacts on the sites



servicing capabilities. This will enable the planning of infrastructure such as sewer, water and road in the most efficient manner. Services are able to be designed to accommodate the long term development requirements obtaining the most value out of local infrastructure projects.

## **Drainage and Flooding**

The site is located outside of the associated Flood Planning Area identified under MWRLEP Flood planning map CL1\_006, as such flooding impacts are not considered any further within this planning proposal.

The site is affected by mapped riparian environments. Topography directs overland flow to the east, which drains to the third order drainage corridor directly adjoining the planning proposal, ultimately leading to the Cudgegong River. The planning proposal contains minor drainage lines which have been adequately addressed within the concept to protect the riparian environment. The planning proposal has considered guidelines set out the NSW Department of Primary Industries; *Guidelines for riparian corridors on waterfront land*, within the concept plan, adjusting the concept design where necessary.

Details of the proposed stormwater drainage management as related to the subdivision concept plan are provided.

### ***Undeveloped Catchment***

The site slopes from the West to the East at approximately 5% and is mostly cleared grazing land with little tree cover. Upstream of the site there are three defined natural drainage gullies that drain through the site and flatten out into wide, shallow overland flow paths. One of these natural drainage gullies is marked as a stream on the 1:25000 topographic map of Mudgee.

The upstream catchment draining to this particular stream, shown on Lot 14 on Jabek plan BK005 PP as "Riparian Corridor", extends approximately 800m beyond the site with a total catchment area of 8.57Ha. A diversion bank has been constructed across the natural gully to divert stormwater and store it in a temporary holding pond.

As the riparian corridor has functioned as a drainage channel previously, it is proposed to remove the diversion bank from the path of the channel and allow the water to flow in its original direction until it intersects the new road to be constructed in the subdivision. At this point the stormwater would be conveyed under the new road and through a drainage easement in lot 19 by pipe, where it would then be discharged into the drainage reserve. Preliminary modelling on the undeveloped catchment indicates that there will be 1.2m<sup>3</sup>/s flowing through the riparian corridor and discharging into the drainage reserve. The outlet of the piped drainage will be stabilised with rock lining to ensure erosion of the channel bed does not occur.

### ***Developed Catchment***

The development covers an area of approximately 9.8Ha. The post-developed catchment will drain to the new road system where the minor system (5yr ARI) flows will be piped to a detention basin and water sensitive urban design treatment area for removal of rubbish, sediment and nutrients before being discharged into the existing drainage reserve. Overland flow paths will be provided to

ensure the 100yr ARI event will drain to the detention basin. The post-developed flow from the site will be modelled to ensure that it does not exceed pre-developed flow rates after leaving the detention basin.

#### ***Future Controlled Activity Approval***

The development will require a controlled activity approval for the work to be completed in the riparian corridor and also the discharge of stormwater from the piped network into the existing drainage easement. The application for a controlled activity approval will be completed when the construction plans are being prepared for the development after development application consent has been issued.

The stream running through the site as marked on the 1:25000 topographic map of Mudgee (running through the area shown on Jabek plan BK005-PP as the riparian corridor) will be slightly shortened, as the water will be intercepted by the new road and diverted to the new water sensitive urban design treatment and detention storage area.

The proposed detention storage and water sensitive urban design treatment area will be located within the existing drainage reserve. The area of land used by the basin and treatment will be offset by an equally sized separate parcel of land within the development to be added to the existing drainage reserve.

#### **Heritage**

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

Aboriginal heritage survey has occurred over the subject land in the past (not as part of this Planning Proposal). The locations of known sites have been accounted for in the concept plan and all effort is to be made to avoid impact.

#### *Q.10. How has the planning proposal adequately addressed any social and economic effects?*

Potential impacts of the planning proposal and subsequent development of the site such as the demand for infrastructure and utility services and demand for community facilities and social services has been considered. The land is currently zoned for residential development and local services have been planned based on the development of this land. The change in minimum lot size to allow lots to 2000m<sup>2</sup> does not significantly alter the total projected lot yield or demand on public services. The proposal aims to create a development that best utilises infrastructure extended to service the development considerate to the environment.

It is concluded that the site can be adequately serviced within the existing infrastructure framework without placing undue demand on services in Mudgee (see Q11 below). Development under the vision and concept plan will improve the access to passive recreation areas for existing and future south Mudgee residents.



## SECTION D - STATE AND COMMONWEALTH INTERESTS

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*Q.11. Is there adequate public infrastructure for the planning proposal?*

The proposal will not increase the demand on public infrastructure as the land includes already zoned land and does not significantly increase the potential lot yield from the land with consideration of topography and physical constraints. Known local infrastructure concerns are not significantly affected as discussed below.

The Local Services Assessment prepared by Mandis Roberts referred to public infrastructure issues in addition to the land and housing shortage. Key findings of the report indicate that preschools and early childhood centres have capacity constraints. Capacity constraints are likely to be reached in the near future. However, NSW Health reports that the existing system is considered adequate to cope with growth.

Transport pressure on roads is also acknowledged, with those roads servicing the mining sector highlighted. The creation of new unnamed roads and upgrade of existing Robertson and Broadhead Roads will be required prior to the commencement of any future works. The concept design contains a single entrance point onto the unformed road linking Robertson and Broadhead Roads to the North of the subject site. This will minimise possible safety concerns as the road will also service the approved development DA0367/2013 to the east of the planning proposal. Airport and rail infrastructure is adequate.

The site will be serviced by town water and sewer which is required to be extended to the site prior to any future development. Servicing will be supplied to a standard which will be capable of adequately servicing all proposed lots of the attached concept plan. Sufficient electricity and telecommunication connection are available for the development to economically connect.

The Planning Proposal includes available area for recreational (playground) sites within the subdivision with pathway linkages along the proposed road network. This will assist in improving the accessibility of passive recreational areas within vicinity of the planning proposal and other nearby developed residential sites.

Demand on public infrastructure will require consultation with appropriate public authorities; however the proposed infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal.

*Q.12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?*

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

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## **PART 4 - DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL**

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Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2012).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure DP&I at the gateway determination.



## CONCLUSION

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This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for part of land at Lot 9 DP1150667, Broadhead Road, Mudgee. The aim of this report has been to describe the proposed amendment to the prescribed minimum lot size for the subject site. The level of servicing is to align with the standard with the previously approved subdivision DA0367/2013, directly east of the site along Broadhead Road, Mudgee. This aims to facilitate development of future low density residential lots under the direction the future development concept plan.

The vision is to achieve a subdivision design with a variety of lot sizes, to be developed in line with the planning framework and further development investigations. The amended lot size to create 2000m<sup>2</sup> lots west of the riparian corridor provides capacity to adapt to site characteristics and align with the approved developments. Further, this proposal to provide an opportunity to best utilise the associated infrastructure (reticulated power, water and sewerage) and be able to create lots appropriate to the landscape ranging from 2010m<sup>2</sup> to 7294m<sup>2</sup> and transition to the adjoining 2ha lots to the north.

The planning proposal seeks to deliver the best community and design outcomes, achieving the objectives of the LEP to ensure the successful future development of the 'South Mudgee' site as well as the wider Mudgee community. The consideration of options to maximise the return for infrastructure expenditure is appropriate. The planning proposal has included the concept plan to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development and sensitive riparian environments. The need for mitigation of some environmental aspects has been identified. With continued planning for subdivision development in the location these potential impacts will be able to be addressed so as to not reduce the quality of amenity for residents, or impact on the environment.



## References

- Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals.*
- Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans.*
- Department of Planning (DoP) (July 2008) *Development Near Rail Corridors and Busy Roads Interim Guideline.*
- Department of Planning (DoP) (April 2009) *Draft Centres Policy Planning for Retail and Commercial Development.*
- Environmental and Earth Sciences (2004) *Statement of Environmental Effects (including Salinity Investigation) Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571*, (unpublished report for DA0187/2005).
- Mandis Roberts (August 2012) *Mid-Western Regional Council – Local Services Assessment.*
- Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan.*
- Mid-Western Region Community Plan – Towards 2030.*
- Murphy B.W. and Lawrie J.W. (1998) *Soil Landscapes of Dubbo 1:250000 Sheet*, published by Department of Land and Water Conservation.
- NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection.*

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## APPENDIX A – CONCEPT PLANS

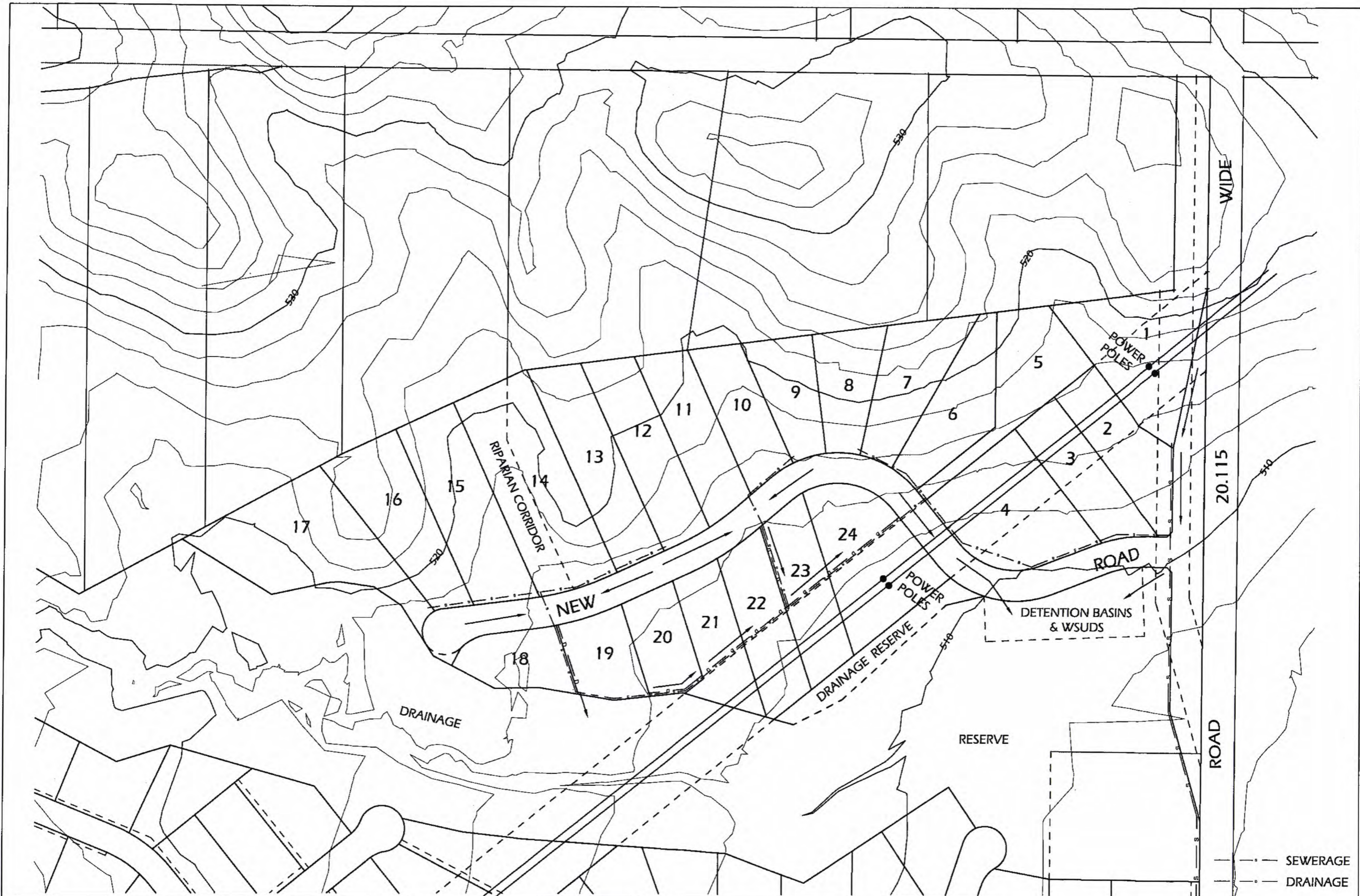
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Plans Prepared by Jabek Pty Ltd -

- Concept and Lot Layout
- Service Plan
- Stormwater Drainage Plan




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No.	DATE	REVISION DETAILS
A	28/1/2014	Planning Proposal

Prepared by  
**Jabek Pty Limited**  
 Land Development Consultants  
 ABN: 52 155702886  
 107-125 Bellevue Road  
 MUDGEE NSW 2850  
 Phone: 0427 721818

