



\*\*PUBLIC COPY\*\*

# Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
WEDNESDAY 17 FEBRUARY 2021

*A prosperous and progressive  
community we proudly call home*







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10 February 2021

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
17 FEBRUARY 2021  
**Public Forum at 5.30PM**  
*Council Meeting commencing at conclusion of Public Forum*

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Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

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

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

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

Yours faithfully

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

BRAD CAM  
GENERAL MANAGER



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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 9 December 2020**

Council Decision:

That the Minutes of the Ordinary Meeting held on 9 December 2020 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

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

## Item 5: Mayoral Minute

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### 5.1 Mayoral Minute: Regent Theatre

#### MAYORAL MINUTE

TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, P0020011

#### RECOMMENDATION

**That Council await the outcome of the auction of the Regent Theatre to be held on 26 March 2021 before addressing any potential Council interest in purchasing the building.**

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CR DES KENNEDY  
MAYOR  
8 February 2021

*Attachments:* Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 Vandalism and Irresponsible Driver Behaviour on Mid-Western Roads

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088,

#### **MOTION**

##### **That Council:**

- 1. work with the Local Area Command with a view to reducing the destructive driver behaviour that is resulting in damage to roads in our region; and**
  - 2. encourage the local community to work with local Police to help stop vandalism in the Local Government Area.**
- 

#### Background

Every access road into Gulgong has skid marks from cars doing 'doughnuts'. These skid marks are also on many other intersections along the Castlereagh Highway.

Not only do these skid marks look unsightly to tourists coming to our region, it is causing damage to our road network. It is also extremely dangerous and it is only a matter of time before there is an accident or someone gets hurt.

Vandalism particularly of road signs is a common sight in the Local Government Area, costing the community a great deal of money.

These matters need to be raised with local Police so that policing resources can be redirected to capture the culprits and Council need to encourage the community to work with local Police to help stop the vandalism.

#### Officer's comments

The General Manager met with Police recently and raised the issue of skid marks on intersections along the highway. Police advised they currently have 5 highway patrol cars working in this area. Police have encouraged the public to call Crime Stoppers to report these incidents.

## 6.2 Proposal for Louisa Lawson Statue

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, REC800021; A0100035; GOV400022

### MOTION

**That Council consider installing a Louisa Lawson statue at an appropriate location, preferably in front of the Mudgee Library.**

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### Background

Louisa Lawson, the mother of Henry Lawson, is a significant figure in Australian and Mudgee history. Louisa set in motion some of the significant social reforms of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

She was a publisher, editor, writer and poet who campaigned the rights of women to equality and forced an open debate on the need for the vote of women.

### Officer's comments

This is a Rotary project, Rotary have requested Council support in their preferred location and the concept. At this stage they have not asked for financial support.

## 6.3 Council Building Extensions

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GOV400088; A0100035; GOV400022; COU500028

### MOTION

**Amend the 2021/2022 budget to remove the \$500,000.00 allocated to the Concept Plans for the Main Admin Building budget for the design to extend the Mudgee Administration building.**

---

### Background

During the COVID epidemic Council had a huge number of staff working from home. When the Tourist Information Centre building is vacated this building can be utilised by staff.

### Officer's comments

Council's previous recommendation was for staff to develop concept plans for extensions to the Stables as a Civic Centre and designs on extending the Planning section and redesign of the Council Chambers.

## 6.4 Cope Road Roadside Maintenance

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, ROA100059

### MOTION

**That Council include Cope Road to Gulgong waste Transfer Station on a roadside maintenance schedule to have the roadside clean and mowed regularly as this is one of the main entrances to Gulgong.**

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### Background

Members of the Gulgong community have requested the Cope Road roadside be regularly maintained specifically the un-mowed verge, broken tree branches, unwanted saplings, dead trees and general rubbish removal as this is a main arterial road from the Hunter and coastal regions and looks untidy.

### Officer's comments

Operations staff have already committed to cleaning up the Cope Road from the 100km sign to the entrance to the Gulgong Waste Facility. This is a result of a member of the public putting in a works request.

## 6.5 Additional Entrance Signs for Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088,

### MOTION

**That Council install an entrance sign to Gulgong on the Cope Road entrance to Gulgong and consider signage for other road entrances to Gulgong.**

---

### Background

Members of the Gulgong community have requested an entrance sign to be placed at the entrance to Gulgong on the Cope Road as this is one of the primary road entrances to Gulgong.

### Officer's comments

Entry signage to Gulgong has recently been installed on the Castlereagh Highway (south), Goolma Road and Henry Lawson Drive. Cope Road was not included in the original round, as it was estimated grant funds were not sufficient.

The actual cost of installation is below the estimate and an additional sign can now be funded.



## 6.6 Gulgong Waste Facility

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, 25897, WAS400013

### MOTION

**That Council conduct a review of the items accepted at all Waste Transfer Stations in the region with a view to providing a better waste service to rural residents.**

---

### Background

A member of the community has raised concerns about the service provided at the Gulgong Waste Facility, and in particular the non-acceptance of concrete/brick waste and aerosole cans. These items are not accepted at the Gulgong Waste Facility and have to be taken to the Mudgee Waste Facility for disposal. This also applies at the other waste facilities in our region.

It is unfair for residents to have to drive across the region to the Mudgee Waste Facility to dispose of these items. The services offered at the Mudgee Waste Facility should be made available at other locations within our region.

### Officer's comments

It is correct that Council does not accept loads of brick and concrete at the Gulgong, or any of the other waste transfer stations. This has been the case for a number of years now. The waste transfer stations are aimed to provide a similar level of service to the 4 bin urban system. Urban residents are discouraged from dumping building waste or aerosol cans in bins so similarly rural residents cannot dump building waste at transfer stations. Note there is a specialist Community Recovery Centre setup at Mudgee to take specific waste such as aerosol, batteries, flouro tubes, oil, smoke detectors etc.

- Gulgong Waste and our other WTS are now classified as closed landfills, as per EPA classifications. No waste is allowed to be spread and covered on site. This would be an illegal activity in accordance with the POEO Act (applying waste to land that is not licensed to accept the waste).
- Waste that is left at the Gulgong, and other WTS needs to be brought back to Mudgee for processing (with the exception of Garden organics)
- We do not have earthmoving equipment at the Gulgong site. We share a bobcat between all 14 WTS to clean up. This machine is not suitable for stockpiling or loading bulk quantities of brick and concrete. The additional resource to adequately deal with this building and demolition waste would be significant. Loader for stockpiling and additional trucks to transport the material back to Mudgee.
- We need to be mindful of EPA licensing thresholds when stockpiling wastes on site, we would trigger the need for an EPA licence and extensive upgrades to meet licensing conditions.

- The waste brick and concrete is already on the contractors truck, with the gate fee charges being cost recovery the fee would have to be set to cover the cost of dealing with the waste. ie they would be meeting the cost of dealing with the waste anyway.
- Adding the cost of this waste for “free” spreads the costs across all rate payers. Demolition is not an everyday activity and should be user pays rather than being subsidised by all rate payers.

## Item 7: Office of the General Manager

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### 7.1 Delegate to Burrendong Wind Farm Community Consultative Committee

REPORT BY THE GENERAL MANAGER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, LAN900118

#### RECOMMENDATION

##### That Council:

1. receive the report by the on the Delegate to Burrendong Wind Farm Community Consultative Committee; and
2. endorse Councillor(s) \_\_\_\_\_ as delegate(s) to the Burrendong Wind Farm Community Consultative Committee.

#### Executive summary

There has been a request from Burrendong Wind Farm for Council to provide delegates to the Burrendong Wind Farm Consultative Committee to ensure continuity of information sharing and involvement with Council.

#### Disclosure of Interest

Nil.

#### Detailed report

Burrendong Wind Farm have requested that Council consider appointing a representative to the Community Consultative Committee. The Committee will comprise up to seven community representatives as well as representatives from the relevant stakeholder groups, including Mid-Western Regional Council.

The Burrendong Wind Farm is located approximately 30km southwest of Wellington, within the Dubbo Regional and Mid-Western Regional Local government areas.

Representative nominations closed Monday 1 February, 2021. Due to the schedule of our Council meetings an extension was requested and approved until 26 February, 2021.

#### Community Plan implications

Theme	Good Governance
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Goal	Good communications and engagement
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Strategy	Encourage community access and participation in Council decision making
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## Strategic implications

**Council Strategies**

Community Strategic Plan.

**Council Policies**

Provision of Expenses and Facilities to Councillors.

**Legislation**

Not Applicable.

## Financial implications

The attendance by Councillors at this external committee and other organisations may incur a travel cost to Council, provision for which is included in the budget and is subject to the relevant policy.

## Associated Risks

Not Applicable.

BRAD CAM  
GENERAL MANAGER

25 January 2021

*Attachments:* 1. Burrendong Wind Farm Scoping Report. (separately attached)  
2. Burrendong Wind Farm Location and Turbine maps. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 7.2 Review of the Work Health and Safety Policy

REPORT BY THE EXECUTIVE MANAGER, HUMAN RESOURCES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GOV400047

### RECOMMENDATION

#### That Council:

1. **receive the report by the Executive Manager, Human Resources on the Review of the Work Health and Safety Policy; and**
2. **adopt the revised Work Health and Safety Policy.**

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### Executive summary

The Work Health and Safety Policy has been reviewed to ensure compliance with relevant legislation and to ensure it is relevant for Council's requirements. There are no significant changes required to the policy.

### Disclosure of Interest

Nil.

### Detailed report

The Work Health and Safety Policy confirms Council's commitment to providing a safe and healthy work environment so far as reasonably practicable and provides an overview of WHS responsibilities in accordance with the Work Health and Safety Act 2011. The policy also sets out the aims of Council's Work Health and Safety Management System:

- Provision and maintenance of a work environment without risk to health and safety
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training, supervision for its workers
- Provision of health programs, activities and monitoring for its workers

### Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Provide a positive and supportive working environment for employees

## Strategic implications

### **Council Strategies**

Delivery Program Action: Provide a safe, healthy and non-discriminatory working environment.

Projects/Service: Implement and embed a WHS Management System that reflects the Australian Standard.

### **Council Policies**

Work Health and Safety Policy

### **Legislation**

Work Health and Safety Act 2011 and Regulations

## Financial implications

Not Applicable

## Associated Risks

If Council does not maintain and promote a current Work Health and Safety Policy and a safe working environment then there may be an increase in risks and incidents and injuries.

MICHELE GEORGE  
EXECUTIVE MANAGER, HUMAN RESOURCES

3 February 2021

*Attachments:* 1. WHS Policy V6.1 February 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## WORK HEALTH AND SAFETY POLICY

*A prosperous  
and progressive  
community.*

<b>ADOPTED</b>	VERSION NO	<b>65.1</b>
COUNCIL MEETING MIN NO <b>08/49</b>	REVIEW DATE	<b>FEBRUARY 2023<sup>1</sup></b>
DATE: <b>20-FEBRUARY-2019/17 FEBRUARY</b>	FILE NUMBER	<b>A0100021</b>

Mid-Western Regional Council (Council) is committed to providing a safe and healthy work environment for all workers and others in the workplace, so far as reasonably practicable. This is achieved with effective consultation between Management, Workers and other Stakeholders in accordance with the requirements of the Work Health and Safety Act 2011 and Regulations.

To facilitate this, Council has established, implemented and continues to maintain a Work Health and Safety Management System (WHSMS). The WHSMS forms the foundation of a proactive, systematic and coordinated approach to the management of health and safety risks arising out of Councils undertakings. The WHSMS embraces the risk management principles prescribed in AS/NZS 31000:2009 and provides for fair and effective workplace health and safety consultation, cooperation and issue resolution.

Everyone within the workplace including Contractors has a work health and safety responsibility, and Council's WHSMS aims to provide a framework to support everyone in continually upholding these responsibilities.

### Aims of the Work Health and Safety Management System

- Provision and maintenance of a work environment without risk to health and safety
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training, supervision for its workers
- Provision of health programs, activities and monitoring for its workers

### WHS Objectives

- Identification and management of work health and safety risks and compliance with the Work Health and Safety Act 2011 and Regulations;
- Maintaining effective communication with our Workers, Contractors, Visitors and other Stakeholders to ensure that safe work practices are undertaken in the workplace;
- Empowering individuals to adopt the highest standards of workplace health and safety practices to protect themselves and others in the workplace;
- Monitoring, review, reporting and continuous improvement of the WHSMS

### WHS Responsibilities

**SENIOR MANAGEMENT:** The General Manager, Directors and those involved in strategic decision making must exercise due diligence in ensuring that Mid-Western Regional Council complies with the duties of a "PCBU" defined in Section 19 of the Work Health and Safety Act 2011.

**WORKERS:** Workers have a duty to take reasonable care of themselves and others at the workplace. A worker includes a person who carries out work in any capacity for Council, including work as an employee, a contractor, subcontractor, outworker, volunteer, apprentice or trainee and work experience students.

**VISITORS:** Visitors to Council's workplaces have a duty to take reasonable care of themselves and others at the workplace and cooperate with any reasonable instruction given by an employee of Mid-Western Regional Council.

GENERAL MANAGER:  DATE: **FEBRUARY 2019**

## Item 8: Development

### 8.1 DA00111/2021 Single Dwelling and Attached Secondary Dwelling at 47 Saleyards Lane, Mudgee (Lot 10 DP 1267151)

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, DA0111/2021

#### RECOMMENDATION

##### That Council:

- A. receive the report by the Town Planner for DA00111/2021 Single Dwelling and Attached Secondary Dwelling;
- B. approve DA00111/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:

#### APPROVED PLANS

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

<i>Title / Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>
Cover Sheet	01	C	11/11/20	Hibbards PL
Site Plan	02	C	11/11/20	Hibbards PL
Floor Plan	05	C	11/11/20	Hibbards PL
Elevations	06	C	11/11/20	Hibbards PL
Landscape Plan	08	C	11/11/20	Hibbards PL
Kitchen Elevations	12	C	11/11/20	Hibbards PL
BASIX Certificate	1137942M	-	29 September 2020	Stellar Thermal Assessments

#### GENERAL

2. This development consent provides approval for a single dwelling and attached secondary dwelling, only.
3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and



constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs. The site shall be graded so that it is free draining and runoff captured by a swale drain.

5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council’s infrastructure as a result of the proposed development must be repaired immediately to Council’s satisfaction, and at no cost to Council.
8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council’s Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

10. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
11. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council’s Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.

**Section 7.11 contribution rates – Mudgee**

	1 X New Secondary Dwelling
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00

<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

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

Note – Council's Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

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

Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

#### **PRIOR TO COMMENCEMENT OF WORKS**

13. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

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

14. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) the sign shall be removed when the erection or demolition of the building has been completed.

16. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Regulations 2000* all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

17. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or

- rendered inconvenient; or
  - b) building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

18. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

## **BUILDING CONSTRUCTION**

19. All building work must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulations 2000* and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137942M issued on 29 September 2020 must be installed and/or completed in accordance with the commitments contained in that
-

certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.

26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
28. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

### **CUT AND FILL**

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the *Roads Act 1993* and Council's Access to Properties Policy.
34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

### **FENCING CONDITIONS**

36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost
-

to the developer.

37. Boundary fencing forward of the building line shall be a maximum height of 1m.
38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
39. Continuous landscaping must be provided on the street side of the fence where it comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.
40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

## ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

<b>Section 64 Contributions</b>		
<b>1 Secondary Dwelling (One credit for existing Lot)</b>		
	<i>ET/Unit</i>	<i>Value</i>
Water Headworks	0.5	<b>\$2,893.44</b>
Sewer Headworks	0.5	<b>\$1,983.50</b>
<b>Total Headworks</b>		<b>\$4,876.94</b>

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.
8. Clause 24 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

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## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Tash Stengert – Hibbards Pty Ltd
PROPERTY DESCRIPTION	47 Saleyards Lane, Mudgee (Lot 10 DP 1267151)
PROPOSED DEVELOPMENT	Single Dwelling and Attached Secondary Dwelling
ESTIMATED COST OF DEVELOPMENT:	\$324,000
REASON FOR REPORTING TO COUNCIL:	Council is the owner of the land and the construction value exceeds \$150,000
PUBLIC SUBMISSIONS:	0

Council is in receipt of Development Application DA0111/2021 that seeks approval for a Single Dwelling and Attached Secondary Dwelling located at 47 Saleyards Lane, Mudgee NSW 2850, known legally as Lot 10 DP 1267151, received by Council on 21 October 2020.