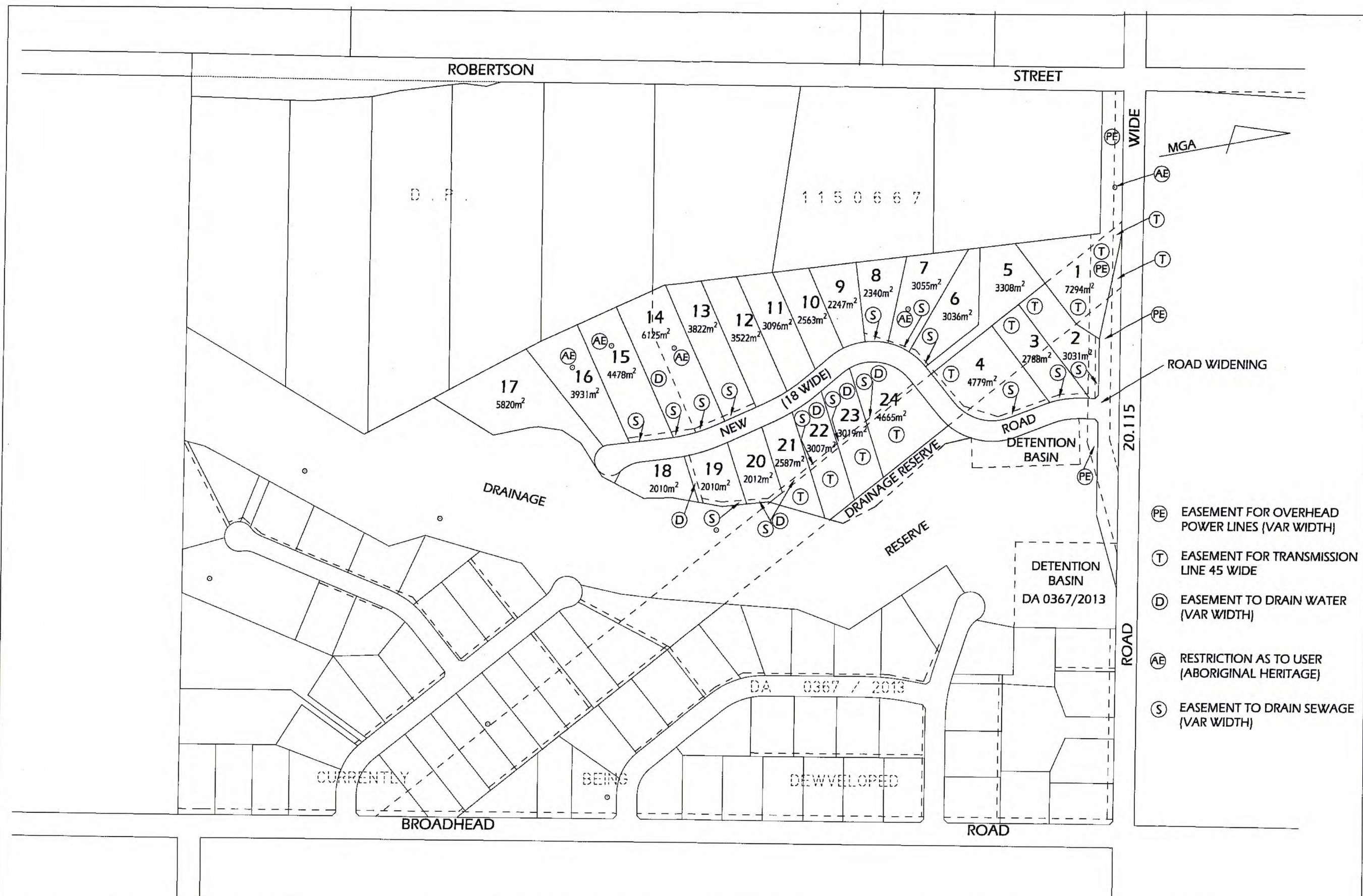
CLIENT:  
**Mr. P. Consadine**



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DWG No: BK005 PP.dwg	JOB No: BK005
SHEET 1 OF 2 SHEETS	

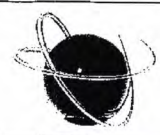




No.	DATE	REVISION DETAILS
A	28/1/2014	Planning Proposal

Planning Proposal for the development of Lot 69 in DA 0367/2013 being Part Lot 9 DP1150667 'Fairview' 238 Broadhead Road, Spring Flat

PREPARED BY  
**Jabek Pty Limited**  
 Land Development Consultants  
 ABN: 52155702686  
 107-125 Bellevue Road  
 MUDGEE NSW 2850  
 Phone: 0427 721818



CLIENT:  
**Mr. P. Consadine**

SCALE: 1:3000 @ A3 SHEET  
 DATE: AHD  
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 CHECKED: RJC

SCALE IN METRES AT ORIGINAL REDUCTION RATIO

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**CONCEPT & LOT LAYOUT**

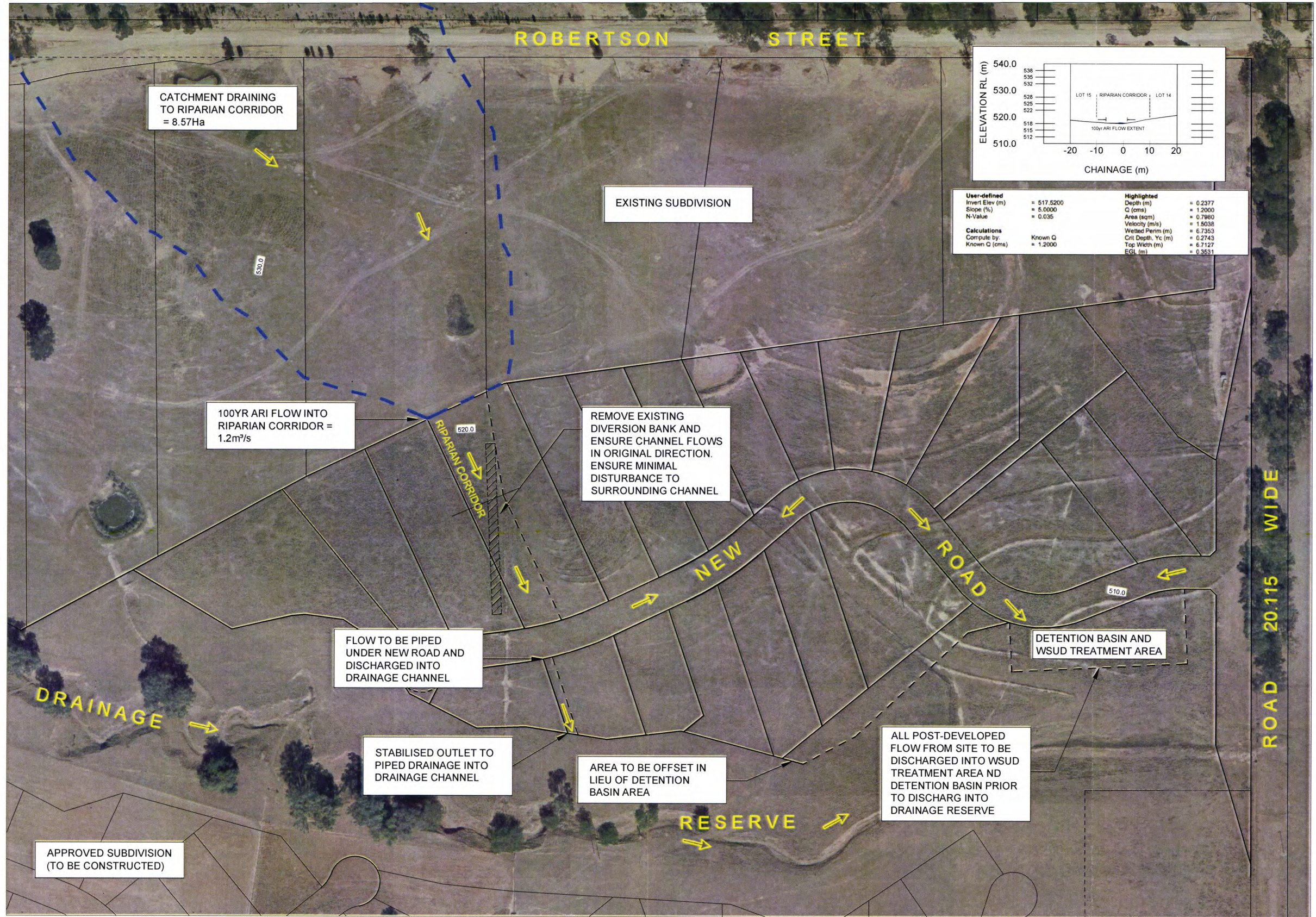
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**A**

FILE No:  
**BK005 PP.dwg**

PROJECT No:  
**BK005**

SHEET 2 OF 2 SHEETS





No.	DATE	REVISION DETAILS
A	30.01.14	ISSUE FOR PLANNING PROPOSAL

PREPARED BY	Jabek Pty Limited Land Development Consultants ABN: 52155702686 107-125 Bellevue Road MUDGEE NSW 2850 Phone: 0427 721818
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CLIENT: MR. P. CONSADINE

SCALE: 1:2000 @ A3 SHEET	DATUM: AHD
CONT. INTERVAL: 2.0m	SHEET SIZE: A3
DRAWN: JD	CHECKED: RJC

TITLE: STORMWATER DRAINAGE PLAN PLANNING PROPOSAL	REVISION: A
DWG No: BK005 PP.dwg	JOB No: BK005
SHEET 1 OF 1 SHEETS	







17 DECEMBER 2014

## ORDINARY MEETING

### ATTACHMENT 6.3.21

- ▶ Submissions in relation to the proposal to transfer the Museum to the Kandos Bicentennial Industrial Museum Incorporated Association





To the CEO of Mid Western Council

I am sending this email in regard to my concerns over the future of the Kandos Museum. As the owner of a private museum in Kandos I can speak with experience on the subject of self funded museums, there are no museums in Australia and very few in the world that run without support. The opening of a museum and the first 6 months are always the busiest times for a museum so with this in mind I suggest you look at the attendance figures of the Kandos Museum since it reopened and see if it is covering its costs yet. This will give a good indication into the future of it. Take into account the Centenary celebrations on the opening weekend with many extra visitors in town.

The current public officer stated in a council meeting he had no museum experience, well I have and without outside help they will not survive. Can we the people of Kandos be given a copy of the business plan and expected income over the next 3 years?

Please consider allowing the new group to have the building rent free for 3 years to allow this group to prove themselves before assets belonging to the community are sold off..

I await your response to this email.

Ken Hopkins  
Proprioter- Bikes and Buds  
Harley Davidson Museum  
71 Angus Ave  
Kandos NSW.

---

Colin Jones

404 Horse Flat Lane Mudgee NSW 2850

Ph: 0428731201

26<sup>th</sup> November 2014

General Manager – Brad Cam

Mid-Western Regional Council

Market Street

Mudgee NSW 2850

**Re: Submission Against the Disposal of Kandos Museum**

Dear Mr Cam,

Please consider this submission concerning Mid-Western Regional Council's intention to give away the significant and valuable public asset that is the Kandos Bicentennial Industrial Museum. I respect Council's right to do whatever they wish within the bounds of the Local Government Act and while the current elected Councillors have control. However it is the usual considered opinion of most ratepayers and residents that Council decisions improve the lot of those that live in the shire, increasing the quality of services and enriching our life style, the decision to give away the Kandos Museum achieves none of this.

As a museum professional I am appalled at Council's obvious lack of consultation with museum professionals and a management plan driving the actions at the Kandos Museum in recent times, especially considering that Council has an approved and government funded management plan to follow.

As a reasonable, fare minded and ethical person I am appalled at the callus and brutal manner in which Council dismissed the committee and volunteers that founded the Museum and gave it to the community in the first place. They have been largely ignored since the Museum was closed, contrary to Council's claim that everyone would be given the opportunity to become members of the new committee. Have those 35 expressions of interest been lost?

Most of the successful and well run regional community museums are owned by or partnered closely by local councils and employ professional staff and/or management. This Council had that relationship with Kandos and have summarily proceeded to dismantle it to save a few dollars. What is the price of the documentation of a rich and unique history? This action has also alienated a large proportion of the community as was evidenced at various public meetings since the closure.



The remainder of my submission will be presented in dot point form, outlining events that led to the closure, the poor decisions that Council has made to date concerning the dismissal of the 355 committee, building and collection management actions at the Museum and the course of events surrounding the creation of the incorporated body that aspires to improve the Museum.

I will present reasons the Kandos Museum would be better left in the hands of a Council that appreciated the value of professional Museum management and its own heritage and could undo some of the damage already done at Kandos Museum.