The subject site is located in the newly created Saleyards Lane Subdivision in which Council was the developer.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 9 December 2020. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for determination as it exceeds staff's *Delegation of Authority*, in that Council was the owner of the land at the time of lodgment, and the construction value exceeds \$150,000.

The application is recommended for Approval.

## Disclosure of Interest

Council was the owner of the land subject to this report at the time of lodgment, and the developer that created the subject lot.

The land has subsequently been sold, prior to the determination of the application. In this regard, the Courts have consistently found when landowners consent has been given, it is to be taken as intending the full development assessment process of the *Environmental Planning and Assessment Act 1979* to be undertaken. For this reason, and to avoid any perceived conflicts of interest, the application has been reported to Council for determination.

## Detailed report

The site is located within the newly created Saleyards Lane subdivision, on the cusp of the Mudgee urban area to the west of town. The area is sloping up to the south, with a northerly aspect over the Cudgegong River flood plains and Castlereagh Highway. The area is characterised by vacant rural land, and newly emerging residential development which is a direct result of recent subdivisions along Saleyards Lane. It is noted that a number of similar developments adjoining the subject site are currently before Council.

### Development Details

- Erection of a single dwelling, and attached secondary dwelling.
- Single Dwelling (156.46m<sup>2</sup>)
  - 2 x bedroom – 1 with ensuite, bathroom, media room, open plan kitchen/family room leading in to the backyard, single garage.
- Secondary Dwelling (59.26m<sup>2</sup>)
  - 2 x bedroom, 1 x bathroom, open plan kitchen/family room opening into backyard, single garage.



Figure 1: Subject Site

#### *REQUIREMENTS OF REGULATIONS AND POLICIES*

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

#### **Designated Development**

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

#### **Integrated Development**

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the EP&A Act.

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

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

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

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



## State Environmental Planning Policy (Affordable Rental Housing) 2009

Permissibility and assessment for the proposal is provided for under SEPP (Affordable Rental Housing) 2009 as detailed below:

### **Division 2 Secondary dwellings**

#### **19 Definition**

*In this Division—*

**development for the purposes of a secondary dwelling** includes the following—

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

#### **20 Land to which Division applies**

*This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land—*

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone R5 Large Lot Residential.

Comment: The site is zoned R1 General Residential and therefore the Policy applies.

#### **22 Development may be carried out with consent**

- (1) *Development to which this Division applies may be carried out with consent.*
- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Comment: This application will result in only the principal dwelling and secondary dwelling being on the site.

- (3) A consent authority must not consent to development to which this Division applies unless—
  - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and

Comment: Not Applicable. No maximum floor area has been adopted in the *Mid-Western Regional Local Environmental Plan 2012*.

- (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

Comment: Complies. 59.26m<sup>2</sup>.

- (4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds—

- (a) **site area**

- if—

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
      - (ii) the site area is at least 450 square metres,

Comment:

The development complies with both these standards, in that the secondary dwelling is attached to the principal dwelling, and the lot area is greater than 450m<sup>2</sup>. As such, the development cannot be refused on these grounds.

**(b) parking**

if no additional parking is to be provided on the site.

Comment: Not applicable.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Comment: Standards set out in subclause (4) complied with. Consent can be granted without relying on subclause 5.

**24 No subdivision**

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

Comment: No subdivision is proposed as part of this application.

***Mid-Western Regional Local Environmental Plan 2012***

Permissibility and assessment are provided under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Where any inconsistencies are found between the SEPP and MWRLEP, the SEPP prevails.

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

Those sections not discussed here were considered contradictory to the SEPP or not specifically applicable to this application.

**Clause 1.2 Aims of Plan**

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

**Clause 1.4 Definitions**

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

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

***secondary dwelling*** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the ***principal dwelling***), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

*Note.* The SEPP (*Affordable Rental Housing*) 2009 defines a secondary dwelling as follows:

**development for the purposes of a secondary dwelling includes the following—**

- (a) *the erection of, or alterations or additions to, a secondary dwelling,*
- (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

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

The land is zoned R1 General Residential and is therefore subject to the Plan.

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

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being a single dwelling and attached secondary dwelling is permissible with consent in the zone and complies with the relevant objectives.

### **Clause 4.3 Height of buildings**

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 5.1 metres and therefore complies.

### **Clause 5.4 Controls relating to miscellaneous permissible uses**

**Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

#### Comment:

The proposed secondary dwelling is 59.26m<sup>2</sup> which complies with (a).

The proposed primary dwelling is 156.46m<sup>2</sup>. The secondary dwelling is 38% of the principal dwelling which is in compliance with (b).

### **Clause 5.10 Heritage Conservation**

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

### **Clause 6.1 Salinity**

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

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

### **Clause 6.3 Earthworks**

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

#### **Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

#### **Clause 6.8 Airspace operations – Mudgee Airport**

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

#### **Clause 6.9 Essential Services**

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

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

##### *(ii) Draft environmental planning instruments (EPI)*

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

##### *(iii) Any development control plan*

#### ***Mid-Western Regional Development Control Plan 2013***

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

#### **Part 3.1 Residential Development**

<b>MINIMUM LOT SIZE</b>	<b>COMMENT / COMPLIES</b>
Minimum lot size - 600m <sup>2</sup> R1 General Residential	Complies. 600m <sup>2</sup>
<b>BUILDING SETBACKS</b>	
<b>Building Setback from the street</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 4.5m and 5.5m to the garage	Complies. 4.9m and 6.94m to garage
<b>Building Side/Rear setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 900m	Complies. 1.635m (south east) 10.64m (south west) 1.5m (north west)

<b>BUILDING HEIGHT / DESIGN</b>	<b>COMMENT / COMPLIES</b>
Proposed buildings are single storey	Yes.
The garage door or carport does not exceed 45% of the front elevation	Complies. < 20%
All facades with street frontage contain windows	Complies.
Street frontage elevations contain minimum 5% openings	Complies. 28% approx.
80m <sup>2</sup> private open space.	Complies. 191m <sup>2</sup>

<b>SLOPE AND CUT AND FILL</b>	<b>COMMENT / COMPLIES</b>
The slope of the site does not exceed 15%	Complies. 0-10%
Cut is limited to 1m	Conditioned.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Conditioned.
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Conditioned.
Cut / fill is clear of any water or sewer easements.	Conditioned.

<b>PARKING</b>	<b>COMMENT / COMPLIES</b>
Dwelling has two car parks with a minimum of one being a garage.	Complies. 2 x garage spaces and 2 x stack parking. Total 4 spaces.
Parking and manoeuvring areas are hard stand	Complies. Concrete driveway.
Driveways are located a minimum of 6m from any intersection	Complies. Over 20m from intersection.

<b>UTILITIES</b>	<b>COMMENT / COMPLIES</b>
Buildings are located clear of utility infrastructure	Complies.
Building is not located within an easement for the purpose of utility infrastructure	Complies. Clear of sewer easement.
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies. 3m easement on front boundary. Building setback 4.9m.

### Part 5.1 Car Parking

<b>Car Parking Requirement</b>	<b>Compliance</b>
2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage that the space is contained wholly within the site.	Complies. The proposal has 2 garage spaces and area within the front setback for another 2 spaces.  Total <b>4 spaces</b> provided.

<p><b>2 spaces</b> required – secondary dwelling not included in this requirement.</p>	
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**Part 5.3 Stormwater Management**

Council’s Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. The conditions have been included in the consent.

**Part 5.4 Environmental Controls**

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

**Mid-Western Regional Contributions Plan 2019**

Pursuant to Council’s Development Contributions Plan 2019, the development proposing a single dwelling and secondary dwelling on a Lot created in an earlier subdivision, is subject to developer contributions.

Although the secondary dwelling is being assessed under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, it is not proposed by a social housing provider, or defined as affordable housing. Therefore the development is not exempt from contributions under Part 2.7 of the plan.

The site is credited for one single dwelling, with contributions having been paid when the Lot was created. Accordingly, only the proposed secondary dwelling requires the payment of a contribution in accordance with the plan as follows:

**Section 7.11 contribution rates – Mudgee**

	1 X New Secondary Dwelling
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00
<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

An appropriate condition has been imposed requiring payment of the contribution prior to issue of a Construction Certificate.

**Water/Sewer Developer Services Charges**

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

Dwelling. The lot retains a credit for the principal dwelling. The contribution has been calculated as follows:

Water Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$2,893.44** (0.333 ET)

Sewer Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$1,983.50** (0.5 ET)

**Total: \$4,876.94**

A condition of consent has been included.

*IMPACT OF DEVELOPMENT*

**Context and Setting**

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

**Access, transport and traffic**

The local road network is capable of absorbing the additional traffic generated from this single dwelling and secondary dwelling development. The proposal is considered appropriate.

**Public domain**

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

**Utilities**

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

**Heritage**

Not applicable.

**Other land resources**

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

**Water**

No significant impact expected.

**Soils**

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

**Air and Microclimate**

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

**Flora & fauna**

Not applicable.

**Waste**

Waste service available.

**Energy**

Development to comply with the BASIX energy efficiency requirements.

**Noise & vibration**

No significant impact expected from the residential use.

**Natural Hazards**

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

**Technological hazards**

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

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Social impact in the locality**

Generally positive.

**Economic impact in the locality**

Generally positive.

**Site design and internal design**

Generally positive.

**Construction**

To comply with the Building Code of Australia. Conditions of consent to regulate.

**Cumulative Impacts**

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

*SUITABILITY OF SITE FOR DEVELOPMENT*

**Does the proposal fit in the locality**

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

**Are the site attributes conducive to development**

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

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**Public Submissions**

The application was notified in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

**Submissions from public authorities**

No submissions were sought or received from public authorities.



## THE PUBLIC INTEREST

### **Federal, State and local government interests and community interests**

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

## CONSULTATIONS

### **Health & Building**

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

### **Development Engineer**

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

### **Heritage Advisor**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable.

### **Council Policies**

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

### **Legislation**

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

## Financial implications

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

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

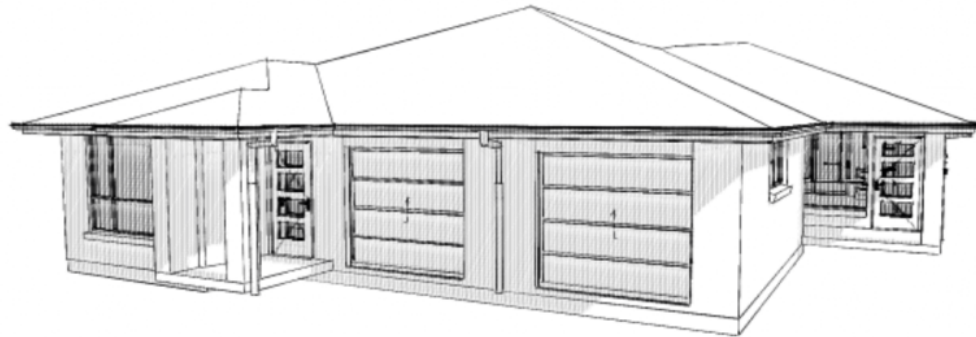
JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

19 November 2020

*Attachments:* 1. Development Plans.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



PROPOSED NEW DWELLING  
 LOT 10 DP 1267151 SALEYARDS LANE  
 MUDGEE NSW 2850 FOR:



DRAWING SCHEDULE

SHEET	DESCRIPTION/TITLE
01	COVER SHEET + DRAWING SCHEDULE BASIX + CONSTRUCTION NOTES
02	SITE PLAN + ANALYSIS
03	SERVICES PLAN
04	SLAB LAYOUT
05	FLOOR PLAN
06	ELEVATIONS
07	SECTION & TYPICAL DETAILS
08	LANDSCAPE PLAN
09	ELECTRICAL PLAN
10	WET AREA DETAILS
11	WET AREA DETAILS
12	KITCHEN ELEVATIONS

**BASIX REQUIREMENTS**

- 3-STARS SHOWERHEADS.
- 4-STARS WC, 4-STARS TAPS.
- 3000L SLOPESIDE MUST COLLECT WATER FROM 110m<sup>2</sup> OF ROOF AREA.
- SISAL TUFF WALL WRAP TO EXTERNAL WALLS
- DWELLING 1 - R2.5 HIGH DENSITY INSULATION BATTS TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- DWELLING 1 - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- DWELLING 1 - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- DWELLING 1 - R4.0 EXTRUDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB
- DWELLING 1 - 3kW PV SOLAR 8-PANEL CONFIGURATION
- DWELLING 2 - R2.5 HIGH DENSITY INSULATION TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- DWELLING 2 - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- DWELLING 2 - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- DWELLING 2 - R4.0 EXTRUDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB
- DWELLING 2 - 2kW PV SOLAR 6-PANEL CONFIGURATION
- ROOF - DARK, EXTERNAL WALLS - DARK
- ALL WINDOWS DOUBLE GLAZED AIR FILL HIGH SOLAR GAIN LOW E CLEAR GLAZING (U VALUE 4.3, SHGC 0.53).
- RINNAI ELECTRIC HWS
- EXHAUST FANS TO BATHROOM, ENSUITE AND KITCHEN RANGEHOOD.
- 1x DAIKIN CORA FTXM35QVMA 3.5kw TO MAIN DWELLING.
- 1x DAIKIN CORA FTXM35QVMA 5.0kw TO EACH DWELLING.
- OVEN - ELECTRIC CHEF WVE613S.
- COOKTOP - INALTO CLASSIQUE CERAMIC COOKTOP 600mm ICC60T
- RANGEHOOD WESTINGHOUSE RECIRCULATING WRR614SA.

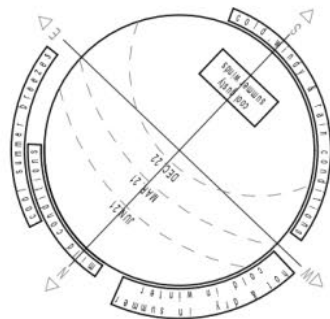
**CONSTRUCTION NOTES**

- ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE USED IN PREFERENCE TO SCALED MEASUREMENTS.
- ALL LEVELS ARE TO BE VERIFIED ON THE SITE BY THE BUILDER PRIOR TO WORK COMMENCING.
- ALL WET AREAS ARE TO BE SUITABLY GRADED AND DRAINED.
- FLOOR SLAB TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.
- ALL TIMBER SPACING, SPANS AND SIZES SHALL COMPLY WITH TIMBER FRAMING CODE AS 1684.
- ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF BUILDING CODE OF AUS IN RELATION TO SIDE BOUNDARY CLEARANCE.
- ALL SEWER AND STORMWATER DRAINAGE TO BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT AUTHORITY.
- WET AREAS ARE TO BE SEALED AT THE INTERSECTION OF THE FLOOR AND WALL AND 1800 HIGH IN THE SHOWER RECESS CORNERS WITH AN APPROVED WET AREA SEAL.
- POWDER COATED ALUMINIUM WINDOWS AND DOORS TO BE USED THROUGHOUT. COLOUR SELECTION BY BUILDER.
- ALL FIXINGS, TIE DOWNS AND CONSTRUCTION METHODS ARE TO BE IN STRICT ACCORDANCE WITH AS1684 AND THE BCA.
- TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS3660-1

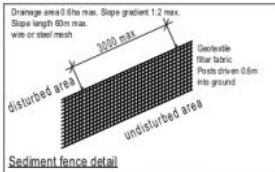
**GENERAL NOTES:**

- LOCATE EXISTING SERVICES PRIOR TO CONSTRUCTION.
- EROSION / SEDIMENT CONTROL IN STRICT ACCORDANCE WITH COUNCIL REQUIREMENTS (REFER BUILDER).
- PROVIDE HARDBASE ALL WEATHER ACCESS, DURING CONSTRUCTION.
- CUT AND FILL TO BUILDER'S DISCRETION.
- NOMINATED WATER TO TANK, OVERFLOW TO STREET.
- BUILDER TO CONFIRM ALL FINISHED FLOOR LEVELS ON SITE.
- WIND - CLASS "N2"
- SITE - CLASS "P"
- SOIL - CLASS "M"

DRAWN BY: RG CHECKED BY: RSU JOB NO. 10648	Revision or issue / description / date A ISSUED FOR APPROVAL 20/06/2020 B shed relocation - electrical changes-MW space to pantry 15/10/20 C deleted - 1 shed, 1 clothes line, dividing fence 11/11/20	Hibbards PL ABN 29 09 80 00 Address: 133 Princes Street, Canberra ACT 2600 P: 02 620 0200 F: 02 620 017044 E: info@hibbards.com.au W: www.hibbards.com.au General Notes: Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey	PROJECT NAME: NEW DWELLING (CASA 215 A18 RHG) LOT 10 ON D.P. 1267151 SALEYARDS LANE MUDGEE NSW 2850	DRAWING TITLE: COVER SHEET	SHEET NO. 01	REVISION NO. C SCALE: 1:1 @ A3
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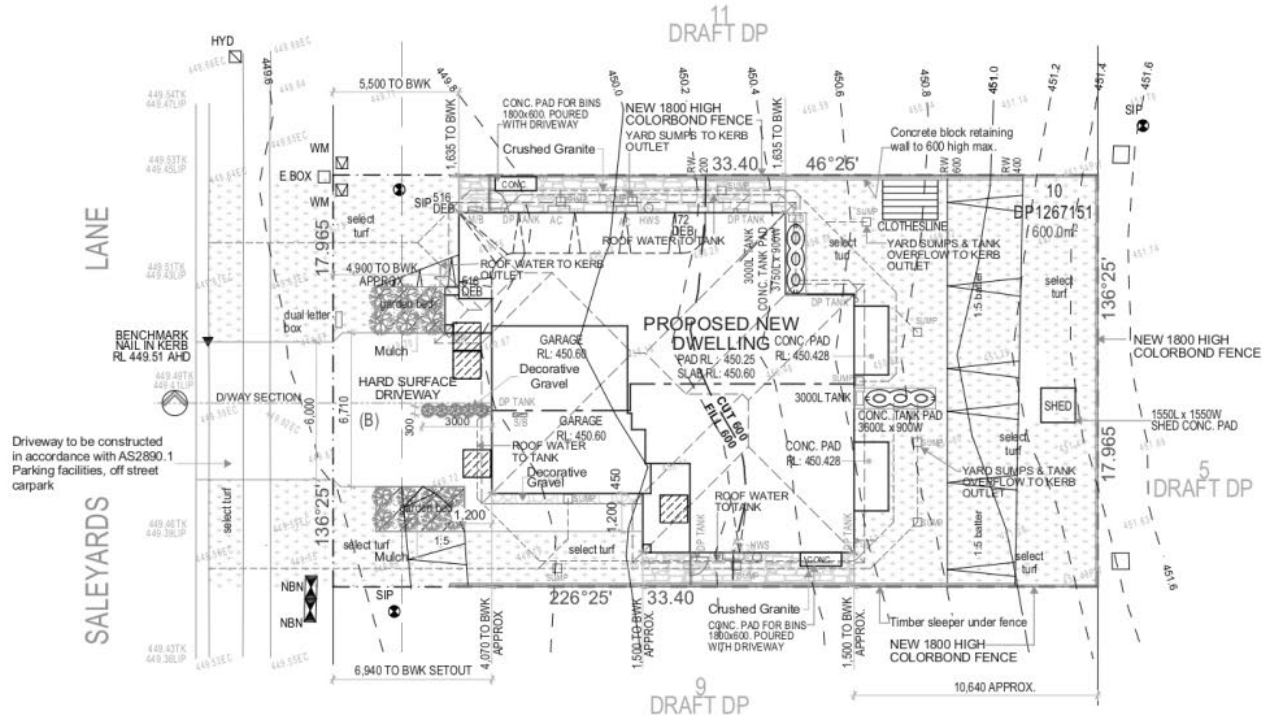


Solar & Wind Chart



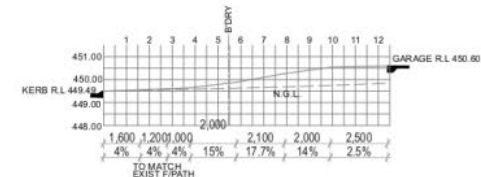
SITE COVERAGE DETAILS	
Lot size m <sup>2</sup>	600m <sup>2</sup>
Dwelling size m <sup>2</sup>	215.72m <sup>2</sup> : 35.95% coverage
Driveway m <sup>2</sup>	91.45m <sup>2</sup>
Total landscaping m <sup>2</sup>	328.66m <sup>2</sup> : 54.77%
Private open space m <sup>2</sup>	199.80m <sup>2</sup>

Note: Site areas indicated may vary in definition. Basis areas or other areas indicated on these drawings used for other purposes. All areas are close approximate. Unless noted otherwise, areas not denoted as patios or driveways are vegetated areas (gardens, lawns)



Site Plan

SCALE 1:200



Driveway Section

SCALE 1:200

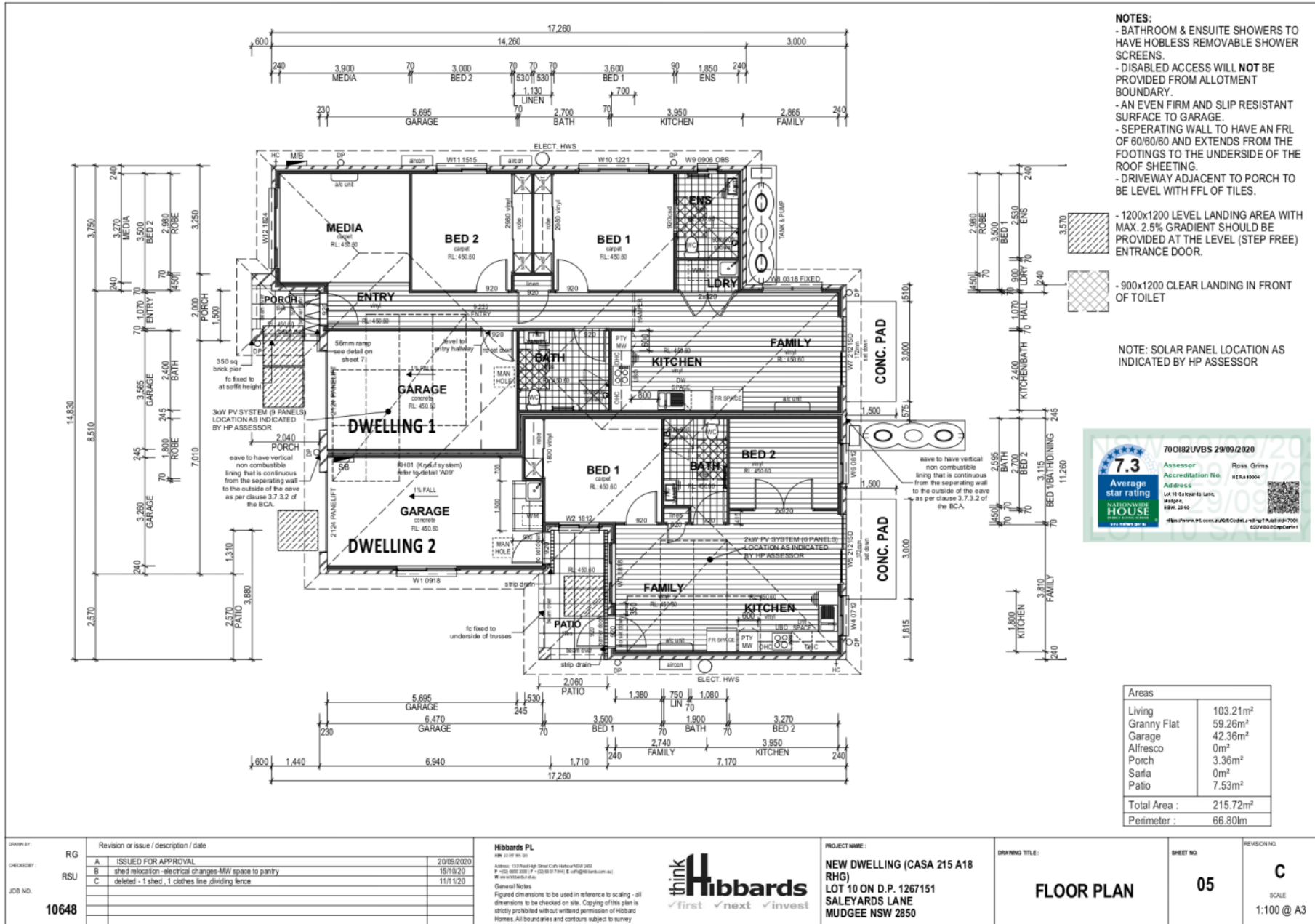
**7.3** Average star rating

**700182UVBS 29/09/2020**

Assessor: Roisa Grims  
Accreditation No: HERA10004  
Address: Lot 10 Saleyards Lane, Mudgee, NSW, 2850

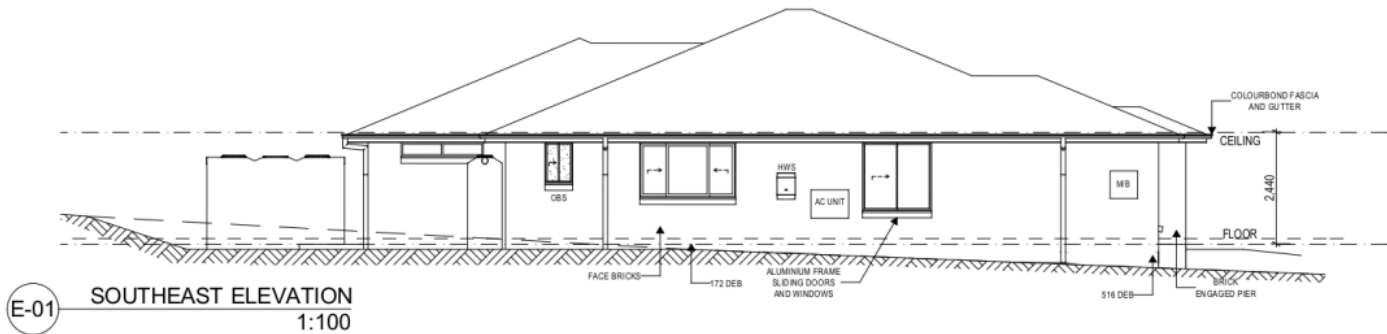
<https://www.nsw.gov.au/QRcode/Landing?PublicId=700182UVBS&GpCrt=1>

DRAWN BY:	Revision or issue / description / date	Hibbard's PL	PROJECT NAME:	DRAWING TITLE:	SHEET NO.	REVISION NO.
RG	A ISSUED FOR APPROVAL 20/09/2020	498 20 09 00 00 Address: 120 Hurlingham Street, Sydney NSW 2000 P: +61 2 900 0000 F: +61 2 900 0000 E: info@hibbard.com.au W: www.hibbard.com.au	NEW DWELLING (CASA 215 A18 RHG)	SITE PLAN	02	C
CHOKERBY:	B shed relocation - electrical changes - MW space to pantry 15/10/20	General Notes: Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey	LOT 10 ON D.P. 1267151			
RSU	C deleted - 1 shed, 1 clothes line dividing fence 11/1/20		SALEYARDS LANE MUDGEE NSW 2850			
JOB NO.	10648					SCALE 1:200 @ A3

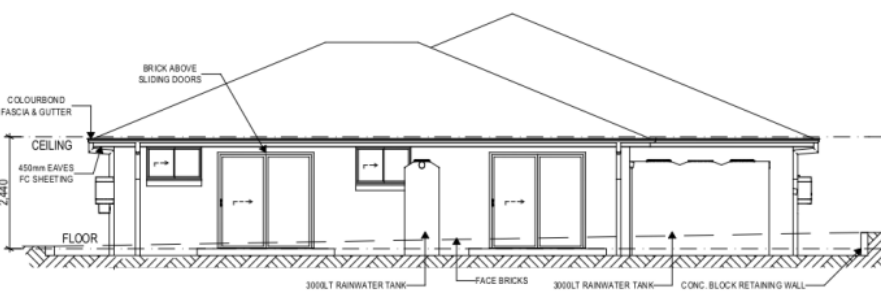


DRAWN BY: RG CHECKED BY: RSU JOB NO: 10648	Revision or issue / description / date A ISSUED FOR APPROVAL 2019/02/02 B shed relocation - electrical changes-MW space to pantry 15/10/23 C deleted - 1 shed, 1 clothes line, dividing fence 11/11/20	Hibbard's PL 133 Westgate Street, Coffs Harbour NSW 2450 P 02 655 3000 F 02 655 3100 E info@hibbards.com.au General Notes: Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey	PROJECT NAME: NEW DWELLING (CASA 215 A18 RHG) LOT 10 ON D.P. 1267151 SALEYARDS LANE MUDGEJE NSW 2850	DRAWING TITLE: FLOOR PLAN	SHEET NO: 05	REVISION NO: C SCALE: 1:100 @ A3
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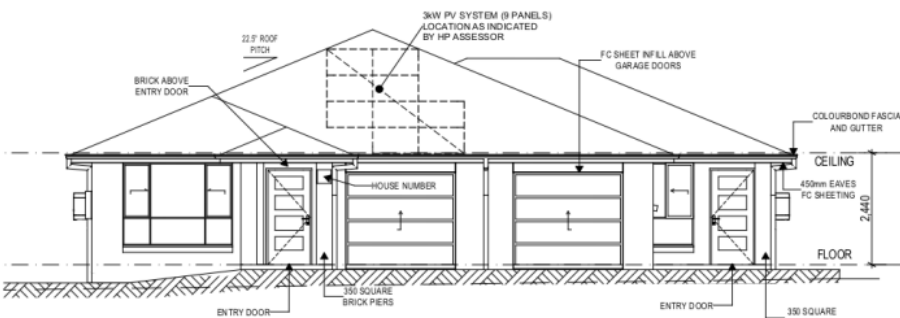
**NOTE:**  
WINDOW LOCKS TO ALLOW 100mm  
LOCKED OPENING ON ALL WINDOWS.