- Council support for the 355 committee and museum work in progress at the time of closure was poor and support can only get worse for future projects without any legal commitment to provide support. Council did not complete their part of the Arts Project and they could not even complete basic maintenance on the building, causing significant water damage.
- The newly appointed and hastily dismissed 355 committee at the time of closure was the best skilled and qualified group ever to manage the museum and council precluded any of them from applying for a position on the new committee in a statement that was highly offensive, prejudiced and possibly discriminatory. These are the people that have a track record of local knowledge and commitment, often with years of experience and many hours already given to the community. A successful future depends on their input.
- This committee (and the volunteers) were dismissed with no notice and no reason. The reason given in the submission to the Local Government Legal Department was that they were unable to adhere to the responsibilities of governance set by Council and that they had three code of conduct issues brought against them. They were advised by Council to pursue this avenue. These issues affected only three members of the committee of nine and could have been solved with some change counselling. Instead of taking up an offer from arts professionals to sort out the problem council sacked the whole committee and closed the museum. This was hardly a positive action for the future of the Museum.
- The Kandos Museum enjoyed a close working relationship with all the museum support agencies, had successful funding applications, was granted a fellowship for one of the committee members, had a good relationship with the local Aboriginal community, being involved in a joint project, and had several sought after workshops booked at the time of the closure. Most of these situations fell apart when Council closed the Museum. The fellowship was compromised due to the lack of access to the Museum archives, the joint project was compromised when Council interfered with the management structure as outlined in the original application and again access to museum archives was made almost impossible. The workshops were all cancelled. It was assumed incorrectly by Council that a certain agency would take over the management of the Museum if all else failed. The CEO of this agency made it quite clear that this would not happen. My point is that many important bridges to the museum support agencies have been burnt and it will take a long time to rebuild them, hardly conducive to support for the future
- Council has compromised the architectural integrity of the Kandos Museum building by covering the tiered floor that was a feature of the original church. Multiple floor levels can make a building interesting, and indeed many galleries and museums are designed that way. The original use of the building is now hard to interpret. There is a strong movement today

for museum operators in old buildings not to obscure the original use of the building by its new use as a museum, Council have ignored this principle and the new operators will have a more difficult task as a consequence.

- The materials used to level the floor are not conservation approved, being particle board with a vinyl covering. These materials emit fumes that will put many objects at risk of damage, hardly conducive to a strong future for the Museum.
- The collection is another major issue in legal, ethical and conservation terms. The collection was well documented through years of work by volunteers and was contained in a data base and a manual system. This amazing work that was an example of best practice for other regional museums has been ignored by Council and the new appointees. Many items on loan and not owned by the Council will be sought after by the owners in the future. This will create a legal nightmare for the operators and compromise the value and attraction of the collection.
- The conservation of the collection has also been compromised by unsuitable storage in unvented and uninsulated shipping containers. Temperature and humidity levels cannot be controlled in this type of storage. This will leave the new operators open to legal action for damage to objects left in their care, or simply end up with a collection of highly compromised objects that have little historic value or appeal to visitors.
- The final reason the Kandos Museum should remain in the public sector managed by Council is that most of the development to date has been done with public funds and ethically and actually it belongs to the public sector, not some minority group chosen by Council.
- The formation of the incorporated body that will be the recipients of others' hard work has been less than transparent, with the people who registered an interest in becoming members not being invited to attend meetings or join and being passed over for the chosen few. I registered to become a member and have had no notice of any of the proceedings. Council maintains the Minister of Local Government and the Local Legal Department that the new Management Group was born from the community, but Council minutes do not reflect this process, on the contrary they clearly show that the new committee management and the process was initiated and controlled by Council. Again hardly a good start for a democratic community approach to the future of the Kandos Museum.

Mid-Western Regional Council's recent management of the Kandos Museum is a classic example of a government body doing what they think is the right thing, when in fact they are poorly informed and are working contrary to the industry standards and knowledge and not fulfilling their role of supporting the community they claim to represent and work for.

In conclusion I concede that Council may be acting within the law through loopholes like the fact that the Museum is classified as operational land, when it is clearly a community facility. If it is not a community facility then why is Council trying to supposedly give it to the Community. Once given away it doesn't matter what the origins of the recipient group are because it will be too late.

If Council is hell bent on divesting itself of the responsibility of managing its own heritage facility the other more moderate path is to lease the building to its incorporated body. This would preserve

the asset in case a more understanding Council in the future wants to embrace the task of museum management.

Passing title to a supposedly independent minority group with the ability to choose who its members are is hardly giving it to the community. Most people think that the Council represents the broader Community and that therefore we already own the Kandos Museum, especially the people of Rylstone and Kandos that raised part of the funds and helped prepare the original Bicentennial Grant application that provided the bulk of the funds that were used to buy the Museum building in 1988.

Colin Jones



Lyn Syme  
8 Rodgers St.,  
KANDOS. NSW. 2848  
23/11/14

**SUBMISSION**

**KANDOS BICENTENNIAL INDUSTRIAL MUSEUM INCORPORATED ASSOCIATION**

On the 15/1/14 I emailed Mid-Western Regional Council their "Expression of Interest" form for membership of the proposed Incorporated Association for the Kandos Bicentennial Industrial Museum.

The form stated that "all expressions of interest received will be provided to the Public Officer at the time the Incorporated Association is confirmed".

I am aware of many other residents of Kandos who lodged expressions of interest.

I have not received any communication from the Public Officer of the above incorporated association regarding my expression of interest for membership nor have many others.

Mid-Western Regional Council have now advertised of their intention to "transfer the property know as the Kandos Bicentennial Industrial Museum, the land, building, contents and collection" to the above incorporated association. Councils minutes of 5/2/14 state "

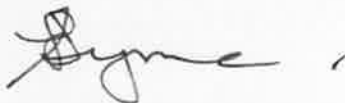
"10. That upon incorporation of the association, the group of 35 respondents that expressed an interest in being members of the association be invited to become members and that members of the public be invited to become members of the association...."

This organisation was incorporated in April 2014

Given the lack of response to the many membership expressions of interest by the Public Officer, I call upon Council to act as the minutes said and to ensure that the Incorporated Association be obliged to admit membership to those 35 respondents and ensure that anybody else who wishes to become a member be able to do so. This should occur prior to handing over the museum.

This association is a group of selected people not truly representative of the Kandos Community or members of the public.

Lyn Syme



## Simon Jones

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**From:** Buzz Sanderson <buzz@esi.com.au>  
**Sent:** Monday, 1 December 2014 10:04 AM  
**To:** Council  
**Subject:** Kandos Museum

The General Manager  
Mid-Western Regional Council  
Mudgee, NSW 2850

Dear Sir

Council recently invited comment from the community on the proposal to transfer the Kandos Museum to an incorporated association, Kandos Bicentennial Industrial Museum Incorporated, KBIM Inc.

You will be aware that KBIM Inc. was formed with the encouragement of Council for the specific purpose of it becoming the owner and operator of the Kandos Museum with the hope and view that the Museum would be renewed and invigorated. Through the sustained efforts of both Council and volunteers the museum collection had been temporarily removed and substantial building works undertaken greatly improving the amenity of the museum improving visitor experiences and allowing the museum to more easily arrange and change the exhibition spaces. The refurbishment efforts culminated in the official re-opening of the museum by the Governor, His Excellency General The Honourable David Hurley AC DSC (Retd) on the centenary long weekend this past October, a great honour to both Kandos and the museum, and the Governor's first brass plate.

In the short period of 8 or so months, the museum has undergone a refurbishment and a transition. The museum now has a volunteer force that supports and operates the museum, the collection is being re-catalogued, events are being staged and engaged with, the museum's collection is being expanded with significant pieces being added and planning is underway to develop the adjoining block at the museum at 20 Buchanan St. In short, a vitality, an optimism and a purpose has returned to the museum. On many occasions I have witnessed generosity, of people giving both time and material to the museum, simply lending a hand, often from the most unexpected quarter, but with one thread in common, their willingness to engage meaningfully with something that they regard as import for the community.

It has been both my privilege and pleasure to have guided the formation of KBIM Inc. to have fulfilled the role of Public Officer and President of the association, and to have worked alongside Council in bringing the museum forward to this point. I look forward to being able to continue to be able to contribute to museum, which I believe, with diligence and effort, has a rosy future that will reflect favourably upon Kandos and the regional community in the years to come.

Buzz Sanderson  
President & Public Officer KBIM Inc.

--  
Dr R.J. (Buzz) Sanderson, BE PhD MIEAust CPEng  
Sanderson & MacDonald Pty Ltd  
120 Ilford Hall Rd, Ilford NSW  
e: [buzz@esi.com.au](mailto:buzz@esi.com.au)  
m: 0417 214 522



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Mr. Brad Cam,  
General Manager  
Mid Western Regional Council.

1<sup>st</sup> Dec., 2014

Dear Mr. Cam,

RE: OBJECTION TO: GIFT KBIM TO INCORPORATED ASSOCIATION

I believe that Councillors and Council have failed in their "Duty of Care" to the community leading up to and beyond the establishment of the KBIM Association Incorporated.

➤ *Council and Councillors failed to call community meetings.*

Instead meetings were arranged by the small group which cited PO Box 81 Kandos as their mailing address. It is more than coincidence that this postal address is now the postal address for the KBIM Assoc?

➤ *There is strong evidence that a small group of people became involved with Council staff, and some Councillors dating back to at least 2013.*

Questionable was the dissolving of the sec. 355 Museum committee, on the grounds of "Code of Conduct" issues involving the Founder of the Museum.

It seems it was a deception by Council to claim the community has been involved with the selection of the Association's committee and its members. I have very recently been informed that the treasurer of the Association has resigned. Could this also be related to prior "behind closed doors" dealings?

➤ *The fact is that the community has been denied from participating in choosing any of the members of the Association.*

Councillors voted to select the Public Officer who selected the committee which formed the Association. The community was not informed of the process leading up to incorporating of the association. No public invitation to attend any of their meetings and in most part the original people that notified Council of an interest were not contacted by either the public officer or the Association .

➤ *Council has set up Public/Private dealings with the aim of giving the museum to a group from the community- which differs from giving the museum to the community.*

The vast majority of those who expressed an interest in joining the Association (Council business paper 5 Jan 2014) have been ignored.

Councillors Resolutions show a haphazard attitude to decision making which has changed "about" from December 2013 to the present. For example "when the proposed Association should hold its AGM" and the "giving of financial assistance". Has it held an AGM?



- *The Association was formed in April 2014.*

This meant that the members of the Association from then on held the right to accept or deny new members.

*Council funded the formation of the Association and in May 2014 pledged \$15,000 per annum, additional to the rate relief and insurances for three years*  
This is ratepayer's money pledged to a small selected group with no guarantee of their intentions after the museum and exhibits are given to them. Particularly of the exhibits and no way of knowing which objects will be deaccessioned? What happens to objects which are on loan?

- *The fact is once the titles are given to this group they own it and Council loses any control of the Kandos Museum and its collection.*
- *What are "The Objectives" of the Association? Without knowing we do not know their **PURPOSE**.*

*In May 2014 after the Association was incorporated Councillors voted to make extensive alterations to the building it voted to give away.*

These costs blew out and now the Council is committing ratepayers to spend \$200,000 in 2014/15 year on a building they will not own.

In setting up and promising such financial support for the Incorporated Association is Council involved in Public/Private dealings?

To date Council has not obtained the Minister's consent for either.

Councilor's actions have deceived the community into thinking all will be OK  
What happens if something goes wrong?

- *The present group previously had no real interest in our Museum. As I have said before, Council should see how this group works out with the community (via 3 year lease) before it gives it our KBIM.*

I ask: Are the Councillors convinced that the members of the association and their volunteers are truly representative of the general community of Kandos? Why do we know so little about their dealings and purpose?

Some Councillors claim that the Museum was simply a cost burden they no longer wanted, yet Councillors have pledged more annual assistance than ever before to a small section of our community, with considerably fewer hours per week requested to be open.

The KBIM was created by the Kandos people's initiative, a Bicentennial grant and set up entirely by volunteers at no cost & has always been considered by the community of Kandos to be a community asset.

Yours Faithfully,  
Mrs. Naida Wills



704 Glen Alice Road Rylstone 2849.

Margot Palk  
78 Fleming Street  
Kandos NSW 2848

The General Manager  
Mid Western Regional Council  
86 Market Street  
Mudgee NSW 2850

1 December 2014

Dear Sir,

**Kandos Bicentennial Industrial Museum Proposal**

I thank Mid Western Regional Council for taking the step to transfer ownership of the Museum to the Kandos community. The Council appreciates the importance of the Museum to the local area, particularly with the closure of the Cement Works and as Kandos moves towards a new future.

Council and its workers have done a great job working with volunteers to progress development of the Museum to a much higher standard. I hope a strong partnership is maintained in future between MWRC and Kandos Museum as it continues to progress to a become of significant state and national cultural interest.

I support Council's proposal to transfer the property and collection.

Regards



Margot Palk

## Simon Jones

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**From:** Bernie George <berniegeorge@bigpond.com>  
**Sent:** Tuesday, 2 December 2014 11:49 AM  
**To:** Council  
**Subject:** RE: Kandos Museum

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**From:** Bernie George [<mailto:berniegeorge@bigpond.com>]  
**Sent:** Tuesday, 2 December 2014 10:55 AM  
**To:** 'brad.cam@nsw.gov.au'  
**Subject:** kandos Museum

The General Manager  
Mid- WESTERN Regionald Council

Dear Sir,

It has come to my attention that Council is contemplating giving the Kandos Museum away to some other organisation or trust.

My grave concern is that if the proposed organisation is unable to manage the Museum from a financial point of view then the whole thing will end up being sold off and all the assets will end up in the hands of private collectors.

The Museum is a community asset and Council should ensure it remains so.

Many of the exhibits were given to the Museum by local families and individuals so they would be kept for future generations to view.

In conclusion I believe Council retain ownership of Museum on behalf of the community.

Yours faithfully  
Bernie George.

Phone 0263794177  
Tuesday, 2 December 2014.

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**Simon Jones**

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**From:** jolieske lips <jolieskelips@hotmail.com>  
**Sent:** Monday, 1 December 2014 5:17 PM  
**To:** Council  
**Subject:** Kandos Bicentennial museum

Mr Brad Cam  
General Manager  
Mid-Western Regional Council

Dear Brad

I would like to register my support for the proposal to transfer the Kandos Museum to the newly formed Association. The working group has done a fantastic job to date.

regards  
Jolieske Lips  
Flatlands, Clandulla 2848

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## Simon Jones

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**From:** fiona macdonald <fiona-macdonald@outlook.com>  
**Sent:** Monday, 1 December 2014 12:48 PM  
**To:** Council  
**Subject:** Re: Kandos Museum

Dear General Manager MWRC,

I write in support of Council's decision to proceed with the transfer of Kandos Bicentennial Industrial Museum, the land, building, contents and collection, to the Kandos Bicentennial Industrial Museum Incorporated Association.

I applaud Council for the refurbishment work on the building which has enabled easy and safe access to the display areas.

The proof of it's success was on show this past weekend when a new Railway Display was opened to the public in time to showcase Kandos Museum to visiting Railway buffs who came by 3801Ltd.

Kandos Museum is steadily growing a team of enthusiastic volunteers who look forward to active involvement in the maintaining and explaining the history of Kandos.

Yours faithfully,

Fiona

Fiona MacDonald  
120 Ilford Hall Road  
Ilford NSW 2850  
AUSTRALIA  
0419123861

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1<sup>st</sup> December 2014

Mr Brad Cam,

Manager,

Midwestern Regional Council,

Dear Mr Cam,

**OBJECTION TO COUNCIL GIFTING THE BICENENNIAL INDUSTRIAL  
MUSEUM (KBIM)**

**IT'S WRONG**

It was the COMMUNITIES museum.

It was UNIQUE and it is now lost.

It can't be restored to what it was.

The 25 years of dedication of our past volunteers is lost.

The group proposed to take over, have been trying to re-write history and unfortunately  
WILL FAIL.

How could Council give the KBIM worth between \$300,000 and \$700,000 plus a priceless  
collection away when the past volunteers have worked so very hard.

How can Council spend \$200,000 plus running costs and not see reason to keep the KBIM as  
a COMMUNITY ASSET.

The incorporated group can do what it likes with the building and collections once owned.

I thought our Council represented our community. It doesn't - when it has destroyed our  
museum and the volunteers work over 25 years.

This the 26<sup>th</sup> year, has been hell.

Marie Ford, R.I.P. because I will never get over Council's senseless actions to our past  
museum and the orchestration of CODE OF CONDUCTS against two founding volunteers,  
that caused the closure of the museum.

**IT'S WRONG**

**Allan Wills, Director of Manufacturing Business, Retired Architect B.arch, UNSW  
Retired Builder, Farmer, 17 Years Volunteer of the KBIM**





MR & DS Clapham

Hazelbrook

Ilford 2850

General Manager

Mid Western Regional Council

We are writing to express our support for the transfer of the Kandos Bicentennial Industrial Museum.

First we must say thank you to Council for doing a great job with the renovations of the museum. Now we have a museum that is wheel chair friendly and is also easy and safe for the volunteers to work in.

The thought that council wishes to give the community such a great asset is wonderful and we believe generally, greatly appreciated.

Thank you

Mitchell & Daryl Clapham



## Simon Jones

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**From:** Jennifer More <jennymore@bigpond.com>  
**Sent:** Monday, 1 December 2014 2:19 PM  
**To:** Council  
**Subject:** Letter of support for Council's plans for Kandos Museum

Dear Mid-Western Regional Council

Thank you for supporting and providing funds and assistance for the recent upgrading of Kandos Museum. The Museum is now on track to become an extremely valuable part of the cultural life of our community, and a focus for preserving and bringing to life the history of the town and the area.

I am writing to express support for Council's plans to hand over the Museum to the Kandos Bicentennial Industrial Museum Incorporated Association.

Many volunteers have worked hard to get the Museum to this point. The new committee/working group has done an outstanding job, working on the project as a team and keeping the community up to date with what's going on. We are very fortunate to have so many people who have generously donated their time and expertise to the Museum.

This is a new chapter for the Museum and it promises great things for the future – for the town and the community as well as for the Museum itself.

Thank you and regards,

Jennifer More  
42 Buchanan Street  
PO Box 79  
Kandos NSW 2848

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## Simon Jones

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**From:** Ian Douglas <I.Douglas@uws.edu.au>  
**Sent:** Monday, 1 December 2014 2:39 PM  
**To:** Council  
**Subject:** KANDOS MUSEUM PROPOSAL CLOSING 1/DEC

ATTN: GENERAL MANAGER

Hello I am a keen supporter of this proposal and visit regularly. I believe it is integral to understanding, documenting, preserving and appreciating the development (economic/social/cultural) of the town/community. Whilst I reside outside the domain of your Council I had family ties going back to early last century and as I say still visit frequently and support local projects (such as the heritage train of yesterday). Without this sort of facility the very interesting and varied histories of small towns would vanish as there would be little to attract the attention of visitors; or for residents to really appreciate their shared history and destiny.

Please add my earnest commendation to the roll of support.

Many thanks for providing this opportunity to express support.

My details are:

IAN DOUGLAS  
28 BUENA VISTA ROAD  
WOODFORD NSW 2778

e-m [i.douglas@uws.edu.au](mailto:i.douglas@uws.edu.au)

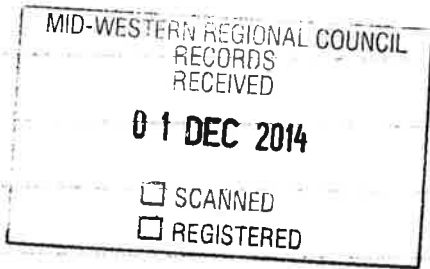
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Mr R. Tomlinson  
32 DIANGAR ST,  
KANBOS  
NSW. 2848  
30.11.2014

## KANBOS BICENTENNIAL INDUSTRIAL MUSEUM PROPERTY TRANSFER PROPOSAL.

RE THE ABOVE.

I fully agree to the  
proposal of the transfer of the  
property (LAND, BUILDING, CONTENTS & COLLECTION)  
to the KANBOS BICENTENNIAL INDUSTRIAL  
MUSEUM INCORPORATED ASSOCIATION  
ITS RECOMMENDED BY MID-WESTERN REGIONAL COUNCIL

R. Tomlinson

A0060123



"Ardmohr"  
90 Noola Road  
BOGEE.2849 N.S.W.  
30<sup>TH</sup> November 2014

Mr. B. Cam  
General Manager  
Mid Western Regional Council  
86 Market Street  
MUDGEE.N.S.W...2850

Dear Sir,

SUBJECT – 6.2.15 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM –  
TRANSFER PROPOSAL.

I wish to make some comments on the above subject matter.

In the first instance I would like to make my support clear for the present Museum Incorporated Association those persons involved have in company with volunteers have carried out a tremendous job in getting the Museum up and running to the present time.

Praise must also be given to the work carried out by members of the Mid Western Regional Council workforce, the building is now completed with new level flooring allowing access for disabled people. Many coats of paint have been applied to bring the interior of the building up to a very acceptable and eye pleasing condition. Paint work and door construction and fitting were carried out by a very able group of volunteers.

As in all proposals such as the above there will always be a few knockers who seem hell bent on bringing a negative outlook to the fore. However, having been involved in the volunteer work and, thoroughly enjoying the company of the Incorporated members and other volunteers it saddens me to hear so many negative comments from locals and others who to my knowledge have not visited the Museum to inspect the work already carried out or, made any enquiries to future display arrangements.

In closing I wish to add my support to the Mid Western Council for their interest and concern for a project which can only bring additional local and visiting public involvement to the Kandos area as a whole

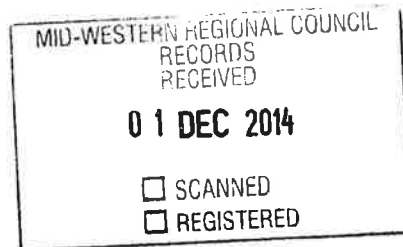
Yours Sincerely

*H. H. Malone*  
Hugh H. Malone

86 Angus Avenue  
KANDOS 2848

26/11/2014

The General Manager  
Mid western Council  
MUDGEE



Dear Sir,

It has been a revelation to me, seeing the amount of work that has been done at the Kandos Museum. The council, in backing this work, and supplying men to do the heavy work like cementing etc, and council's ongoing committment towards costs, rates and other expenses....this all shows a belief in the incorporated committee's vision for a modern museum, to take us way into the future, aligning with O.H.&S requirements. I therefore feel, it is a foregone conclusion that the running of the museum be "handed over" to the current committee members. They are already bound by the Dept Fair Trading rules, and therefore by their constitution, thus covering any type of error....should it unwittingly occur. All disabled folk now, will appreciate being able to actually enter the museum, up a beautiful aecessable drive, which I understand was cemented by council workers. I STAND BEHIND THE CURRENT INCORPORATED BODY, WHICH SHOULD AUTOMATICALLY CONTINUE THE WONDERFUL WORK STARTED IN GOOD FAITH. Any other groups would be more than welcome to pitch in and help.

This is my honest view.

Muriel Nevell-King







17 DECEMBER 2014

## ORDINARY MEETING

### ATTACHMENT **6.3.26**

- ▶ Noxious Weeds Advisory Committee –  
Minutes from meeting on 1 December 2014





# MINUTES

## MINUTES OF A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE HELD AT 9 AM ON MONDAY 1 DECEMBER 2014 IN THE COMMITTEE ROOM, COUNCIL CHAMBERS, MUDGEE

**PRESENT:** James Mort, Mitchell Clapham, Andrew Blackman, Dusty Ireland, Cr John Webb, Susan Burns

**APOLOGIES:** Vince Forgione

**1. Serrated Tussock Coordinator Update**

Clare Hamilton gave a presentation which included:

- Successful Field Day at razorback with around 28 people in attendance. The group decided to meet again in March to have another look at the site that had been sprayed but with mixed results. There was a good mix of people who were unfamiliar with serrated tussock and looking for assistance and those who had been working on their infestations for some time.
- A general concern about helping with the coordination of newly formed groups as my position finished in June 2015. I am currently talking with LLSs to see if they can provide some of this assistance.
- The Turon-Macquarie Weeds Working Group (Hill End) met two weeks ago to begin the process of incorporation. They should then have better funding opportunities. Hill End Gold has been very proactive in supporting the group and is sponsoring their incorporation.
- I attending a Certified Land Management course in Guyra a couple of months ago. The process has positive implications for weed management and planning. The focus on continuous improvement is a great approach and far more realistic for land managers than a blanket directive to undertake weed control works. There are still many questions about how the process is instigated in groups and individuals and how it is driven.
- Funding applications – The MWRC endorsed “Restoration and Rehabilitation” project for 4 sites, including one in MWRC was submitted in September. If successful the project will start in August 2015. Total funding sought: \$178,000. A smaller project was submitted under the 25th Anniversary Landcare Grant which would act as a pilot for the larger project and is centred on the Upper Shoalhaven area.
- Perennial Grass Weeds Study Tour will be held in March 2015. This is the final large activity for the Landscape Solutions project and hopes to attract between 40 &

50 weeds professionals including Weeds Officers on a tour of significant sites across the State. Researchers, agronomists and others will meet on site and provide input into discussion about the long term management of perennial grass weeds in perennial grasslands. Support from Council will be sought to allow Weed Officers to attend what I hope will be a fully funded tour.

- STWP and Project Steering Committee will meet next week to plan a way forward and also finalise the Landscape Solutions project.

Clare advised that the property where the field day was held had previously been sprayed however the treatment was not completely successful. The Committee requested that the Chief Weeds Officer provide further information if possible on the reason for the failure and any additional information available.

## **2. Minutes of the Meeting held on Monday 1 September 2014**

Moved James Mort/Mitchell Clapham that the minutes be accepted.