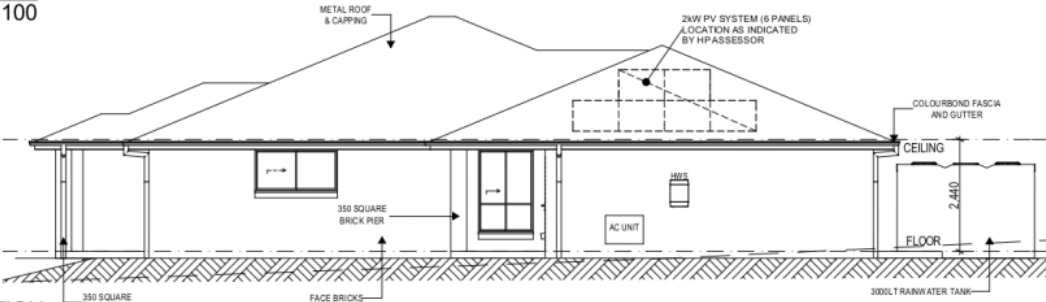
**E-01** **SOUTHEAST ELEVATION**  
1:100



**E-02** **SOUTHWEST ELEVATION**  
1:100

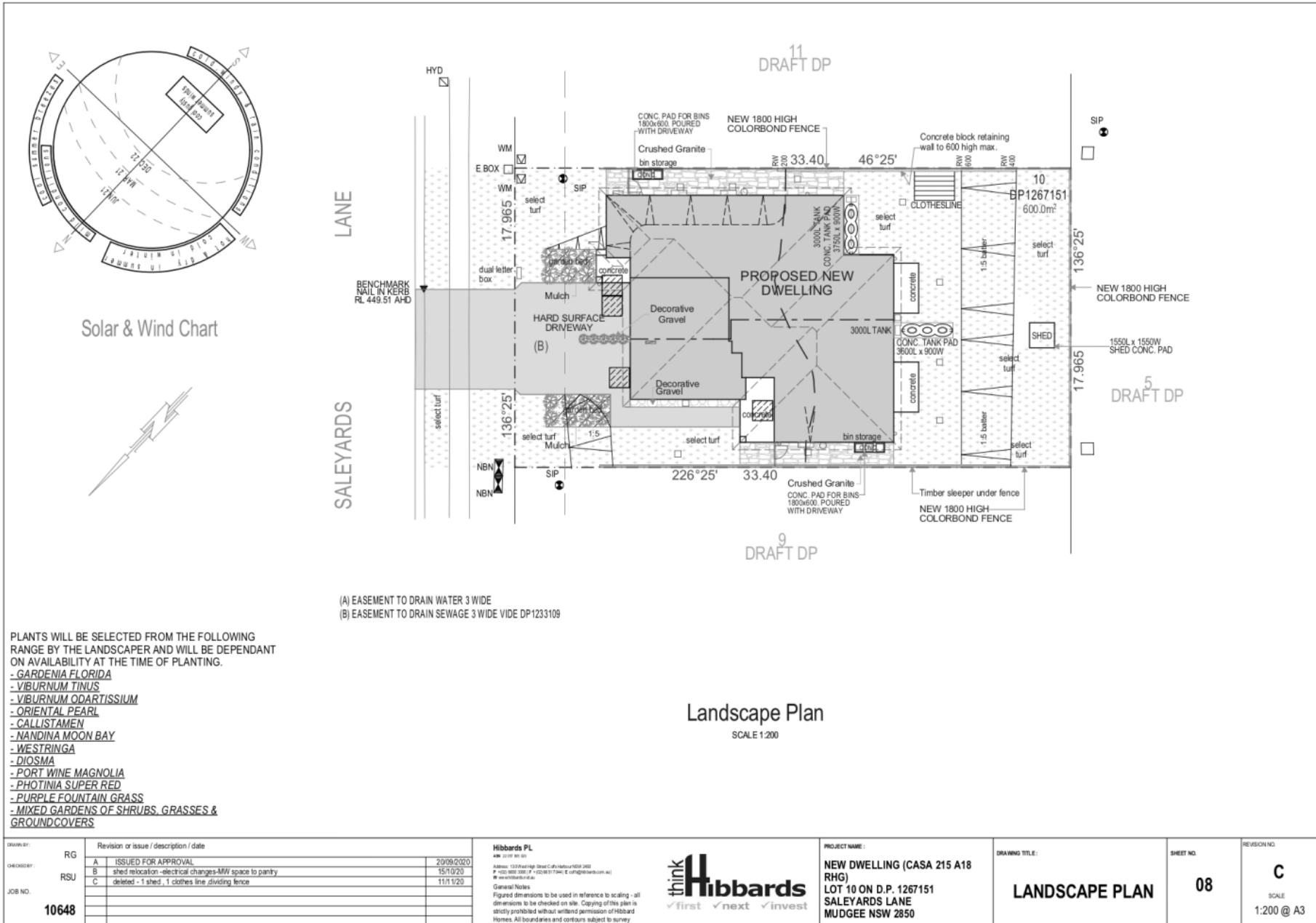


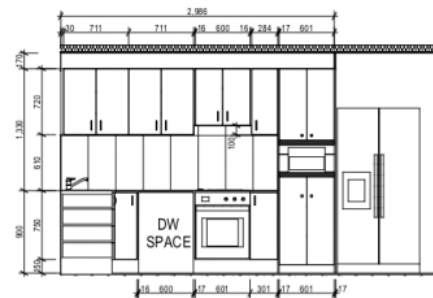
**E-04** **NORTHEAST ELEVATION**  
1:100



**E-03** **NORTHWEST ELEVATION**  
1:100

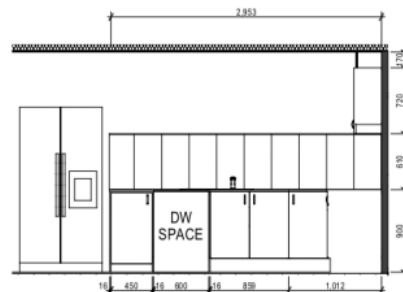
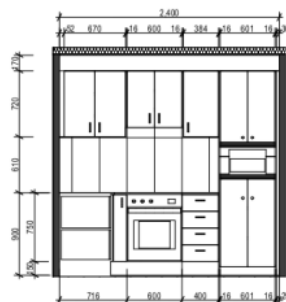
DRAWN BY: CHECKED BY: JOB NO.	RG	Revision or issue / description / date		<b>Hibbard's PL</b> ABN 22 09 80 00 Address: 122 Princes Street, Sydney NSW 2000 Ph: +61 2 900 3300 / +61 2 900 37 000 / E: info@hibbards.com.au W: www.hibbards.com.au General Notes Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey.		PROJECT NAME: <b>NEW DWELLING (CASA 215 A18 RHG)</b> LOT 10 ON D.P. 1267151 SALEYARDS LANE MUDGEE NSW 2850	DRAWING TITLE: <b>ELEVATIONS</b>	SHEET NO. <b>06</b>	REVISION NO. <b>C</b> SCALE 1:100 @ A3
	A	ISSUED FOR APPROVAL	20/09/2020						
	B	shed relocation - electrical changes - MW space to pantry	15/10/20						
	C	deleted - 1 shed, 1 clothes line, dividing fence	11/1/20						
	10648								





**GRANNY FLAT  
KITCHEN ELEVATIONS**

SCALE 1:50



**MAIN DWELLING  
KITCHEN ELEVATIONS**

SCALE 1:50

DRAWN BY:	RG	Revision or issue / description / date	
CHECKED BY:	RSU	A ISSUED FOR APPROVAL	20/09/2020
		B shed relocation - electrical changes - MW space to pantry	15/11/20
JOB NO.	10648	C deleted - 1 shed, 1 clothes line, dividing fence	11/11/20

**Hibbards PL**  
 ABN 23 09 80 00  
 Address: 122 Princes Street, Sydney NSW 2000  
 P: +61 2 922 0000 F: +61 2 922 0000 E: info@hibbards.com.au  
 W: www.hibbards.com.au

**General Notes**  
 Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbards Homes. All boundaries and contours subject to survey



PROJECT NAME:  
**NEW DWELLING (CASA 215 A18  
 RHG)  
 LOT 10 ON D.P. 1267151  
 SALEYARDS LANE  
 MUDGEES NSW 2850**

DRAWING TITLE:  
**KITCHEN  
 ELEVATIONS**

SHEET NO.  
**12**

REVISION NO.  
**C**  
 SCALE  
 1:50 @ A3



## 8.2 DA0112/2021 Single Dwelling and Attached Secondary Dwelling at 3 Croake Way, Mudgee (Lot 2 DP 1267151)

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, DA0112/2021

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner for DA0112/2021 Single Dwelling and Attached Secondary Dwelling;
- B. approve DA0112/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:

### APPROVED PLANS

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

<i>Title / Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>
Cover Sheet	01	D	11/11/20	Hibbards PL
Site Plan	02	D	11/11/20	Hibbards PL
Floor Plan	05	D	11/11/20	Hibbards PL
Elevations	06	D	11/11/20	Hibbards PL
Landscape Plan	08	D	11/11/20	Hibbards PL
Kitchen Elevations	12	D	11/11/20	Hibbards PL
BASIX Certificate	1137932M	-	28 September 2020	Stellar Thermal Assessments

### GENERAL

2. This development consent provides approval for a single dwelling and attached secondary dwelling, only.
3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs. The site shall be graded so that it is free draining and runoff captured by a swale drain.

5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.
8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.

#### **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

10. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
11. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.

#### **Section 7.11 contribution rates – Mudgee**

	<b>1 X New Secondary Dwelling</b>
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00
<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in

the same financial year the development consent was issued.

Note – Council's Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

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

Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

## PRIOR TO COMMENCEMENT OF WORKS

13. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

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

14. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

15. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) the sign shall be removed when the erection or demolition of the building has been completed.

16. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Regulations 2000* all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

17. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place.

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

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18. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

## **BUILDING CONSTRUCTION**

19. All building work must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulations 2000* and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137932M issued on 28 September 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
-

27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
28. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

#### **CUT AND FILL**

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the *Roads Act 1993* and Council's Access to Properties Policy.
34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

#### **FENCING CONDITIONS**

36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.
  37. Boundary fencing forward of the building line shall be a maximum height of 1m.
  38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
  39. Continuous landscaping must be provided on the street side of the fence where it
-

comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.

40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

## ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

<b>Section 64 Contributions</b>		
<b>1 Secondary Dwelling (One credit for existing Lot)</b>		
	<b>ET/Unit</b>	<b>Value</b>
Water Headworks	0.333	<b>\$2,893.44</b>
Sewer Headworks	0.5	<b>\$1,983.50</b>
<b>Total Headworks</b>		<b>\$4,876.94</b>

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no

greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.

8. Clause 24 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

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## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Tash Stengert – Hibbards Pty Ltd
PROPERTY DESCRIPTION	3 Croake Way, Mudgee (Lot 2 DP 1267151)
PROPOSED DEVELOPMENT	Single Dwelling and Attached Secondary Dwelling
ESTIMATED COST OF DEVELOPMENT:	\$324,000
REASON FOR REPORTING TO COUNCIL:	Council is the owner of the land and the construction value exceeds \$150,000
PUBLIC SUBMISSIONS:	0

Council is in receipt of Development Application DA0112/2021 that seeks approval for a Single Dwelling and Attached Secondary Dwelling located at 3 Croake Way, Mudgee NSW 2850, known legally as Lot 2 DP 1267151, received by Council on 21 October 2020.

The subject site is located in the newly created Saleyards Lane Subdivision in which Council was the developer.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 4 December 2020. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for determination as it exceeds staff's *Delegation of Authority*, in that Council was the owner of the land at the time of lodgement, and the construction value exceeds \$150,000.

The application is recommended for Approval.

## Disclosure of Interest

Council was the owner of the land subject to this report at the time of lodgement, and the developer that created the subject lot.

The land has subsequently been sold, prior to the determination of the application. In this regard, the Courts have consistently found when landowners consent has been given, it is to be taken as intending the full development assessment process of the *Environmental Planning and Assessment Act 1979* to be undertaken. For this reason, and to avoid any perceived conflicts of interest, the application has been reported to Council for determination.

## Detailed report

The site is located within the newly created Saleyards Lane subdivision, on the cusp of the Mudgee urban area to the west of town. The area is sloping up to the south, with a northerly aspect over the Cudgegong River flood plains and Castlereagh Highway. The area is characterised by vacant rural land, and newly emerging residential development which is a direct result of recent subdivisions along Saleyards Lane. It is noted that a number of similar developments adjoining the subject site are currently before Council.

### Development Details

- Erection of a principle single dwelling, and attached secondary dwelling.
- Single Dwelling (156.46m<sup>2</sup>)
  - 2 x bedroom – 1 with ensuite, bathroom, media room, open plan kitchen/family room leading in to the backyard, single garage.
- Secondary Dwelling (59.26m<sup>2</sup>)
  - 2 x bedroom, 1 x bathroom, open plan kitchen/family room opening into backyard, single garage.





Figure 1: Subject Site

#### *REQUIREMENTS OF REGULATIONS AND POLICIES*

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

#### **Designated Development**

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

#### **Integrated Development**

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the EP&A Act.

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

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

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

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

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Permissibility and assessment for the proposal is provided for under SEPP (Affordable Rental Housing) 2009 as detailed below:

#### **Division 2 Secondary dwellings**

##### **19 Definition**

*In this Division—*

**development for the purposes of a secondary dwelling** includes the following—

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

##### **20 Land to which Division applies**

*This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land—*

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone R5 Large Lot Residential.

Comment: The site is zoned R1 General Residential and therefore the Policy applies.

##### **22 Development may be carried out with consent**

- (1) *Development to which this Division applies may be carried out with consent.*
- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Comment: This application will result in only the principal dwelling and secondary dwelling being on the site.

- (3) A consent authority must not consent to development to which this Division applies unless—
  - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and

Comment: Not Applicable. No maximum floor area has been adopted in the *Mid-Western Regional Local Environmental Plan 2012*.

- (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

Comment: Complies. 59.26m<sup>2</sup>.

- (4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds—

(a) **site area**

if—

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
- (ii) the site area is at least 450 square metres,

Comment:

The development complies with both these standards, in that the secondary dwelling is attached to the principal dwelling, and the lot area is greater than 450m<sup>2</sup>. As such, the development cannot be refused on these grounds.

(b) **parking**

if no additional parking is to be provided on the site.

Comment: Not applicable.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Comment: Standards set out in subclause (4) complied with. Consent can be granted without relying on subclause 5.

**24 No subdivision**

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

Comment: No subdivision is proposed as part of this application.

***Mid-Western Regional Local Environmental Plan 2012***

Permissibility and assessment are provided under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Where any inconsistencies are found between the SEPP and MWRLEP, the SEPP prevails.

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

Those sections not discussed here were considered contradictory to the SEPP or not specifically applicable to this application.

**Clause 1.2 Aims of Plan**

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

**Clause 1.4 Definitions**

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

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

***secondary dwelling*** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the ***principal dwelling***), and

- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. The SEPP (Affordable Rental Housing) 2009 defines a secondary dwelling as follows:

**development for the purposes of a secondary dwelling includes the following—**

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

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

The land is zoned R1 General Residential and is therefore subject to the Plan.

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

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being a single dwelling and attached secondary dwelling is permissible with consent in the zone and complies with the relevant objectives.

### **Clause 4.3 Height of buildings**

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 5.1 metres and therefore complies.

### **Clause 5.4 Controls relating to miscellaneous permissible uses**

**Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

### Comment:

The proposed secondary dwelling is 59.26m<sup>2</sup> which complies with (a).

The proposed primary dwelling is 156.46m<sup>2</sup>. The secondary dwelling is 38% of the principal dwelling which is in compliance with (b).

### **Clause 5.10 Heritage Conservation**

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

### **Clause 6.1 Salinity**

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

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

**Clause 6.3 Earthworks**

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

**Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council’s mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

**Clause 6.8 Airspace operations – Mudgee Airport**

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

**Clause 6.9 Essential Services**

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

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

*(ii) Draft environmental planning instruments (EPI)*  
 No draft environmental planning instruments apply to the land to which the Development Application relates.

*(iii)* Any development control plan

**Mid-Western Regional Development Control Plan 2013**

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

**Part 3.1 Residential Development**

<b>MINIMUM LOT SIZE</b>	<b>COMMENT / COMPLIES</b>
Minimum lot size - 600m <sup>2</sup> R1 General Residential	Complies. 657.50m <sup>2</sup>

<b>BUILDING SETBACKS</b>	<b>COMMENT / COMPLIES</b>
<b>Building Setback from the street</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 4.5m and 5.5m to the garage	Complies. 5.4m and 7.1m to garage

<b>Building Side/Rear setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 900m	Complies. 2.885m (north east) 8.8m (south east) 2.8m (south west)

<b>BUILDING HEIGHT / DESIGN</b>	<b>COMMENT / COMPLIES</b>
Proposed buildings are single story	Yes.
The garage door or carport does not exceed 45% of the front elevation	Complies. < 20%
All facades with street frontage contain windows	Complies.
Street frontage elevations contain minimum 5% openings	Complies. 24% approx.
80m <sup>2</sup> private open space.	Complies. 176.05m <sup>2</sup>

<b>SLOPE AND CUT AND FILL</b>	<b>COMMENT / COMPLIES</b>
The slope of the site does not exceed 15%	Complies. 0-10%
Cut is limited to 1m	Conditioned.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Conditioned.
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Conditioned.
Cut / fill is clear of any water or sewer easements.	Conditioned.

<b>PARKING</b>	<b>COMMENT / COMPLIES</b>
Dwelling has two car parks with a minimum of one being a garage.	Complies. 2 x garage spaces and 2 x stack parking. Total 4 spaces.
Parking and manoeuvring areas are hard stand	Complies. Concrete driveway.
Driveways are located a minimum of 6m from any intersection	Complies. Over 20m from intersection.

<b>UTILITIES</b>	<b>COMMENT / COMPLIES</b>
Buildings are located clear of utility infrastructure	Complies.
Building is not located within an easement for the purpose of utility infrastructure	Complies. Clear of sewer easement.
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies. 3m easement on front boundary. Building setback 5.4m.

### Part 5.1 Car Parking

<b>Car Parking Requirement</b>	<b>Compliance</b>

<p>2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage that the space is contained wholly within the site.</p>	<p>Complies. The proposal has 2 garage spaces and area within the front setback for another 2 spaces.</p>
<p><b>2 spaces</b> required – secondary dwelling not included in this requirement.</p>	<p>Total <b>4 spaces</b> provided.</p>

**Part 5.3 Stormwater Management**

Council’s Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. The conditions have been included in the consent.

**Part 5.4 Environmental Controls**

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

**Mid-Western Regional Contributions Plan 2019**

Pursuant to Council’s Development Contributions Plan 2019, the development proposing a single dwelling and secondary dwelling on a Lot created in an earlier subdivision, is subject to developer contributions.

Although the secondary dwelling is being assessed under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, it is not proposed by a social housing provider, or defined as affordable housing. Therefore the development is not exempt from contributions under Part 2.7 of the plan.

The site is credited for one single dwelling, with contributions having been paid when the Lot was created. Accordingly, only the proposed secondary dwelling requires the payment of a contribution in accordance with the plan as follows:

**Section 7.11 contribution rates – Mudgee**

	1 X New Secondary Dwelling
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00
<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

An appropriate condition has been imposed requiring payment of the contribution prior to issue of a Construction Certificate.

### Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges for the Secondary Dwelling. The lot retains a credit for the principal dwelling. The contribution has been calculated as follows:

#### Water Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$2,893.44** (0.333 ET)

#### Sewer Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$1,983.50** (0.5 ET)

**Total: \$4,876.94**

A condition of consent has been included.

### *IMPACT OF DEVELOPMENT*

#### **Context and Setting**

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

#### **Access, transport and traffic**

The local road network is capable of absorbing the additional traffic generated from this single dwelling and secondary dwelling development. The proposal is considered appropriate.

#### **Public domain**

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

#### **Utilities**

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

#### **Heritage**

Not applicable.

#### **Other land resources**

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

#### **Water**

No significant impact expected.

#### **Soils**

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

#### **Air and Microclimate**

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

#### **Flora & fauna**

Not applicable.



**Waste**

Waste service available.

**Energy**

Development to comply with the BASIX energy efficiency requirements.

**Noise & vibration**

No significant impact expected from the residential use.

**Natural Hazards**

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

**Technological hazards**

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

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Social impact in the locality**

Generally positive.

**Economic impact in the locality**

Generally positive.

**Site design and internal design**

Generally positive.

**Construction**

To comply with the Building Code of Australia. Conditions of consent to regulate.

**Cumulative Impacts**

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

*SUITABILITY OF SITE FOR DEVELOPMENT*

**Does the proposal fit in the locality**

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

**Are the site attributes conducive to development**

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

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**Public Submissions**

The application was notified in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

**Submissions from public authorities**

No submissions were sought or received from public authorities.

*THE PUBLIC INTEREST***Federal, State and local government interests and community interests**

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

*CONSULTATIONS***Health & Building**

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

**Development Engineer**

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

**Heritage Advisor**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

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

**Legislation**

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

## Financial implications

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

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

7 January 2021

*Attachments:* 1. Development Plans.

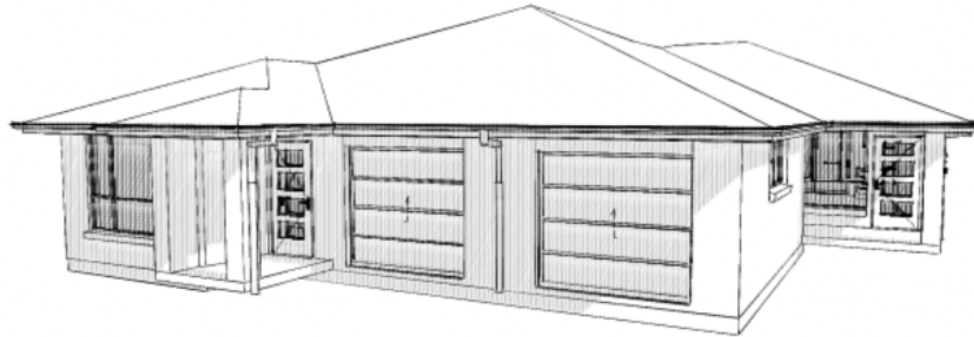
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

PROPOSED NEW DWELLING  
LOT 2 DP 1267151 CROAKE WAY  
MUDGEES NSW 2850 FOR:



DRAWING SCHEDULE



**BASIX REQUIREMENTS**

- 3-STARS SHOWERHEADS.
- 4-STARS WC, 4-STARS TAPS.
- 3000L SLIMLINE MUST COLLECT WATER FROM 110m<sup>2</sup> OF ROOF AREA.
- SISAL TUFF WALL WRAP TO EXTERNAL WALLS
- **DWELLING 1** - R2.5 HIGH DENSITY INSULATION BATTS TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- **DWELLING 1** - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE
- **DWELLING 1** - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- **DWELLING 2** - R2.0 EXPANDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB EXCLUDING GARAGE & BATH
- **DWELLING 1** - 3kW PV SOLAR 9-PANEL CONFIGURATION
- **DWELLING 2** - R2.5 HIGH DENSITY INSULATION TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- **DWELLING 2** - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- **DWELLING 2** - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- **DWELLING 2** - R2.0 EXPANDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB EXCLUDING GARAGE
- **DWELLING 2** - 2kW PV SOLAR 6-PANEL CONFIGURATION
- ROOF - DARK, EXTERNAL WALLS - DARK
- WINDOWS W1 - SINGLE CLEAR.
- WINDOWS - W2,W3,W4,W5,W7,W8,W9,W10,W11,W12,W13,W14- DOUBLE GLAZED AIR FILL HIGH SOLAR GAIN LOW E CLEAR GLAZING (U VALUE 4.3, SHGC 0.53).
- RINNAI ELECTRIC HWS
- EXHAUST FANS TO BATHROOM, ENSUITE AND KITCHEN RANGEHOOD.
- 1x DAIKIN CORA FTXM35QVMA 3.5kw TO MAIN DWELLING.
- 1x DAIKIN CORA FTXM35QVMA 5.0kw TO EACH DWELLING.
- OVEN - ELECTRIC CHEF WVE613S.
- COOKTOP - INALTO CLASSIQUE CERAMIC COOKTOP 600mm ICC60T
- RANGEHOOD WESTINGHOUSE RECIRCULATING WRR614SA.

**CONSTRUCTION NOTES**

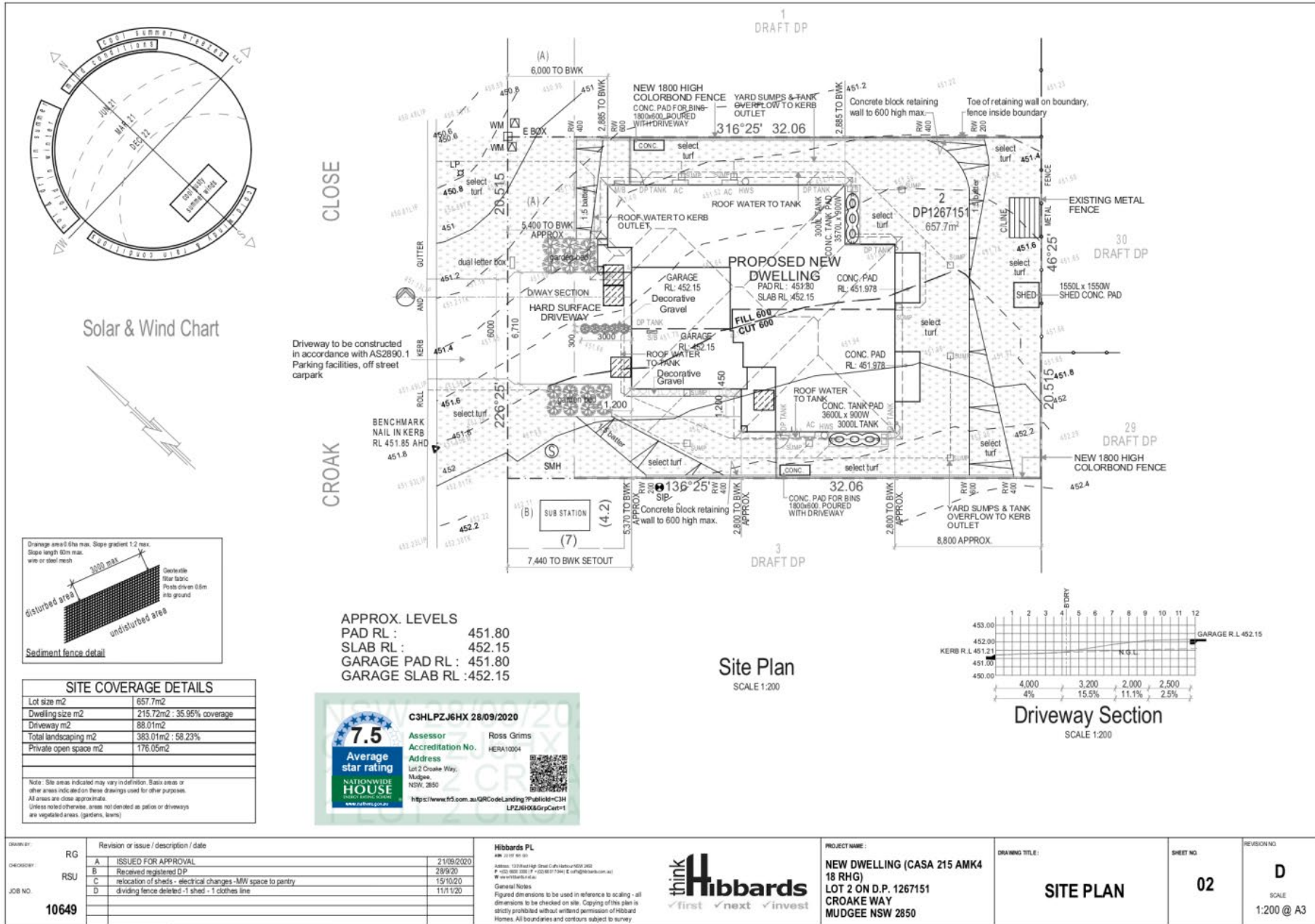
- ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE USED IN PREFERENCE TO SCALED MEASUREMENTS.
- ALL LEVELS ARE TO BE VERIFIED ON THE SITE BY THE BUILDER PRIOR TO WORK COMMENCING.
- ALL WET AREAS ARE TO BE SUITABLY GRADED AND DRAINED.
- FLOOR SLAB TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.
- ALL TIMBER SPACING, SPANS AND SIZES SHALL COMPLY WITH TIMBER FRAMING CODE AS 1684.
- ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF BUILDING CODE OF AUS IN RELATION TO SIDE BOUNDARY CLEARANCE.
- ALL SEWER AND STORMWATER DRAINAGE TO BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT AUTHORITY.
- WET AREAS ARE TO BE SEALED AT THE INTERSECTION OF THE FLOOR AND WALL AND 1800 HIGH IN THE SHOWER RECESS CORNERS WITH AN APPROVED WET AREA SEAL.
- POWDER COATED ALUMINIUM WINDOWS AND DOORS TO BE USED THROUGHOUT. COLOUR SELECTION BY BUILDER.
- ALL FIXINGS, TIE DOWNS AND CONSTRUCTION METHODS ARE TO BE IN STRICT ACCORDANCE WITH AS1684 AND THE BCA.
- TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS3660-1

**GENERAL NOTES:**

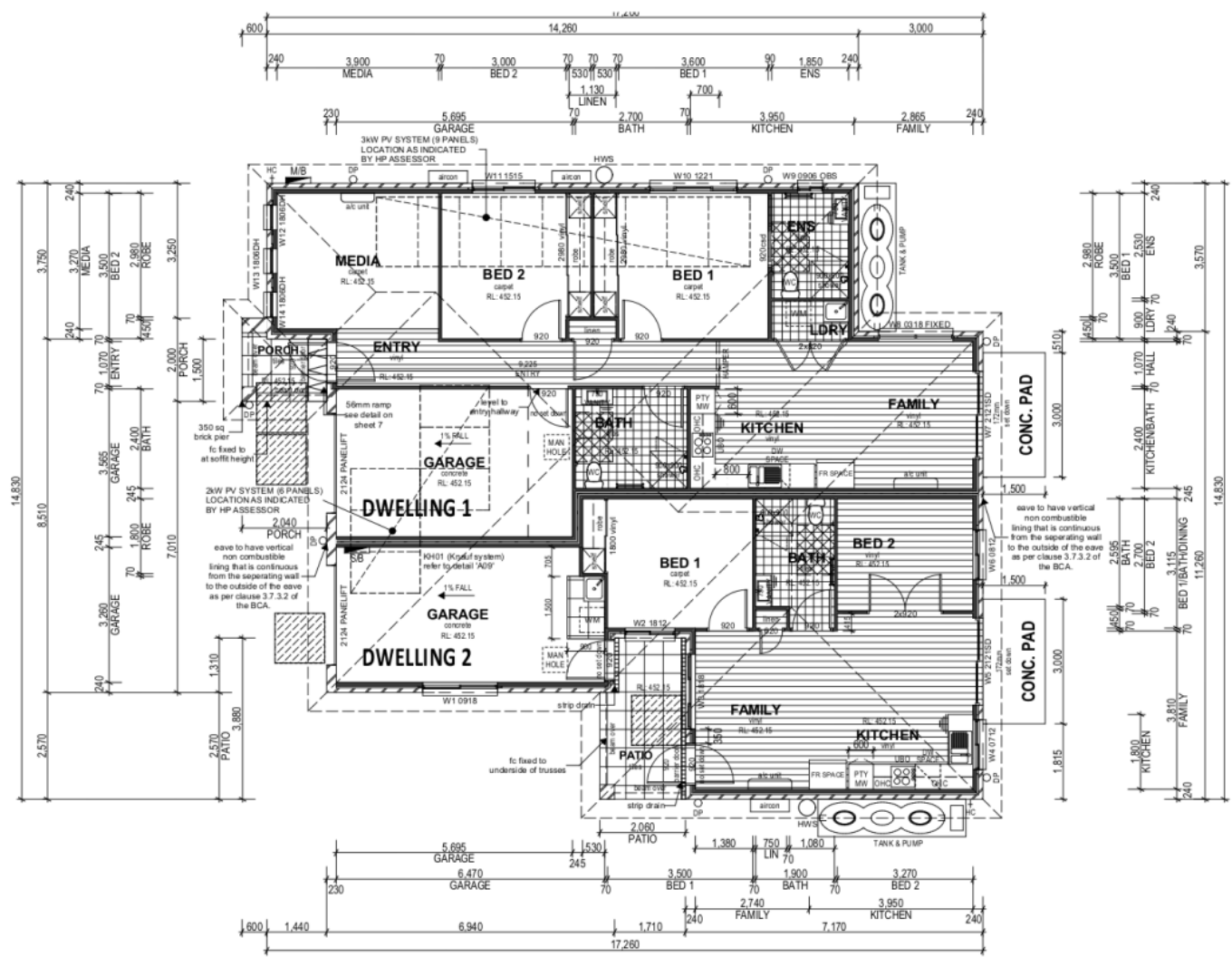
- LOCATE EXISTING SERVICES PRIOR TO CONSTRUCTION.
- EROSION / SEDIMENT CONTROL IN STRICT ACCORDANCE WITH COUNCIL REQUIREMENTS (REFER BUILDER).
- PROVIDE HARDBASE ALL WEATHER ACCESS, DURING CONSTRUCTION.
- CUT AND FILL TO BUILDER'S DISCRETION.
- NOMINATED WATER TO TANK, OVERFLOW TO STREET.
- BUILDER TO CONFIRM ALL FINISHED FLOOR LEVELS ON SITE.
- WIND - CLASS "NZ"
- SITE - CLASS "M"
- SOIL - CLASS "M"