## **3. Matters arising from the previous minutes**

### **3.1 Grant Funding Update – NSW Environmental Trust**

Council has received a letter advising that our application for this grant was unsuccessful.

### **3.2 Inspection Program Statistics – Methodology for calculating compliance percentages**

The compliance percentages are calculated using the number of inspections conducted and the number of those inspections where compliance was evident at the time of inspection e.g. the 2015 annual report as at 18/11/2014 shows that 1234 new inspections have been conducted so far this year and 900 of these inspections showed that the landholder was complying with the Noxious Weeds Act at the time of that inspection. This gives a compliance percentage of 73%. Of the 77 reinspections done to date only 29 are complying giving a percentage of 38%.

### **3.3 NRC Weed Management Review**

The final report of the Weed Management Review has been received and the NSW Government has announced it will adopt the majority of recommendations made by the Natural Resources Commission (NRC) following its detailed review of weed management. A copy of the NSW Government response is attached. *Attachment 1*

## **4. Correspondence Received**

**4.1** Letter dated 10 September 2014 received from the Natural Resources Commission in relation to the final report of the review of weed management in NSW. *Attachment 2*

**4.2** Letter dated 3 September 2014 received from DPI regarding NSW Government funding under the Weed Action Program 2014-15. *Attachment 3*

**4.3** Letter dated 1 November 2014 received from Cabonne Council regarding payment of the Weeds Action Program Grant Funding. *Attachment 4*

**4.4** Letter received from NSW Environmental Trust advising that our application to the Remnant Vegetation Preservation Financial Incentives Programme was unsuccessful. *Attachment 5*



## 5. Inspection Program Statistics

### 5.1 2015 Inspection Program and Statistics *Attachment 6*

The Noxious Weeds Administrator explained the stats in detail and advised that Council and the WAP target for new weeds inspections had already been exceeded. The methodology for the compliance percentage stats was also explained.

### 5.2 Weed Management Presentation *Attachment 7*

A presentation on Weed Management in Mid-Western Regional Council was made to the Committee by the Noxious Weeds Administrator.

## 6. General Business

### 6.1 Windamere Dam Foreshore

Mitchell Clapham raised the issue of serrated tussock and blackberry on the dam foreshore blocks and some discussion was held in relation to this. Mitchell showed the committee photographs taken of the areas of concern and it was agreed that the Noxious Weeds Administrator would coordinate a meeting of the committee to be held in Operations in the near future. An invitation would also be extended to representatives of State Water to attend the meeting in the hope of finding a solution to the problems on their land.

### 6.2 Weed Management Review

Some discussion took place around the NSW Government response to the review of weed management particularly in relation to the disclosure on planning information certificates for the sale of land included in any application for the subdivision of land greater than one hectare.

The Committee expressed their disappointment that this was not supported as there are still a large number of rural properties being purchased without obtaining a Section 64 Weeds Certificate where there is a current Weed Control Notice on the property. The purchaser is therefore not being made aware of the extent of the noxious weed problem on the property until they take ownership of the property.

#### **Moved Cr John Webb/Seconded Mitchell Clapham**

*That a letter be sent to the Minister Katrina Hodgkinson with copies to Troy Grant, Andrew Gee and the Natural Resources Commission requesting further consideration of this matter in that it be made compulsory for a Section 64 Weed Certificate to be attached to the Contract for Sale for the purchase of all rural properties greater than 1 hectare similar to the Section 149 Planning Certificate.*

**Carried**

Further discussion took place on the number of rural properties being sold without the purchasers' Solicitors obtaining a Section 64 Weeds Certificate, and how solicitors and conveyancers from non-rural areas could be made aware of the necessity of obtaining this certificate.

#### **Moved Andrew Blackman/Seconded Cr John Webb**

*That a letter be sent to the Law Society requesting their assistance in spreading the word to their members in relation to this problem.*

**Carried**

### 6.3 James Mort asked the meeting to acknowledge the great work being done by Council and especially Weeds Staff.

**Moved James Mort/Seconded Cr John Webb**

*That this committee thank Mid-Western Regional Council, its management, and most particularly the weeds staff for their focus and very good efforts in weed management and control throughout 2014*

**Carried**

**7. Meeting Closed at 11 am**



**NSW Government response:  
*Weeds – Time to get serious*  
Review of weed management in NSW  
Natural Resources Commission**

**Introduction**

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Stakeholder feedback during the development of Local Land Services has reflected a general malaise in regard to weeds management in NSW. Although these concerns have been voiced in several fora over recent years, proposed changes in institutional arrangements and legislative instruments now present a unique opportunity to make beneficial adjustments to the overall weeds management framework.

The Natural Resources Commission review has explored several issues of considerable community concern and the Commission has provided eight recommendations for the NSW Government to consider.

A number of key themes identified by this review are accepted as important areas of weed management reform by the government including:

- community-wide shared responsibility
- consistent and transparent state level guidance
- consistent and coordinated regional planning and local delivery
- effective prevention measures and response to new incursions
- improved management of high-risk pathways
- accountability for weed management in NSW at all levels
- improving research and development.

Related reforms to achieve better land management outcomes across all tenures are underway, for example, the recent establishment of Local Land Services and the introduction of the *NSW Biosecurity Strategy*. These reforms will streamline the delivery of services to regional landholders across NSW and provide a vehicle to implement any new service delivery reforms consistently and efficiently. The reforms also provide opportunity to put widespread weed management clearly in the correct context by focussing on the underlying causative factors rather than the weed itself.

Other complementary changes proposed include the development of contemporary biosecurity legislation and the implementation of a 'state of the art' biosecurity information system for capturing spatial data.

This suite of policy and operational reforms and reviews reflect the government's commitment to exploring new approaches to delivering biosecurity outcomes including better weed management. The recommendations of this review have been considered within this framework.

This response addresses each of the review's eight recommendations.

## NSW Government response: NSW Weeds Review

### Recommendation 1

#### Promote shared responsibility for weed management across the whole community

a.	create clear accountabilities for: - <b>prevention and eradication</b> of weed incursions at the state scale - <b>effective management of widespread weeds</b> at the local and regional scales to reduce impacts	Supported	This recommendation is consistent with current government policy as detailed in the <i>NSW Biosecurity Strategy</i> .
b.	adopt a tenure-neutral approach to integrated weed management requiring both public and private landholders to meet common legislative requirements and regionally agreed obligations	Supported	The government supports the introduction of realistic and consistent weed management obligations across public and private land tenure.
c.	build community-wide shared responsibility for weed management through improved education, capacity-building and cooperative community-based responses	Supported	The government supports a community-wide shared responsibility for weed management. The Department of Primary Industries has an excellent relationship with local government and has invested significantly in building its capacity to undertake community based weeds management programs. The establishment of Local Land Services has potential to complement existing arrangements and may allow these programs to be extended to the broader community and industry.
d.	create a general biosecurity obligation that requires all stakeholders to take all reasonable and practical measures to minimise biosecurity risks	Supported	The introduction of a <i>general biosecurity obligation</i> is a central pillar of the proposed NSW Biosecurity Bill.



## NSW Government response: NSW Weeds Review

### Recommendation 2

#### Provide consistent and transparent state level leadership and accountability

a.	establish an independent Chair to lead a State Weed Committee as a statutory position appointed by the Governor	Not Supported	The government supports the establishment of a State Weed Committee with appropriate skills. However, the government has a commitment to reducing the number of statutory committees where they are not required. Statutory appointment is an inflexible process, creates red tape and does not result in any additional benefit. Similar committees operate effectively without a statutory basis.
b.	enable the Chair of the Committee to enforce public authorities' compliance with management obligations, including undertaking works and recovering costs, or taking legal action	Not supported	The government does not support the Chair of the State Committee having enforcement powers. This will not preclude the Chair of the Committee from taking legal action in accordance with the provisions of existing and future legislation.
c.	develop a skills and stakeholder representation based State Weed Committee to provide state-level oversight and governance functions including:	Supported	The Government will establish a State Weed Committee with responsibility to ensure coordinated and strategic weed management across NSW. The committee will be modelled on the Bush Fire Coordinating Committee under the <i>Rural Fires Act 1997</i> .
(i)	transparently evaluating weed declarations, based on assessment of potential long-term risks and impacts to the economy, environment and community	Supported	
(ii)	establishing and managing a high-risk incursion fund	Supported	The government will investigate establishment of a fund similar to the Pest Insect Destruction Fund. Management arrangements for that fund will be a matter for further consideration.
(iii)	commissioning independent audits of Local Control Authorities (LCAs), Local Land Services (LLS) and the Department of Primary Industries (DPI) against standards and implementation of agreements and plans, and taking action where necessary	Supported in Principle	The government agrees with the need for effective and ongoing evaluation of weed programs. There is statutory provision for audits of state and regional plans in accordance with the <i>Local Land Services Act 2013</i> .

## NSW Government response: NSW Weeds Review

(iv)	promoting a coordinated and strategic state-wide approach to weed Management	Supported	The State Weed Committee will have a role to ensure regional weed committees operate on a tenure-blind basis and implement regional plans that are effective, risk-based and inclusive of all major stakeholders in the landscape.
d.	replace the current weed classes with three outcomes focused weed categories: weeds excluded from entering the state, weeds to be eradicated, and weeds to be effectively managed to reduce impacts on a regional basis	Supported	The proposed Biosecurity Bill will give effect to this recommendation through the range of tools available, including the declaration of prohibited matter, regulatory provisions for high risk weeds, and management of other weeds in accordance with regional plans, supported by the general biosecurity obligation
e.	include provisions in new legislation for permits to be issued by the NSW government for authorised use of "conflict species", which may be declared but have economic value to some parties	Supported	The government agrees that industries that deal with high-risk species should have adequate risk mitigation in place to reduce the impact on the community and environment. Permits will be available under the proposed Biosecurity Bill.
f.	establish a service agreement to ensure taxonomy services are readily available and consistent protocols are used for identifying and recording potential new species	Supported	The government supports having a service agreement with the NSW Herbarium. The government will also update protocols for the identification and monitoring of new species. The Department of Primary Industries is currently liaising with local control authorities and other key stakeholders to finalise a NSW metadata policy for the consistent collection of weed data.

## NSW Government response: NSW Weeds Review

### Recommendation 3

#### Ensure consistent and coordinated regional planning and local delivery

a.	confirm and support local level service delivery by LCAs and define LCA statutory functions	Supported	
b.	replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members (similar to the Bush Fire Management Committee model) as subcommittees to LLS, and aligned with LLS borders	Partially Supported	The Government will establish regional weed committees under the <i>Local Land Services Act 2013</i> , with terms of reference similar to the role of Bush Fire Management Committees under the <i>Rural Fires Act 1997</i> . Membership will ensure that all major stakeholders have a say, and a primary responsibility will be to prepare and report on regional weed plans.
c.	provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for widespread weeds and surveillance	Supported	The planning provisions of the <i>Local Land Services Act 2013</i> coupled with provisions within the proposed Biosecurity Bill will require regional committees to develop risk-based strategic plans for weed management. These plans will be unambiguous, enforceable, tenure-blind, and inclusive of all relevant stakeholders.
d.	ensure all regional plans are based on best available local knowledge, research and technology, and promote behavioural change and adoption of integrated land management practices	Supported	
e.	encourage state bodies and the Australian Government to align funding with regional priorities identified in these strategic plans	Supported	
f.	ensure legislation allows for integration of pest plant and animal services and that LLS and LCAs work together to realise opportunities for efficiencies	Supported	The establishment of Local Land Services presents opportunities to realise efficiencies in local service delivery. The proposed Biosecurity Bill will allow for authorised officers to exercise powers to conduct pest plant and animal services.