SHEET	DESCRIPTION/TITLE
01	COVER SHEET + DRAWING SCHEDULE BASIX + CONSTRUCTION NOTES
02	SITE PLAN + ANALYSIS
03	SERVICES PLAN
04	SLAB LAYOUT
05	FLOOR PLAN
06	ELEVATIONS
07	SECTION & TYPICAL DETAILS
08	LANDSCAPE PLAN
09	ELECTRICAL PLAN
10	WET AREA DETAILS
11	WET AREA DETAILS
12	KITCHEN ELEVATIONS

DRAWN BY: RG CHECKED BY: RSU JOB NO. 10649	<table border="1"> <thead> <tr> <th>Revision or issue / description / date</th> <th></th> </tr> </thead> <tbody> <tr> <td>A ISSUED FOR APPROVAL</td> <td>21/09/2020</td> </tr> <tr> <td>B Received registered DP</td> <td>28/9/20</td> </tr> <tr> <td>C relocation of sheds - electrical changes -MW space to pantry</td> <td>19/10/20</td> </tr> <tr> <td>D dividing fence deleted -1 shed - 1 clothes line</td> <td>11/1/20</td> </tr> </tbody> </table>	Revision or issue / description / date		A ISSUED FOR APPROVAL	21/09/2020	B Received registered DP	28/9/20	C relocation of sheds - electrical changes -MW space to pantry	19/10/20	D dividing fence deleted -1 shed - 1 clothes line	11/1/20	<b>Hibbards PL</b> <small>ABN 22 09 80 00</small> <small>Address: 127 Princes Street, Crows Nest NSW 1585</small> <small>Ph: (02) 9551 2000 / F: (02) 9551 7044 / E: enq@hibbard.com.au</small> <small>W: www.hibbard.com.au</small> General Notes <small>Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey</small>	<b>think Hibbards</b> <small>first next invest</small>	PROJECT NAME: <b>NEW DWELLING (CASA 215 AMK4 18 RHG) LOT 2 ON D.P. 1267151 CROAKE WAY MUDGEES NSW 2850</b>	DRAWING TITLE: <b>COVER SHEET</b>	SHEET NO. <b>01</b>	REVISION NO. <b>D</b> <small>SCALE 1:1 @ A3</small>
Revision or issue / description / date																	
A ISSUED FOR APPROVAL	21/09/2020																
B Received registered DP	28/9/20																
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DRAWN BY: RG CHECKED BY: RSU JOB NO: 10649	Revision or issue / description / date A ISSUED FOR APPROVAL 21/09/2020 B Received registered DP 28/9/20 C relocation of sheds - electrical changes -MW space to pantry 19/10/20 D dividing fence deleted -1 shed - 1 clothes line 11/11/20	<b>Hibbard's PL</b> 1311 1311 00 Address: 1311 High Street, Coffs Harbour NSW 2450 P: 1311 1311 0000 F: 1311 1311 1199 E: coffs@hibbard.com.au W: www.hibbard.com.au General Notes: Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey	PROJECT NAME: <b>NEW DWELLING (CASA 215 AMK4 18 RHG)</b> LOT 2 ON D.P. 1267151 CROAKE WAY MUDGEE NSW 2850	DRAWING TITLE: <b>SITE PLAN</b>	SHEET NO: <b>02</b>	REVISION NO: <b>D</b> SCALE: 1:200 @ A3
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- NOTES:**
- BATHROOM & ENSUITE SHOWERS TO HAVE HOBBLES REMOVABLE SHOWER SCREENS.
  - DISABLED ACCESS WILL **NOT** BE PROVIDED FROM ALLOTMENT BOUNDARY.
  - AN EVEN FIRM AND SLIP RESISTANT SURFACE TO GARAGE.
  - SEPARATING WALL TO HAVE AN FRL OF 60/60/60 AND EXTENDS FROM THE FOOTINGS TO THE UNDERSIDE OF THE ROOF SHEETING.
  - DRIVEWAY ADJACENT TO PORCH TO BE LEVEL WITH FFL OF TILES.

- 1200x1200 LEVEL LANDING AREA WITH MAX. 2.5% GRADIENT SHOULD BE PROVIDED AT THE LEVEL (STEP FREE) ENTRANCE DOOR.
- 900x1200 CLEAR LANDING IN FRONT OF TOILET

NOTE: SOLAR PANEL LOCATION AS INDICATED BY HP ASSESSOR

C3HLPZJ6HX 28/09/2020

Assessor: Ross Grims  
 Accreditation No: HERA10004  
 Address: Lot 2 Croke Way, Mudgee, NSW, 2850

https://www.nsh.com.au/NSR/Records/Listing/Profile/HP/C3HLPZJ6HX-28/09/20

Areas	
Living	103.21m <sup>2</sup>
Granny Flat	59.26m <sup>2</sup>
Garage	42.36m <sup>2</sup>
Alfresco	0m <sup>2</sup>
Porch	3.36m <sup>2</sup>
Sarfa	0m <sup>2</sup>
Patio	7.53m <sup>2</sup>
<b>Total Area :</b>	<b>215.72m<sup>2</sup></b>
<b>Perimeter :</b>	<b>66.80lm</b>

Revision or issue / description / date	Revision or issue / description / date
RG A ISSUED FOR APPROVAL	21/09/2020
RSU B Received registered DP	28/9/20
C relocation of sheds - electrical changes - MW space to pantry	19/10/20
D dividing fence deleted - 1 shed - 1 clothes line	11/1/20

**Hibbards PL**  
 4/41 21/09/2020  
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 Ph: +61 2 955 8000 Fax: +61 2 955 8001 Email: info@hibbards.com.au  
 www.hibbards.com.au

**think Hibbards**  
 first next invest

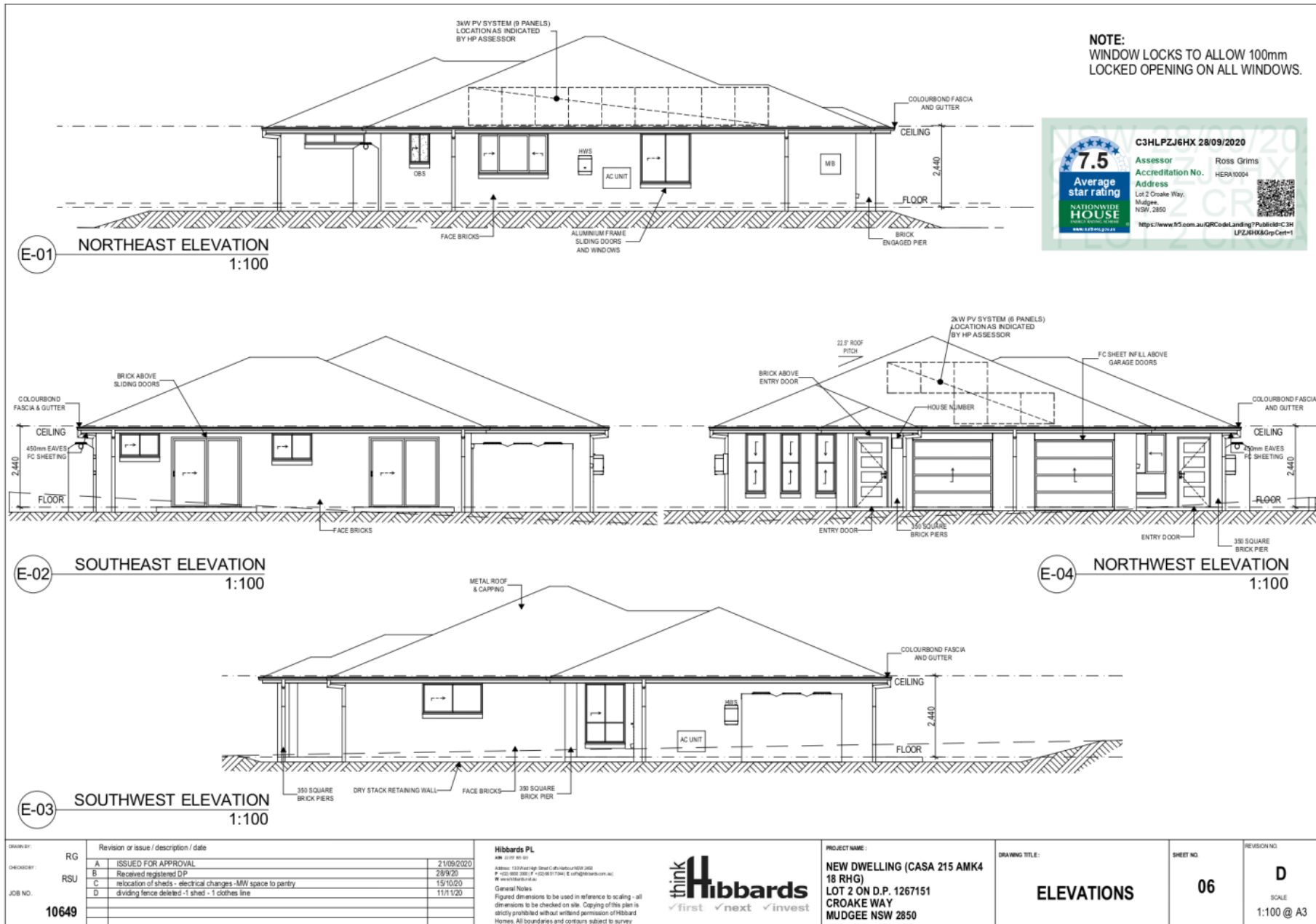
PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK4 18 RHG)  
 LOT 2 ON D.P. 1267151  
 CROAKE WAY  
 MUDGEE NSW 2850**

DRAWING TITLE:  
**FLOOR PLAN**

SHEET NO:  
**05**

REVISION NO:  
**D**  
 SCALE:  
 1:100 @ A3

JOB NO. 10649



Revision or issue / description / date	21/09/2020
A ISSUED FOR APPROVAL	21/09/2020
B Received registered DP	28/9/20
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D dividing fence deleted - 1 shed - 1 clothes line	11/11/20

**Hibbards PL**  
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 P: 152 002 330 P/F: 152 001 1744 E: info@hibbards.com.au  
 W: www.hibbards.com.au  
 General Notes:  
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 first next invest

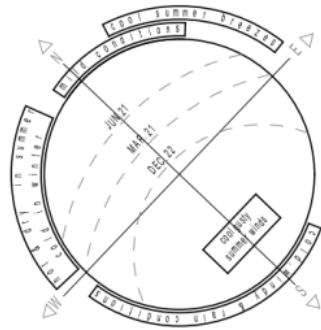
PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK4 18 RHG)**  
 LOT 2 ON D.P. 1267151  
 CROAKE WAY  
 MUDGEE NSW 2850

DRAWING TITLE:  
**ELEVATIONS**

SHEET NO:  
**06**

REVISION NO:  
**D**

SCALE:  
 1:100 @ A3

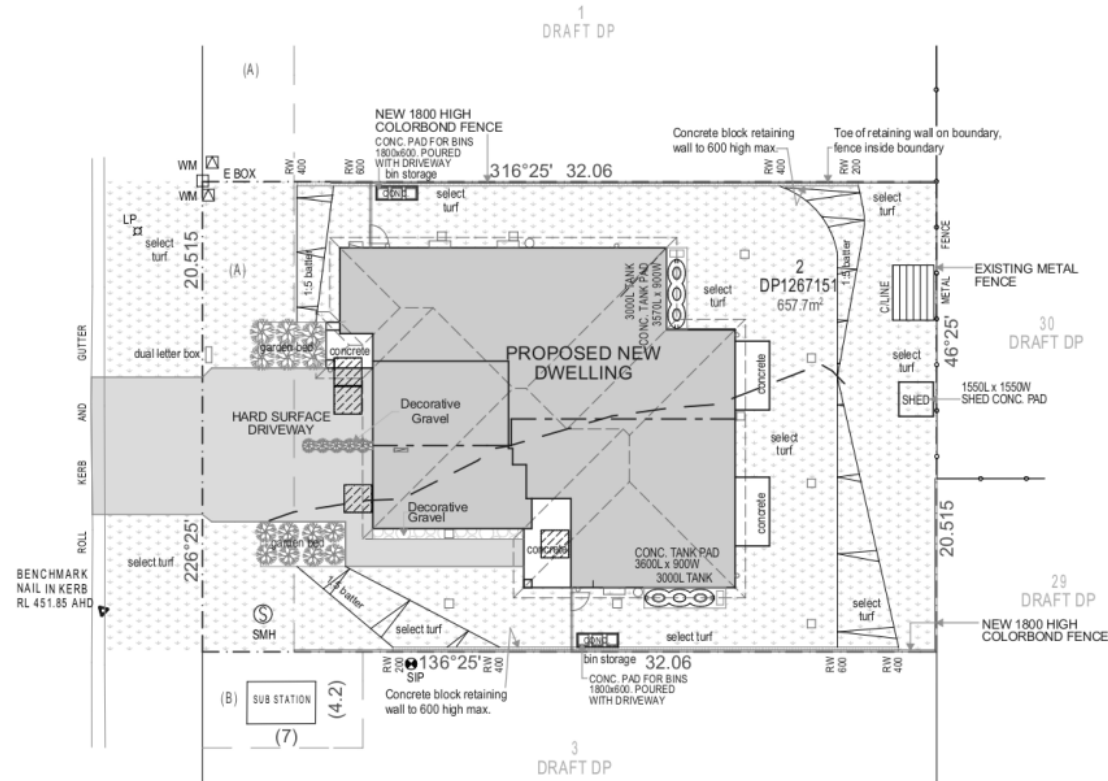


Solar & Wind Chart



CLOSE

CROAK



PLANTS WILL BE SELECTED FROM THE FOLLOWING RANGE BY THE LANDSCAPER AND WILL BE DEPENDANT ON AVAILABILITY AT THE TIME OF PLANTING.