## NSW Government response: NSW Weeds Review

### Recommendation 4

#### Improve prevention measures and response to incursions

a.	establish a reserve fund for responding to new high-risk incursions (similar to the pest insect destruction fund)	Supported in Principle	The government will investigate the establishment of a weed incursion fund similar to the Pest Insect Destruction Fund.
b.	prepare enforceable weed eradication plans consistent with response plans for other biosecurity responses, with funding arrangements to be negotiated between DPI, LLSs, LCAs, industry and other relevant stakeholders	Supported in Principle	The government will establish consistent approaches to managing new weed incursions through the use of enforceable response plans that may be funded through a mechanism similar to the pest insect destruction fund.
c.	implement a 'permitted list' for sale of plants in NSW, starting with aquatic plants and transitioning to all species within four years	Not supported	While the government supports the principle of regulating potential weed species coming into NSW and the 'ban from sale' of high-risk species within the state, the government does not support the process as proposed in the review paper. The proposed Biosecurity Bill instead focuses on prohibited matter which is a more efficient use of regulatory powers and available resources.
d.	advocate to the Australian Government for a review of the requirements for obtaining a minor use permit to improve access to herbicides for incursions	Supported	



## NSW Government response: NSW Weeds Review

### Recommendation 5

#### Improve management of high-risk pathways

a.	standardise inspection requirements to ensure all properties greater than one hectare are inspected at least once every five years	Not supported	<p>The government promotes strategic property inspections that prioritise high risk sites over properties that do not require inspection. Inspection regimes should be risk-based and allow for the potential establishment of third party auditing and self-certification schemes to reduce the need for arbitrary inspections.</p> <p>The government supports the use of inspection programs that are developed and approved at the regional committee level. These programs would focus surveillance and inspection activities at high-risk areas using tools such as pathway analysis to determine appropriate inspection intervals.</p>
b.	establish weed status certificates for each property inspected which would be:		
(i)	disclosed on planning information certificates for the sale of land included in any application for the subdivision of land greater than one Hectare	Not supported	<p>The purpose of property inspections is to determine if owner/occupiers are meeting their obligations to control weed species defined by legislation. Therefore 'weed status' certificates should only be used to provide compliance information.</p> <p>The establishment of weed status certificates is undesirable because they only measure the extent of weeds at the time of inspection. This information is likely to be dated and misleading when used by prospective buyers.</p> <p>Existing legislation already allows for a person to apply to a local control authority for a certificate as to weed control notices affecting particular land and as to any outstanding expenses payable to the authority or any resulting charge on the land.</p>
(ii)	provided to parties who lease public land	Not supported	As above.

## NSW Government response: NSW Weeds Review

(ii)	required for registration as a producer of fodder for sale	Not supported	<p>The government does not support this proposal, as it is considered an unnecessary impost on producers. Given that the proposed inspection regime is to be around five years, the currency of the required certification is questionable and may not accurately reflect the weed status over the life of the certificate.</p> <p>The government supports the use of an industry managed vendor declaration process for fodder producers.</p> <p>Under the proposed Biosecurity Bill there will be a <i>general biosecurity obligation</i> to mitigate the risk of weed introduction. The availability of vendor declarations would assist purchasers of fodder to make an informed decision and meet their obligation.</p>
c.	require the registration of commercial entities whose activities generate weed risks, for example, nurseries and producers of fodder for sale, and making it an offence for unregistered entities to carry out these activities	Supported in Principle	<p>With the exception of fodder production, the need for mandatory registration is still being discussed and will be considered in consultation with industry as part of the implementation of the Biosecurity Bill.</p>
d.	encourage greater self-management of weed risks by competent parties by providing for the establishment of industry contribution schemes and auditable compliance agreements	Supported	
e.	appoint LLS to coordinate management of declared aquatic weeds within each region	Supported	<p>The government supports this role at the regional level. It should also be noted in most cases management and control of aquatic weeds requires specialist knowledge and equipment. It is important that broad oversight and technical input into these projects is provided at the state scale.</p>

## NSW Government response: NSW Weeds Review

### Recommendation 6

#### Improve accountability and enforcement at all scales

a.	strengthen the enforcement provisions in the new legislation by:		
(i)	providing for more substantial penalties, based on the severity and type of offence	Supported	The government is introducing substantial penalties as part of the Biosecurity Bill.
(ii)	allowing for weed notices to specify clear actions and outcomes that the landholder must demonstrate compliance with by a specified time	Supported	The proposed Biosecurity Bill provides for the issue of a Biosecurity Notice where it is considered a person/s is not discharging their general biosecurity obligation.
(iii)	escalating enforcement action to LLS after failure to comply with a weed control notice, and simplifying the requirements for taking control or enforcement actions	Supported	Under the Biosecurity Bill authorised Officers will have the power to issue biosecurity notices where a person has failed to discharge their general biosecurity obligation. This Notice will detail action to be taken by the person within a specified time. If action is not taken to rectify the situation, further compliance action may be initiated.
(iv)	enabling easier enforcement of obligations for public land managers through the independent Chair of the State Weeds Committee	Not Supported	The government does not support the Chair of the State Committee having enforcement powers. This will not preclude the Chair of the Committee from taking legal action in accordance with the provisions of existing and future legislation.
b.	require the State Weeds Committee to develop state-wide service delivery standards for LCAs. The Committee should commission independent audits of LCAs against these standards, with LLS given the resources and mandate to assume the LCA's surveillance responsibilities if the LCA is not meeting their obligations. LCAs would not be relieved of responsibilities to manage their own land or roadsides	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> .  Plans will be developed based on broad consultation and with regard to available resources

## NSW Government response: NSW Weeds Review

c.	require the State Weeds Committee to commission audits of LLS and DPI's performance in weed management, and the extent to which funding has been allocated in line with strategic priorities	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> .
d.	provide for consistent, state-wide weed mapping including:		
(i)	adopting standard data protocols and record keeping requirements, which are mandatory for anybody receiving government funding for weed management	Supported	The department has commenced consultation for a draft metadata policy that will support the introduction of a state-wide <i>Biosecurity Information System</i> which is consistent with this recommendation. The implementation of the system and adoption of the metadata policy will be foundational to the next round of ' <i>NSW Weeds Action Program</i> ' funding. There is also potential to use this policy for other funding programs.
(ii)	developing and maintaining a state-wide data sharing system for tracking weed distribution and density that has current data from all LCAs ensuring that data is readily available to stakeholders and regional managers or use in adapting management plans and actions	Supported	The implementation of the <i>NSW Biosecurity Information System</i> will act as a state-wide receptacle for weeds management information. Due to privacy concerns, access to this information will be subject to business rules, which may limit access to people with appropriate authority or requirements to use this information.



## NSW Government response: NSW Weeds Review

### Recommendation 7:

#### Support research and development

a.	commit long-term funding for the strategic rebuilding and maintenance of NSW weeds research capacity	Supported	The government supports this recommendation and has recently committed resources to employing an additional weed researcher with a key role in establishing better collaborative arrangements with other research institutions.
b.	prioritise and coordinate strategic research investment	Supported	The department has commenced consultation with the Commonwealth Government, other jurisdictions, industry and various universities to develop a Cooperative Research Centre for weeds, which would develop a national approach to research, development and extension (RDE).
c.	work with other states to establish a permanent, national weeds research, development and extension organisation funded jointly by industry and state and Commonwealth Government	Supported	The government is currently pursuing improved national collaborations for weeds research with industry, universities, states and the Commonwealth.
d.	actively participate in this organisation through secure long-term investment, expertise and in-kind contributions	Supported	The government will actively participate by pursuing national industry, government and university collaborations for weeds and has committed to increasing weeds RDE staff and funding (via Weeds Action Program – Innovation grants).
e.	develop a centralised, accessible, web-based portal for collating research outcomes and sharing weed identification, distribution and management information and supporting researchers to effectively communicate research findings to land managers	Supported	
f.	ensure best available research and chemical choices are available to manage the risk of herbicide resistance on roadsides and in other areas where herbicides are regularly applied	Supported	'Sustainability of herbicide use' is one of the four key RDE national priorities identified by NSW and other jurisdictions and industry. NSW is increasing its commitment in this area by providing staff and resources funded by Weeds Action Program Innovation grants and other state, national and industry funding.

## NSW Government response: NSW Weeds Review

### Recommendation 8:

#### Ensure effective implementation of reforms

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a.	establish a working group of relevant agencies to detail the regulatory and administrative arrangements for implementation of the recommendations, oversee the transition and ensure the government's timeframes are met	Supported	
b.	allow for each LLS to establish a position for a regional project officer to oversee implementation of weed management programs within its region	Supported	The government supports the establishment of this role by either using existing weeds expertise within each of the Local Land Services or the absorption of the current regional project officers who are largely funded through the NSW Weeds Action program.
c.	commission an evaluation of the implementation of the new arrangements in five years	Supported	



10 September 2014

Mr Vince Forgione  
Chief Weeds Officer  
Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850



Dear Mr Forgione

**Final report - Review of weed management in NSW**

I would like to thank you for your input to the Natural Resources Commission's (NRC's) review of weed management in NSW. The NSW Government recently released its response to the NRC's recommendations, available through the Department of Primary Industries website.

The NRC's final report outlining our full findings and recommendations is now available on the NRC website at <http://nrc.nsw.gov.au/Workwedo/ReviewOfWeedManagementInNSW.aspx>.

The NRC was impressed by the skills and dedication of the many professionals working on the front-line in this field. The team and I would like to send our particular thanks for the time and insights you shared with us to build our understanding of the context and critical issues facing weed management. This was a complex review and we greatly appreciate your generosity in working with us.

Once again, thank you for your valued contribution to our review.

Yours sincerely

A handwritten signature in black ink, appearing to read "J Keniry".

Dr John Keniry AM  
Commissioner



Department of  
Primary Industries

OUT14/21205

Ms Nyssa Smith  
Secretary  
Macquarie Valley Weeds Advisory Committee  
c/- Cabonne Shire Council  
PO Box 17  
MOLONG NSW 2866

Dear Ms Smith

**NSW GOVERNMENT FUNDING UNDER THE WEED ACTION PROGRAM 2014-15  
Macquarie Invasive Species Project 2010-15**

The Minister has approved funding of \$1,192,216 for 2014-15 to your organisation for the project detailed in the executed Funding Agreement and noting you retain a counter signed copy of this Funding Agreement.

These funds will provide an opportunity to improve NSW's weed management by focusing resources on the weeds that are not yet widespread, building capacity of local weed control authorities and facilitating regional partnerships with other organisations including Crown Lands and Local Land Services.

The funds being provided to your organisation for 2014-15 are only to be used for the activities outlined in the Funding Agreement. The Funding Agreement also details your reporting requirements.

**If you accept this offer of funding please forward a tax invoice for the stated amount (plus 10% GST and bank details) to the address or email listed below.**

This is the final year for funding to be allocated for this project and we are currently working with the regions on developing the NSW Weeds Action Program for 2015-20. The next meeting to discuss the future program is scheduled for Tuesday, 18 November 2014 in Sydney and an email will be sent to you closer to the date inviting you to attend.

For further enquiries please contact Robyn Henderson by telephone on (02) 6391 3638 or email [admin.weeds@dpi.nsw.gov.au](mailto:admin.weeds@dpi.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glen Saunders'.

Glen Saunders  
Director Invasive Plants & Animals

3 September 2014

Locked Bag 21 | Orange NSW 2800  
T: 6391 3638 | F: 6391 3206 | E: [admin.weeds@dpi.nsw.gov.au](mailto:admin.weeds@dpi.nsw.gov.au)  
W: [www.dpi.nsw.gov.au/biosecurity](http://www.dpi.nsw.gov.au/biosecurity)  
ABN: 72 189 919 072





**CABONNE COUNCIL**

THE GENERAL MANAGER  
POST OFFICE BOX 17  
MOLONG 2866

Phone: 02 63907100

Fax: 02 63907160

Contact: Lis Arundell

Website: [www.cabonne.nsw.gov.au](http://www.cabonne.nsw.gov.au)

Email: [council@cabonne.nsw.gov.au](mailto:council@cabonne.nsw.gov.au)

Our Ref: 591981

Your Ref:

ABN: 41992 919 200

Mr Brad Cam  
Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850

Monday 1st November 2014



Dear Mr Cam,

**RE: WEEDS ACTION PROGRAM GRANT FUNDING**

The Minister for Primary Industries has announced the fifth round of funding for the Weeds Action Program, approving the Macquarie Invasive Species Project for 2014/2015. A total of \$ 1,192,216.00 has been allocated to the region and these funds will be administered by Cabonne Council.

It is requested that a tax invoice, made out to Cabonne Council, for the amount of \$ 118,553.10 (GST inclusive) be forwarded at your earliest convenience so that these funds can be issued as soon as possible.

Should you require any additional information regarding this matter, please contact Lis Arundell (Regional Project Officer) on (02) 6390 7128 or [elisabeth.arundell@cabonne.nsw.gov.au](mailto:elisabeth.arundell@cabonne.nsw.gov.au)

Yours sincerely,

Richard Minter  
Director of Engineering and Technical Services



A WBC STRATEGIC ALLIANCE PARTNER  
"WORKING FOR OUR COMMUNITIES".





Our reference: 2013/SL/0040  
Your Reference:  
Contact: Karen Wakely  
02 8837 6073

Mr Vince Forgione  
Chief Weeds Officer  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Dear Mr Forgione

The Environmental Trust has now finalised its decisions on funding for the 2013 Restoration and Rehabilitation grants program. Unfortunately on this occasion, your application to the Government Program for *Remnant vegetation preservation financial incentives programme* was unsuccessful.

As in previous years there was strong competition for funds, with a diverse range of projects proposed. The Trust received 89 applications to this program requesting funding of more than \$7 million, and approved 25 grants with a total value of \$2,036,298.

A list of successful grants has been published on the Trust's website at [www.environmentaltrust.nsw.gov.au](http://www.environmentaltrust.nsw.gov.au).

If you would like further feedback on your application or would like to discuss future funding available from the Trust, please contact the Program Administrator, Karen Wakely, on the above number.

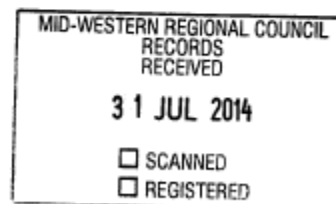
Thank you for your interest in the Trust's Restoration and Rehabilitation Government Program, and I encourage you to consider applying in future funding rounds.

Yours sincerely

**PETER DIXON**  
**Senior Manager Environmental Grants**

**Under delegation**

28 July 2014



# NOXIOUS WEED MANAGEMENT - ANNUAL REPORT 2015

		SCHEDULED INSPECTIONS					COMPLETED INSPECTIONS							NOTICES		ACTUAL INSPECTIONS BY PROPERTY TYPE													
Month	Proposed New Inspections	Proposed New Reinspections	s18 Reinspections	Proposed Reinspections	TOTAL PROPOSED	NEW INSPECTIONS	Complied on inspection	Reinspections	Complied on Reinspection	S18 Inspections	Complied on exp of s18	TOTAL REINSPECTIONS	TOTAL INSPECTIONS & REINSPECTIONS	s18's issued (incl amended s18)	Show Cause issued	Private New Inspections	Private Reinspections	TSRs	Watercourses	Nurseries	Saleyards	Pet Shops	Council Land	Crown Land	Roadside kms	Hectares			
																											Proposed New	Reinspections	Proposed Reinspections
Jul	79	119	24	2	26	145	180	122	16	5	1	0	17	197	2	0	178	62	0	62	0	0	0	1	1	0.0	13411		
Aug	176	443	31	5	36	479	410	322	24	6	5	1	29	439	11	2	400	29	0	129	0	0	0	3	4	0.0	28159		
Sep	158	316	22	3	25	341	340	270	19	12	5	1	24	364	8	1	321	25	1	132	0	0	0	4	12	0.0	26180		
Oct	202	186	18	1	19	205	226	135	16	4	1	0	17	243	3	0	223	17	0	116	0	0	0	0	0	132.5	33055		
Nov	42	116	11	5	16	132	78	51	2	2	0	0	2	80	0	0	74	3	0	35	0	0	0	0	0		9952.3		
Dec	25	52	71	32	103	155																							
Jan	25		46	15	61	61																							
Feb	25	6	64	14	78	84																							
Mar	25	2	112	29	141	143																							
Apr	25		91	25	116	116																							
May	25	2	85	10	95	97																							
Jun	25	1	55	7	62	63																							
<b>Totals</b>	<b>832</b>	<b>1243</b>	<b>630</b>	<b>148</b>	<b>778</b>	<b>2021</b>	<b>1234</b>	<b>900</b>	<b>77</b>	<b>29</b>	<b>12</b>	<b>2</b>	<b>89</b>	<b>1323</b>	<b>24</b>	<b>3</b>	<b>1196</b>	<b>136</b>	<b>1</b>	<b>474</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>17</b>	<b>132.5</b>	<b>110758</b>		
			Compliance %						73%		38%		17%																
<b>WAP TARGET</b>																		<b>650</b>	<b>195</b>	<b>12</b>	<b>200</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>15</b>	<b>0</b>		
<b>Outstanding</b>							<b>234</b>											<b>546</b>	<b>-59</b>	<b>11</b>	<b>274</b>	<b>-4</b>	<b>0</b>	<b>-1</b>	<b>-2</b>	<b>2</b>			
<b>Council Targets</b>							<b>1000</b>																					<b>3500</b>	



Mid-Western Regional Council

# Weed Management

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# Staff

- Chief Weeds Officer
- Noxious Weeds Administrator
- Four permanent Weeds Officers
- One Contract Weeds Officer

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# Resources

- 5 x 4wd Vehicles
- 2 x ATVs (Quad Bikes)
- 1 x Spray Rig
- Tablet Computers – Weed Mapping System
- Spot Messengers
- Mobile Phones

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# Budget

Total annual budget of \$570,913.00 made up of:

- WAP Funding = \$107,775
- Council = \$467,413

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## Area

The Mid-Western Region covers an area of 9,000 square kilometres (900,000 Ha) comprising of 13,171 properties:

- 1,886 Farmland
- 3,696 Rural Residential
- 6,658 Urban Residential
- 633 Urban Business
- 263 Crown
- 31 Mining

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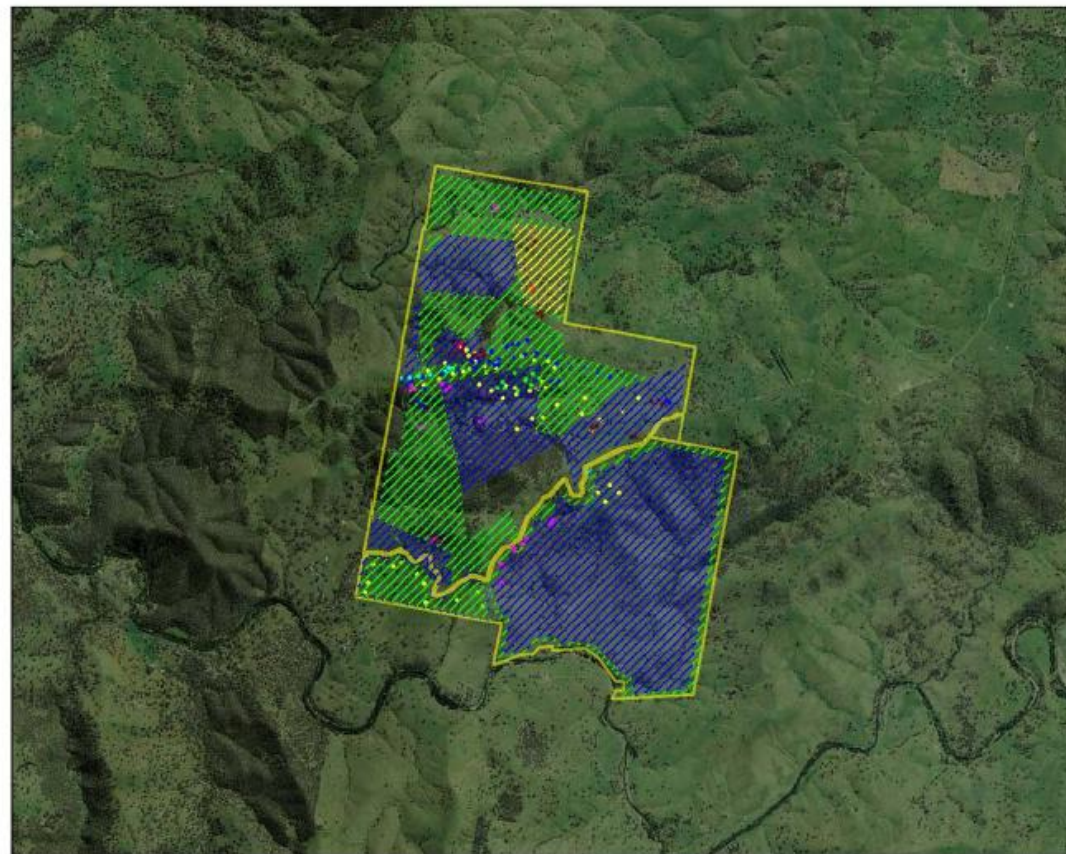
# Weed Mapping System

- Council has established in-house Weed Mapping Software which gives Officers the ability to map and report on all noxious weeds identified on a property.
- A copy of the survey results map is provided to landholders after the initial inspection.

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# Landowner Copy



## Weed Inspection Survey Results

Property No.: 21001

Date: 21/03/2012

### Weed Species

- Bathurst burr C4
- Blackberry C4
- Blue haliotrope C4
- Serrated tussock C4
- St. John's wort C4
- Sweet briar C4
- Tree-of-heaven C4

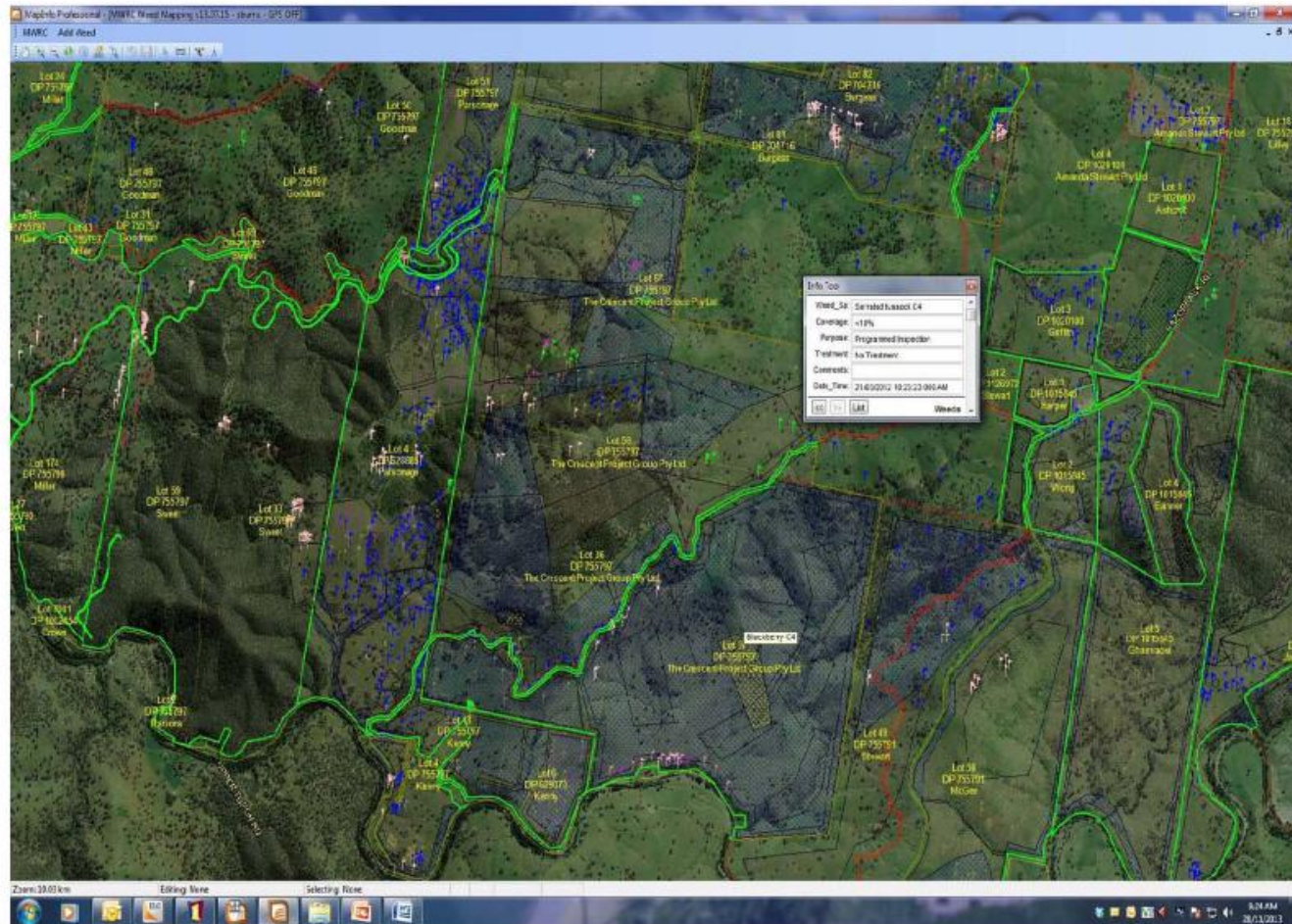
### Disclaimer:

This map represents the findings of a weed survey undertaken by MWRC. Whilst every effort has been made in identifying and locating weeds on the property indicated, Council makes no guarantee that additional infestations do not occur.