- GARDENIA FLORIDA
- VIBURNUM TINUS
- VIBURNUM ODARTISSIUM
- ORIENTAL PEARL
- CALLISTAMEN
- NANDINA MOON BAY
- WESTRINGA
- DIOSMA
- PORT WINE MAGNOLIA
- PHOTINIA SUPER RED
- PURPLE FOUNTAIN GRASS
- MIXED GARDENS OF SHRUBS, GRASSES & GROUNDCOVERS

### Landscape Plan

SCALE 1:200

DRAWN BY:	Revision or issue / description / date	
RG	A ISSUED FOR APPROVAL	21/09/2020
RSU	B Received registered DP	28/9/20
	C relocation of sheds - electrical changes - MW space to pantry	19/10/20
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JOB NO.		
<b>10649</b>		

**Hibbards PL**  
 AN 22199 881 02  
 Address: 122 Hartley Street Crows Nest NSW 1585  
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 General Notes  
 Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbards Homes. All boundaries and contours subject to survey



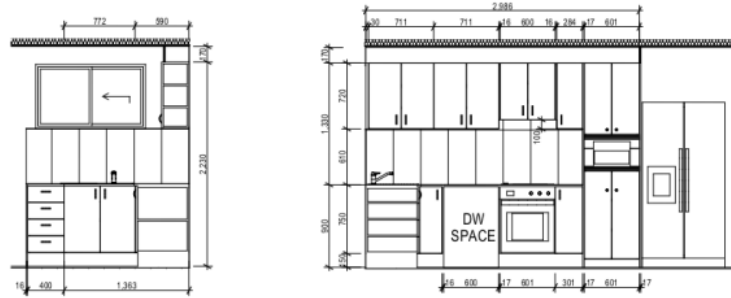
PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK4 18 RHG)**  
**LOT 2 ON D.P. 1267151**  
**CROAKE WAY**  
**MUDGEES NSW 2850**

DRAWING TITLE:  
**LANDSCAPE PLAN**

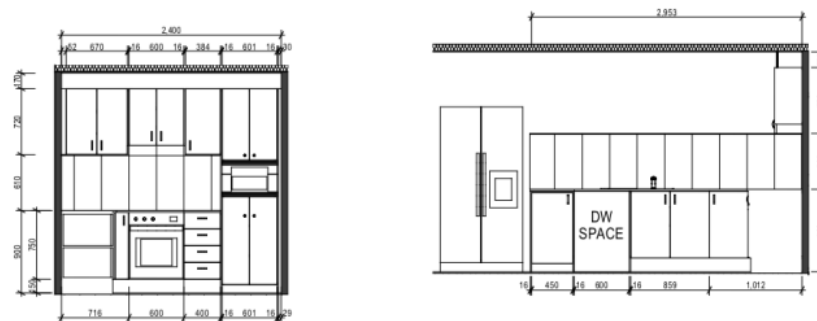
SHEET NO.  
**08**

REVISION NO.  
**D**  
 SCALE  
 1:200 @ A3





GRANNY FLAT  
 KITCHEN ELEVATIONS  
 SCALE 1:50



MAIN DWELLING  
 KITCHEN ELEVATIONS  
 SCALE 1:50

DRAWN BY:	RG	Revision or issue / description / date
CHECKED BY:	RSU	A ISSUED FOR APPROVAL 21/09/2020
JOB NO.	10649	B Received registered DP 28/9/20
		C relocation of sheds - electrical changes - MW space to pantry 19/10/20
		D dividing fence deleted - 1 shed - 1 clothes line 11/11/20

**Hibbards PL**  
 ABN 23 01 80 01 01  
 Address: 133 Princes Highway, Shellharbour NSW 2528  
 P: 025 800 3300 F: 025 801 7344 E: info@hibbards.com.au  
 W: www.hibbards.com.au  
 General Notes:  
 Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey



PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK4  
 18 RHG)  
 LOT 2 ON D.P. 1267151  
 CROAKE WAY  
 MUDGEES NSW 2850**

DRAWING TITLE:  
**KITCHEN  
 ELEVATIONS**

SHEET NO.  
**12**

REVISION NO.  
**D**  
 SCALE  
 1:50 @ A3

## 8.3 DA0109/2021 Single Dwelling and Attached Secondary Dwelling at 49 Saleyards Lane, Mudgee (Lot 9 DP 1267151)

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, DA0109/2021

### RECOMMENDATION

**That Council:**

- A. receive the report by the Town Planner for DA0109/2021 Single Dwelling and Attached Secondary Dwelling;
- B. approve DA0109/2021 Single Dwelling and Attached Secondary Dwelling subject to the following conditions and statement of reasons:

### APPROVED PLANS

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

<i>Title / Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Date</i>	<i>Prepared by</i>
Cover Sheet	01	B	11/11/20	Hibbards PL
Site Plan	02	B	11/11/20	Hibbards PL
Floor Plan	05	B	11/11/20	Hibbards PL
Elevations	06	B	11/11/20	Hibbards PL
Landscape Plan	08	B	11/11/20	Hibbards PL
Kitchen Elevations	12	B	11/11/20	Hibbards PL
BASIX Certificate	1137940M	-	29 September 2020	Stellar Thermal Assessments

### GENERAL

2. This development consent provides approval for a single dwelling and attached secondary dwelling, only.
3. The floor area of the secondary dwelling must be no greater than 50% of the floor area of the main dwelling on the property. On the date this development consent was issued, the floor area of the main dwelling was 156.46m<sup>2</sup>. Therefore, the floor area of the secondary dwelling must not exceed 78.23m<sup>2</sup>. No additions or alterations of the secondary dwelling are to be undertaken that will increase the floor area to greater than 78.23m<sup>2</sup>.
4. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs. The site shall be graded so that it is free draining and runoff captured by a swale drain.

5. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
6. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
7. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.
8. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.
9. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
  - Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

10. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
11. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Construction Certificate.

**Section 7.11 contribution rates – Mudgee**

	1 X New Secondary Dwelling
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00
<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

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

Note – Council's Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

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

Note - Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

### PRIOR TO COMMENCEMENT OF WORKS

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

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

14. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

15. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
  - a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the name, address and telephone number of the principal certifying authority for the work; and
  - d) the sign shall be removed when the erection or demolition of the building has been completed.
16. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Regulations 2000* all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
17. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in

connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

18. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

## **BUILDING CONSTRUCTION**

19. All building work must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulations 2000* and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
25. The requirements of BASIX Certificate number 1137940M issued on 29 September 2020 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.

26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
27. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
28. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

#### **CUT AND FILL**

29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
30. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
31. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to the issue of an Occupation Certificate, the Developer must construct sealed driveway crossovers in accordance with the conditions detailed in separate approval issued under the provisions of Section 138 of the *Roads Act 1993* and Council's Access to Properties Policy.
34. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building.
35. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.

#### **FENCING CONDITIONS**

36. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.
37. Boundary fencing forward of the building line shall be a maximum height of 1m.

38. Front and side fencing forward of the building line must be constructed of visually permeable material. At least 50% of the fence structure should be visually permeable material.
39. Continuous landscaping must be provided on the street side of the fence where it comprises of solid sheet steel material and the fence is adjacent to, or visible from, the public domain.
40. Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

### ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

<b>Section 64 Contributions</b>		
<b>1 Secondary Dwelling (One credit for existing Lot)</b>	<i>ET/Unit</i>	<i>Value</i>
Water Headworks	0.333	<b>\$2,893.44</b>
Sewer Headworks	0.5	<b>\$1,983.50</b>
<b>Total Headworks</b>		<b>\$4,876.94</b>

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
7. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.
8. Clause 24 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* states that: A consent authority must not consent to a development application that would result in any subdivision of a lot on which a development for the purposes of a secondary dwelling has been carried out under this division.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Tash Stengert – Hibbards Pty Ltd
PROPERTY DESCRIPTION	49 Saleyards Lane, Mudgee (Lot 9 DP 1267151)
PROPOSED DEVELOPMENT	Single Dwelling and Attached Secondary Dwelling
ESTIMATED COST OF DEVELOPMENT:	\$324,000
REASON FOR REPORTING TO COUNCIL:	Council is the owner of the land and the construction value exceeds \$150,000
PUBLIC SUBMISSIONS:	0

Council is in receipt of Development Application DA0109/2021 that seeks approval for a Single Dwelling and Attached Secondary Dwelling located at 49 Saleyards Lane, Mudgee NSW 2850, known legally as Lot 9 DP 1267151, received by Council on 21 October 2020.

The subject site is located in the newly created Saleyards Lane Subdivision in which Council was the developer.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 2 December 2020. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.



The application has been referred to Council for determination as it exceeds staff's *Delegation of Authority*, in that Council was the owner of the land at the time of lodgment, and the construction value exceeds \$150,000.

The application is recommended for Approval.

## Disclosure of Interest

Council was the owner of the land subject to this report at the time of lodgment, and the developer that created the subject lot.

The land has subsequently been sold, prior to the determination of the application. In this regard, the Courts have consistently found when landowners consent has been given, it is to be taken as intending the full development assessment process of the *Environmental Planning and Assessment Act 1979* to be undertaken. For this reason, and to avoid any perceived conflicts of interest, the application has been reported to Council for determination.

## Detailed report

The site is located within the newly created Saleyards Lane subdivision, on the cusp of the Mudgee urban area to the west of town. The area is sloping up to the south, with a northerly aspect over the Cudgegong River flood plains and Castlereagh Highway. The area is characterised by vacant rural land, and newly emerging residential development which is a direct result of recent subdivisions along Saleyards Lane. It is noted that a number of similar developments adjoining the subject site are currently before Council.

### Development Details

- Erection of a single dwelling, and attached secondary dwelling.
- Single Dwelling (156.46m<sup>2</sup>)
  - 2 x bedroom – 1 with ensuite, bathroom, media room, open plan kitchen/family room leading in to the backyard, single garage.
- Secondary Dwelling (59.26m<sup>2</sup>)
  - 2 x bedroom, 1 x bathroom, open plan kitchen/family room opening into backyard, single garage.



Figure 1: Subject Site

#### *REQUIREMENTS OF REGULATIONS AND POLICIES*

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

#### **Designated Development**

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

#### **Integrated Development**

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the EP&A Act.

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

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

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

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

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Permissibility and assessment for the proposal is provided for under *SEPP (Affordable Rental Housing) 2009* as detailed below:

#### **Division 2 Secondary dwellings**

##### **19 Definition**

*In this Division—*

**development for the purposes of a secondary dwelling** includes the following—

- (a) *the erection of, or alterations or additions to, a secondary dwelling,*
- (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

##### **20 Land to which Division applies**

*This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land—*

- (a) *Zone R1 General Residential,*
- (b) *Zone R2 Low Density Residential,*
- (c) *Zone R3 Medium Density Residential,*
- (d) *Zone R4 High Density Residential,*
- (e) *Zone R5 Large Lot Residential.*

Comment: The site is zoned R1 General Residential and therefore the Policy applies.

##### **22 Development may be carried out with consent**

- (1) *Development to which this Division applies may be carried out with consent.*
- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Comment: This application will result in only the principal dwelling and secondary dwelling being on the site.

- (3) A consent authority must not consent to development to which this Division applies unless—
  - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and

Comment: Not Applicable. No maximum floor area has been adopted in the *Mid-Western Regional Local Environmental Plan 2012*.

- (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

Comment: Complies. 59.26m<sup>2</sup>.

- (4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds—
  - (a) **site area**

if—

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
- (ii) the site area is at least 450 square metres,

Comment:

The development complies with both these standards, in that the secondary dwelling is attached to the principal dwelling, and the lot area is greater than 450m<sup>2</sup>. As such, the development cannot be refused on these grounds.

(b) **parking**

if no additional parking is to be provided on the site.

Comment: Not applicable.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Comment: Standards set out in subclause (4) complied with. Consent can be granted without relying on subclause 5.

**24 No subdivision**

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

Comment: No subdivision is proposed as part of this application.

***Mid-Western Regional Local Environmental Plan 2012***

Permissibility and assessment are provided under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Where any inconsistencies are found between the SEPP and MWRLEP, the SEPP prevails.

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

Those sections not discussed here were considered contradictory to the SEPP or not specifically applicable to this application.

**Clause 1.2 Aims of Plan**

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

**Clause 1.4 Definitions**

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

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

***secondary dwelling*** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and

*(c) is located within, or is attached to, or is separate from, the principal dwelling.*

*Note. The SEPP (Affordable Rental Housing) 2009 defines a secondary dwelling as follows:*

***development for the purposes of a secondary dwelling includes the following—***

- (a) the erection of, or alterations or additions to, a secondary dwelling,*
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

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

The land is zoned R1 General Residential and is therefore subject to the Plan.

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

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being a single dwelling and attached secondary dwelling is permissible with consent in the zone and complies with the relevant objectives.

### **Clause 4.3 Height of buildings**

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 5.1 metres and therefore complies.

### **Clause 5.4 Controls relating to miscellaneous permissible uses**

**Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

#### Comment:

The proposed secondary dwelling is 59.26m<sup>2</sup> which complies with (a).

The proposed primary dwelling is 156.46m<sup>2</sup>. The secondary dwelling is 38% of the principal dwelling which is in compliance with (b).

### **Clause 5.10 Heritage Conservation**

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

### **Clause 6.1 Salinity**

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

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

**Clause 6.3 Earthworks**

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

**Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

**Clause 6.8 Airspace operations – Mudgee Airport**

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

**Clause 6.9 Essential Services**

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

**4.15(1)(a) Requirements of Regulations and Policies****(ii) Draft environmental planning instruments (EPI)**

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

(iii) Any development control plan

***Mid-Western Regional Development Control Plan 2013***

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

**Part 3.1 Residential Development**

<b>MINIMUM LOT SIZE</b>	<b>COMMENT / COMPLIES</b>
Minimum lot size - 600m <sup>2</sup> R1 General Residential	Complies. 600m <sup>2</sup>
<b>BUILDING SETBACKS</b>	
<b>Building Setback from the street</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 4.5m and 5.5m to the garage	Complies. 4.9m and 6.8m to garage
<b>Building Side/Rear setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 900m	Complies. 1.635m (south east) 10.64m (south west) 1.5m

	(north west)
--	--------------

<b>BUILDING HEIGHT / DESIGN</b>	<b>COMMENT / COMPLIES</b>
Proposed buildings are single storey	Yes.
The garage door or carport does not exceed 45% of the front elevation	Complies. < 20%
All facades with street frontage contain windows	Complies.
Street frontage elevations contain minimum 5% openings	Complies. 25% approx.
80m <sup>2</sup> private open space.	Complies. 199.8m <sup>2</sup>

<b>SLOPE AND CUT AND FILL</b>	<b>COMMENT / COMPLIES</b>
The slope of the site does not exceed 15%	Complies. 0-10%
Cut is limited to 1m	Conditioned.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Conditioned.
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Conditioned.
Cut / fill is clear of any water or sewer easements.	Conditioned.

<b>PARKING</b>	<b>COMMENT / COMPLIES</b>
Dwelling has two car parks with a minimum of one being a garage.	Complies. 2 x garage spaces and 2 x stack parking. Total 4 spaces.
Parking and manoeuvring areas are hard stand	Complies. Concrete driveway.
Driveways are located a minimum of 6m from any intersection	Complies. Over 40m from intersection.

<b>UTILITIES</b>	<b>COMMENT / COMPLIES</b>
Buildings are located clear of utility infrastructure	Complies.
Building is not located within an easement for the purpose of utility infrastructure	Complies. Clear of sewer easement.
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies. 3m easement on front boundary. Building setback 4.9m.

### Part 5.1 Car Parking

<b>Car Parking Requirement</b>	<b>Compliance</b>
2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage	Complies. The proposal has 2 garage spaces and area within the front setback for another 2 spaces.

that the space is contained wholly within the site.	Total <b>4 spaces</b> provided.
<b>2 spaces</b> required – secondary dwelling not included in this requirement.	

### Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. The conditions have been included in the consent.

### Part 5.4 Environmental Controls

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

#### Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Development Contributions Plan 2019, the development proposing a single dwelling and secondary dwelling on a Lot created in an earlier subdivision, is subject to developer contributions.

Although the secondary dwelling is being assessed under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, it is not proposed by a social housing provider, or defined as affordable housing. Therefore the development is not exempt from contributions under Part 2.7 of the plan.