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# Office view





# Property Inspections

Property inspections (including reinspections) conducted over the past three financial years:

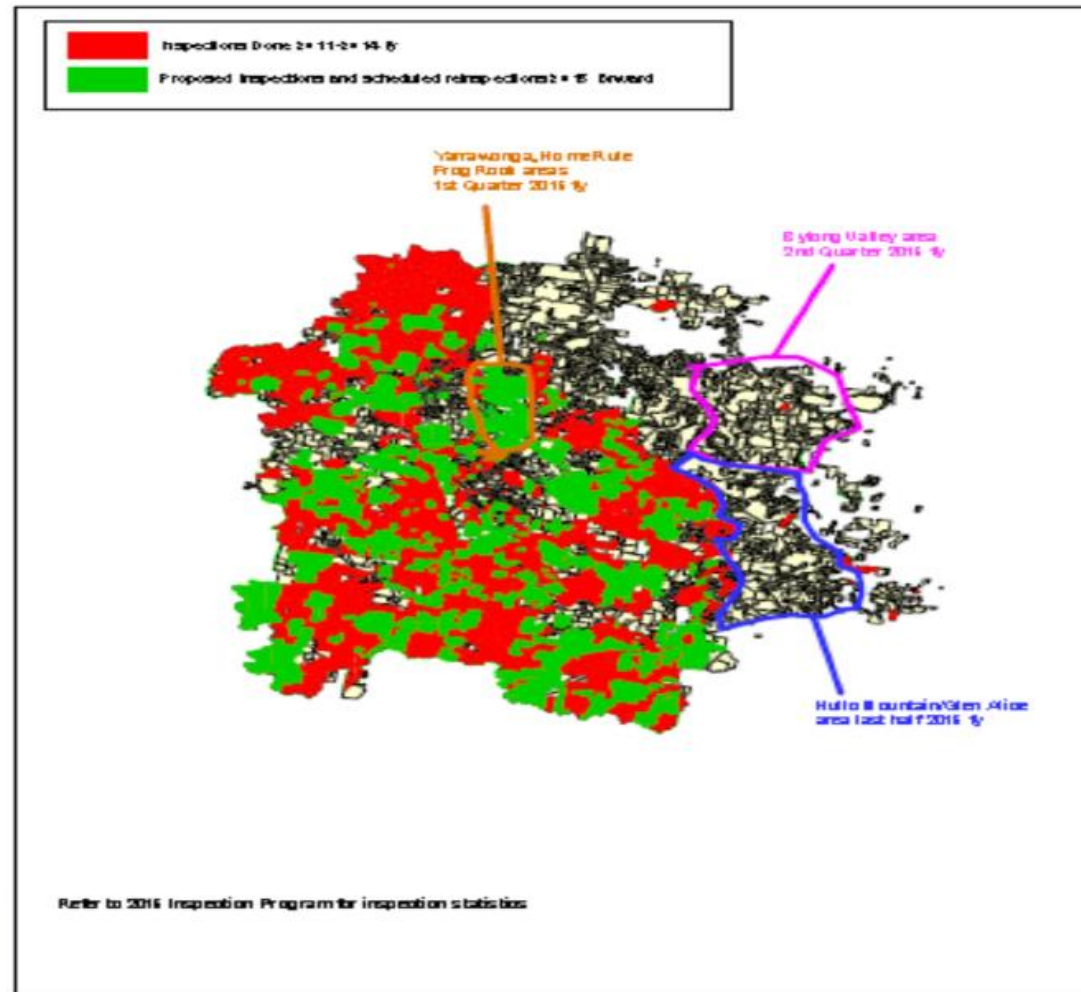
Financial Year	No of Inspections	Hectares
2012	1,443	198,724
2013	1,632	253,226
2014	1,656	260,103

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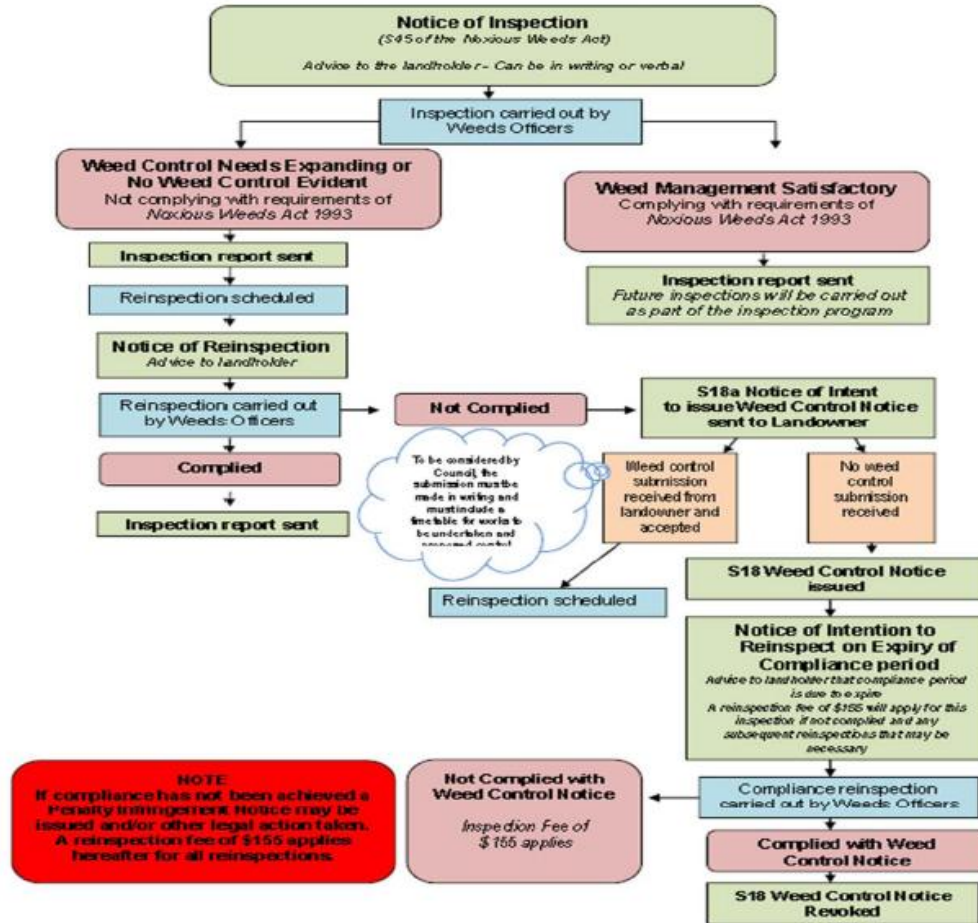
# Inspection Program



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## Noxious Weeds Inspection and Compliance Procedures



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# Enforcement

## Section 18 Weed Control Notices issued:

2012	195
2013	201
2014	174

## Section 20 Action taken:

2012	2
2013	4
2014	6

# Compliance

Average percentage of compliance achieved on property inspections:

Year	New Inspections	Reinspections	S18 Inspections
2012	24%	20%	23%
2013	31%	29%	30%
2014	66%	40%	31%

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# Weed Management Strategy

- **Education**
  - community networking
  - field days
  - forums
  - school events e.g. Green Day
- **Advertising**
  - Council Web site
  - Facebook
  - Local media

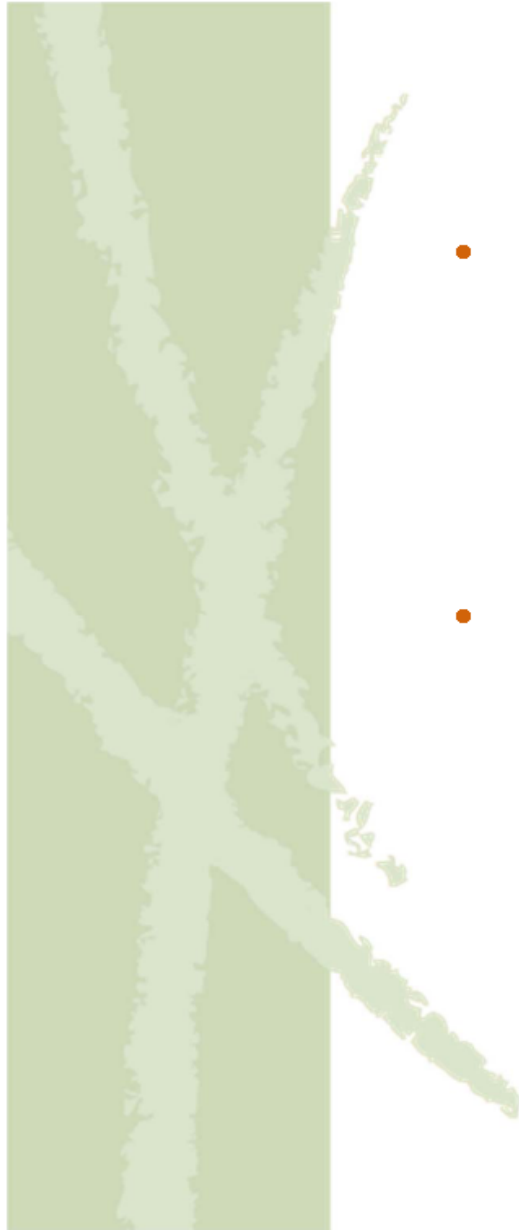
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- 
- **Rigorous Inspection Program**
    - Planned by area where possible
    - Follow up reinspections as required
  - **Communication**
    - developing a relationship with the landowner from the initial inspection
    - on-site meetings

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- **Information**
  - provision of the Weed Survey Map after the initial inspection
  - treatment advice
- **Enforcement**
  - S18 Weed Control Notice
  - Show Cause
  - S20 Action

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# Biological Control

The Weeds Team are very active in promoting biological control of certain noxious weed species and work together with the landowner to achieve successful results in treating weeds such as St John's Wort and Blue Heliotrope.

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# St John's wort on beetles' hit list

A tiny beetle is having a huge impact on control of St John's wort in the Central West this season.

First introduced into the country in 1875, St John's wort (*Hypericum perforatum*) is now a declared noxious weed in many parts of south-eastern Australia. It has become widely established in the central tablelands, being particularly suited to the hill and high-country pastures.

St John's wort contains a chemical called hypericin which, when ingested by livestock, enters the blood stream through the stomach. When it passes through the blood vessels close to the skin surface it is activated by sunlight, the chemical structure is altered making the compound toxic.

The levels of hypericin vary seasonally, and are at their peak when the plant is in full flower, November through to January. As this often coincides with calving and lambing in our district, the effects on young animals, which are particularly susceptible, can be devastating.

Hypericin poisoning causes photosensitisation, skin damage and in extreme cases, death.

Cases where hundreds of lambs have been lost to St John's wort poisoning have been known in the district.

Management of St John's wort by landholders is integral to mitigating production losses, but control of widespread infestations can be challenging.

"Spraying small patches can be effective, but where it is widespread, spraying is a waste of money," said Rob McAlpine, Noxious Weeds Inspector with Mid Western Regional Council.

Landholders now have a biological control agent available for their St John's wort management tool kit: the 6mm long, shiny metallic Chrysolina beetle.

The beetle larvae which emerge in early spring feed on the developing shoots of St John's wort and can severely damage the plant. Adults attack the spring growth. Where large numbers of beetles breed up the damage they cause to St John's wort can be spectacular, with complete defoliation of the plants occurring.

Chrysolina beetles were introduced to the cen-

tral west in the 1980s and are becoming well established in the area.

Preferring open, sunny situations, they are most effective at suppressing flower and seed production at these sites. The beetles have low mobility and need to be physically transferred to new infestations to become established. The Council's Weed Officers have been aiding their spread.

"We have been collecting beetles and putting them on roadside infestations of St John's Wort for a number of years," said Rob.

"The impact the beetles are having this season is probably a combination of colonies breeding up and becoming more widespread as well as the dry spring, as they tend to go underground when it's wet," he continued.

The beetles have the greatest effect where they form part of an integrated pest management strategy.

"Grazing, beetles and slashing have the greatest impact," said Rob.

"We have seen a great reduction where areas of St John's wort have been grazed at the end of winter for a number of years in a row," he continued.

The end of winter coincides with the lowest concentrations of hypericin, before the levels rise sharply in the spring, and the least risk to livestock.

Landholders who have St John's wort on their property and would like more information on the Chrysolina beetle can contact Susan Burns or Vince Fargione at Mid Western Regional Council's Weed Office on 6379 2056.



Chrysolina beetles feeding on St John's wort. The chrysolina beetle can completely defoliate St John's wort.

**MUDGEES**  
**VETERINARY HOSPITAL**  
Mudgee Veterinary Hospital  
104 Market St, Mudgee  
6372 2105  
Rylstone Veterinary Surgery  
52 Louee St, Rylstone 6379 1460  
Gulgong Veterinary Surgery  
88 Mayne St, Gulgong 6374 1160



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# Roadside Inspections/Spraying

- 2,602 kms of roads
- 5,204 kms (both sides of road) to be inspected and sprayed
- Weeds Officers inspect
- Weeds Officers and Contractors conduct roadside spraying

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# Our Challenges

- Tree changers/purchasers of rural land
  - Unaware of Weed Control Notices on a property they have purchased because their Solicitor/Conveyancer did not apply for a Section 64 Weed Certificate
  - Lack of knowledge of noxious weeds and regulations before purchasing rural properties
  - Financial difficulties in carrying out expensive weed control after they have bought the land

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- 
- Absentee Landowners
    - Communication difficulties – little or no opportunity to meet or speak to landowners
    - Visit only on weekends for recreational purposes, or
    - Own the land but never visit
    - Cannot identify noxious weeds
    - Some disinterest in land management
    - Lack of knowledge of regulations regarding noxious weed control

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