The site is credited for one single dwelling, with contributions having been paid when the Lot was created. Accordingly, only the proposed secondary dwelling requires the payment of a contribution in accordance with the plan as follows:

#### Section 7.11 contribution rates – Mudgee

	1 X New Secondary Dwelling
<b>Transport facilities</b>	\$2,609.00
<b>Recreation and open space</b>	\$1,309.00
<b>Community facilities</b>	\$381.00
<b>Stormwater management</b>	\$275.00
<b>Plan administration</b>	\$597.00
<b>Total</b>	<b>\$5,171.00</b>

An appropriate condition has been imposed requiring payment of the contribution prior to issue of a Construction Certificate.



### Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges for the Secondary Dwelling. The lot retains a credit for the principal dwelling. The contribution has been calculated as follows:

#### Water Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$2,893.44** (0.333 ET)

#### Sewer Headworks

1 x Debit for Flat/Unit/Villa (small) <70m<sup>2</sup> = **\$1,983.50** (0.5 ET)

**Total: \$4,876.94**

A condition of consent has been included.

### *IMPACT OF DEVELOPMENT*

#### **Context and Setting**

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

#### **Access, transport and traffic**

The local road network is capable of absorbing the additional traffic generated from this single dwelling and secondary dwelling development. The proposal is considered appropriate.

#### **Public domain**

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

#### **Utilities**

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

#### **Heritage**

Not applicable.

#### **Other land resources**

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

#### **Water**

No significant impact expected.

#### **Soils**

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

#### **Air and Microclimate**

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

#### **Flora & fauna**

Not applicable.

**Waste**

Waste service available.

**Energy**

Development to comply with the BASIX energy efficiency requirements.

**Noise & vibration**

No significant impact expected from the residential use.

**Natural Hazards**

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

**Technological hazards**

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

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Social impact in the locality**

Generally positive.

**Economic impact in the locality**

Generally positive.

**Site design and internal design**

Generally positive.

**Construction**

To comply with the Building Code of Australia. Conditions of consent to regulate.

**Cumulative Impacts**

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

**SUITABILITY OF SITE FOR DEVELOPMENT****Does the proposal fit in the locality**

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

**Are the site attributes conducive to development**

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

**SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS****Public Submissions**

The application was notified in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

**Submissions from public authorities**

No submissions were sought or received from public authorities.

*THE PUBLIC INTEREST*

**Federal, State and local government interests and community interests**

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

*CONSULTATIONS*

**Health & Building**

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

**Development Engineer**

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

**Heritage Advisor**

No consultation necessary.

Community Plan implications

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

Strategic implications

**Council Strategies**

Not Applicable.

**Council Policies**

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

**Legislation**

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

Financial implications

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

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

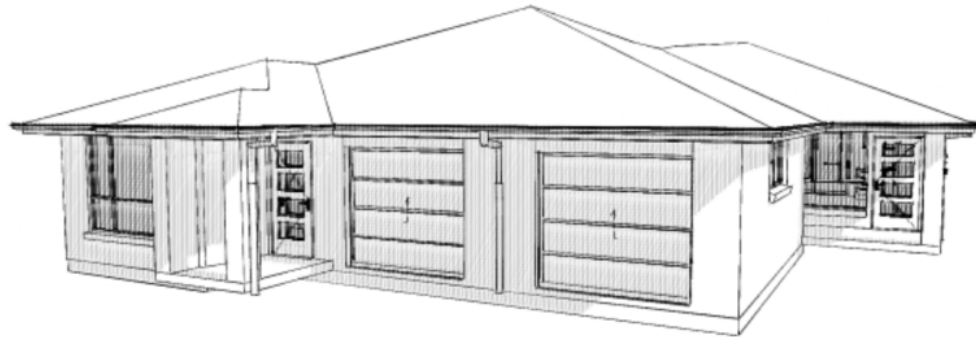
JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

22 January 2021

*Attachments:* 1. Development Plans.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



PROPOSED NEW DWELLING  
LOT 9 DP 1267151 SALEYARDS LANE  
MUDGEES NSW 2850 FOR:



DRAWING SCHEDULE

SHEET	DESCRIPTION/TITLE
01	COVER SHEET + DRAWING SCHEDULE BASIX + CONSTRUCTION NOTES
02	SITE PLAN + ANALYSIS
03	SERVICES PLAN
04	SLAB LAYOUT
05	FLOOR PLAN
06	ELEVATIONS
07	SECTION & TYPICAL DETAILS
08	LANDSCAPE PLAN
09	ELECTRICAL PLAN
10	WET AREA DETAILS
11	WET AREA DETAILS
12	KITCHEN ELEVATIONS

**BASIX REQUIREMENTS**

- 3-STARS SHOWERHEADS.
- 4-STARS WC, 4-STARS TAPS.
- 3000L SLOPESIDE MUST COLLECT WATER FROM 110m<sup>2</sup> OF ROOF AREA.
- SISAL TUFF WALL WRAP TO EXTERNAL WALLS
- DWELLING 1 - R2.5 HIGH DENSITY INSULATION BATTS TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- DWELLING 1 - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- DWELLING 1 - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- DWELLING 1 - R4.0 EXTRUDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB
- DWELLING 1 - 3kW PV SOLAR 8-PANEL CONFIGURATION
- DWELLING 2 - R2.5 HIGH DENSITY INSULATION TO ALL EXTERNAL WALLS, INCLUDING GARAGE
- DWELLING 2 - R2.0 HIGH DENSITY INSULATION BATTS TO ALL INTERNAL WALLS JOINING TO GARAGE.
- DWELLING 2 - R6.0 INSULATION BATTS + R1.3 ANTICON BLANKET TO ENTIRE CEILING INCLUDING GARAGE
- DWELLING 2 - R4.0 EXTRUDED POLYSTYRENE UNDER SLAB INSULATION TO ENTIRE SLAB
- DWELLING 2 - 2kW PV SOLAR 6-PANEL CONFIGURATION
- ROOF - MEDIUM, EXTERNAL WALLS - DARK
- ALL WINDOWS DOUBLE GLAZED AIR FILL HIGH SOLAR GAIN LOW E CLEAR GLAZING (U VALUE 4.3, SHGC 0.53).
- RINNAI ELECTRIC HWS
- EXHAUST FANS TO BATHROOM, ENSUITE AND KITCHEN RANGEHOOD.
- 1x DAIKIN CORA FTXM35QVMA 3.5kw TO MAIN DWELLING.
- 1x DAIKIN CORA FTXM35QVMA 5.0kw TO EACH DWELLING.
- OVEN - ELECTRIC CHEF WVE613S.
- COOKTOP - INALTO CLASSIQUE CERAMIC COOKTOP 600mm ICC60T
- RANGEHOOD WESTINGHOUSE RECIRCULATING WRR614SA.

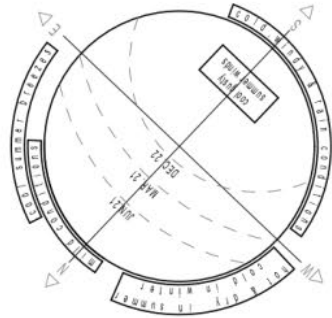
**CONSTRUCTION NOTES**

- ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE USED IN PREFERENCE TO SCALED MEASUREMENTS.
- ALL LEVELS ARE TO BE VERIFIED ON THE SITE BY THE BUILDER PRIOR TO WORK COMMENCING.
- ALL WET AREAS ARE TO BE SUITABLY GRADED AND DRAINED.
- FLOOR SLAB TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.
- ALL TIMBER SPACING, SPANS AND SIZES SHALL COMPLY WITH TIMBER FRAMING CODE AS 1684.
- ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF BUILDING CODE OF AUS IN RELATION TO SIDE BOUNDARY CLEARANCE.
- ALL SEWER AND STORMWATER DRAINAGE TO BE IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT AUTHORITY.
- WET AREAS ARE TO BE SEALED AT THE INTERSECTION OF THE FLOOR AND WALL AND 1800 HIGH IN THE SHOWER RECESS CORNERS WITH AN APPROVED WET AREA SEAL.
- POWDER COATED ALUMINIUM WINDOWS AND DOORS TO BE USED THROUGHOUT. COLOUR SELECTION BY BUILDER.
- ALL FIXINGS, TIE DOWNS AND CONSTRUCTION METHODS ARE TO BE IN STRICT ACCORDANCE WITH AS1684 AND THE BCA.
- TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS3660-1

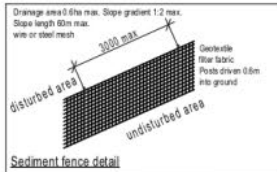
**GENERAL NOTES:**

- LOCATE EXISTING SERVICES PRIOR TO CONSTRUCTION.
- EROSION / SEDIMENT CONTROL IN STRICT ACCORDANCE WITH COUNCIL REQUIREMENTS (REFER BUILDER).
- PROVIDE HARDBASE ALL WEATHER ACCESS, DURING CONSTRUCTION.
- CUT AND FILL TO BUILDER'S DISCRETION.
- NOMINATED WATER TO TANK. OVERFLOW TO STREET.
- BUILDER TO CONFIRM ALL FINISHED FLOOR LEVELS ON SITE.
- WIND - CLASS "N2"
- SITE - CLASS "M"
- SOIL - CLASS "M"

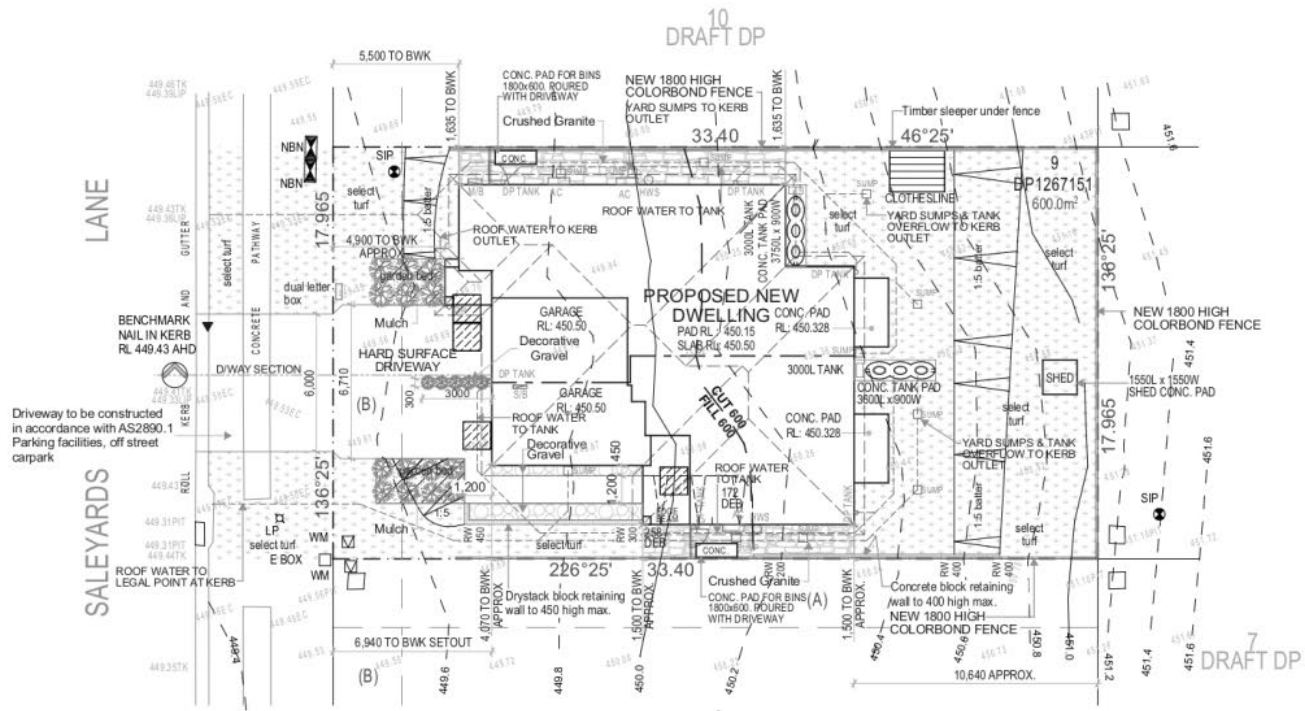
DRAWN BY: RG CHECKED BY: RSU JOB NO: 10647	<table border="1"> <thead> <tr> <th>Revision or issue / description / date</th> <th></th> </tr> </thead> <tbody> <tr> <td>A ISSUED FOR APPROVAL</td> <td>2/19/2020</td> </tr> <tr> <td>B relocation of sheds - electrical changes-MAN space to pantry</td> <td>15/10/20</td> </tr> <tr> <td>C delete 1 shed, 1 clothes line - dividing fence</td> <td>1/11/20</td> </tr> </tbody> </table>	Revision or issue / description / date		A ISSUED FOR APPROVAL	2/19/2020	B relocation of sheds - electrical changes-MAN space to pantry	15/10/20	C delete 1 shed, 1 clothes line - dividing fence	1/11/20	<b>Hibbards PL</b> <small>ABN 12 197 80 027</small> <small>Address: 133 Princes Highway, Sale NSW 2850</small> <small>P: 080 000 0000 F: 080 000 0000 E: info@hibbards.com.au</small> <small>W: www.hibbards.com.au</small> General Notes: <small>Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey</small>	<b>thinkHibbards</b> <small>first next invest</small>	PROJECT NAME: <b>NEW DWELLING (CASA 215 AMK2 18 RHG)</b> LOT 9 ON D.P. 1267151 SALEYARDS LANE MUDGEES NSW 2850	DRAWING TITLE: <b>COVER SHEET</b>	SHEET NO: <b>01</b>	REVISION NO: <b>B</b> SCALE: 1:1 @ A3
Revision or issue / description / date															
A ISSUED FOR APPROVAL	2/19/2020														
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Solar & Wind Chart



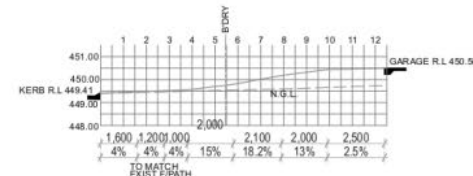
SITE COVERAGE DETAILS	
Lot size m <sup>2</sup>	600m <sup>2</sup>
Dwelling size m <sup>2</sup>	215.72m <sup>2</sup> : 35.95% coverage
Driveway m <sup>2</sup>	91.45m <sup>2</sup>
Total landscaping m <sup>2</sup>	328.66m <sup>2</sup> : 54.77%
Private open space m <sup>2</sup>	199.80m <sup>2</sup>
<small>Note: Site areas indicated may vary in definition. Shaded areas or other areas indicated on these drawings used for other purposes. All areas are close approximate. Unless noted otherwise, areas not demarcated as patios or driveways are vegetated areas (gardens, lawns)</small>	



(A) EASEMENT TO DRAIN WATER 3 WIDE  
 (B) EASEMENT TO DRAIN SEWAGE 3 WIDE VIDE DP1233109  
 APPROX. LEVELS  
 PAD RL : 450.15  
 SLAB RL : 450.50  
 GARAGE PAD RL : 450.15  
 GARAGE SLAB RL : 450.50

**7.4** Average star rating  
**NATIONWIDE HOUSE**  
 0VB5BDXYV 29/09/2020  
 Assessor: Ross Grims  
 Accreditation No.: HERA10004  
 Address: Lot 9 Saleyards Lane, Mudgee, NSW, 2850  
<https://www.rfs.com.au/QRCode/landing?tab=details&V5BDXYV&Op=Get#1>

Site Plan  
SCALE 1:200



Driveway Section  
SCALE 1:200

DRAWN BY:	Revision or issue / description / date
RG	A ISSUED FOR APPROVAL 20/09/2020
RSU	B relocation of sheds - electrical changes-MV space to pantry 19/10/20
	C delete 1 shed, 1 clothes line, dividing fence 11/11/20
JOB NO.	10647

**Hibbards PL**  
 498 23 09 90 90  
 Address: 129 Hurlingham Street, Campbelltown NSW 2560  
 Phone: 498 23 09 90 Fax: 498 23 09 90  
 www.hibbards.com.au  
 General Notes:  
 Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey

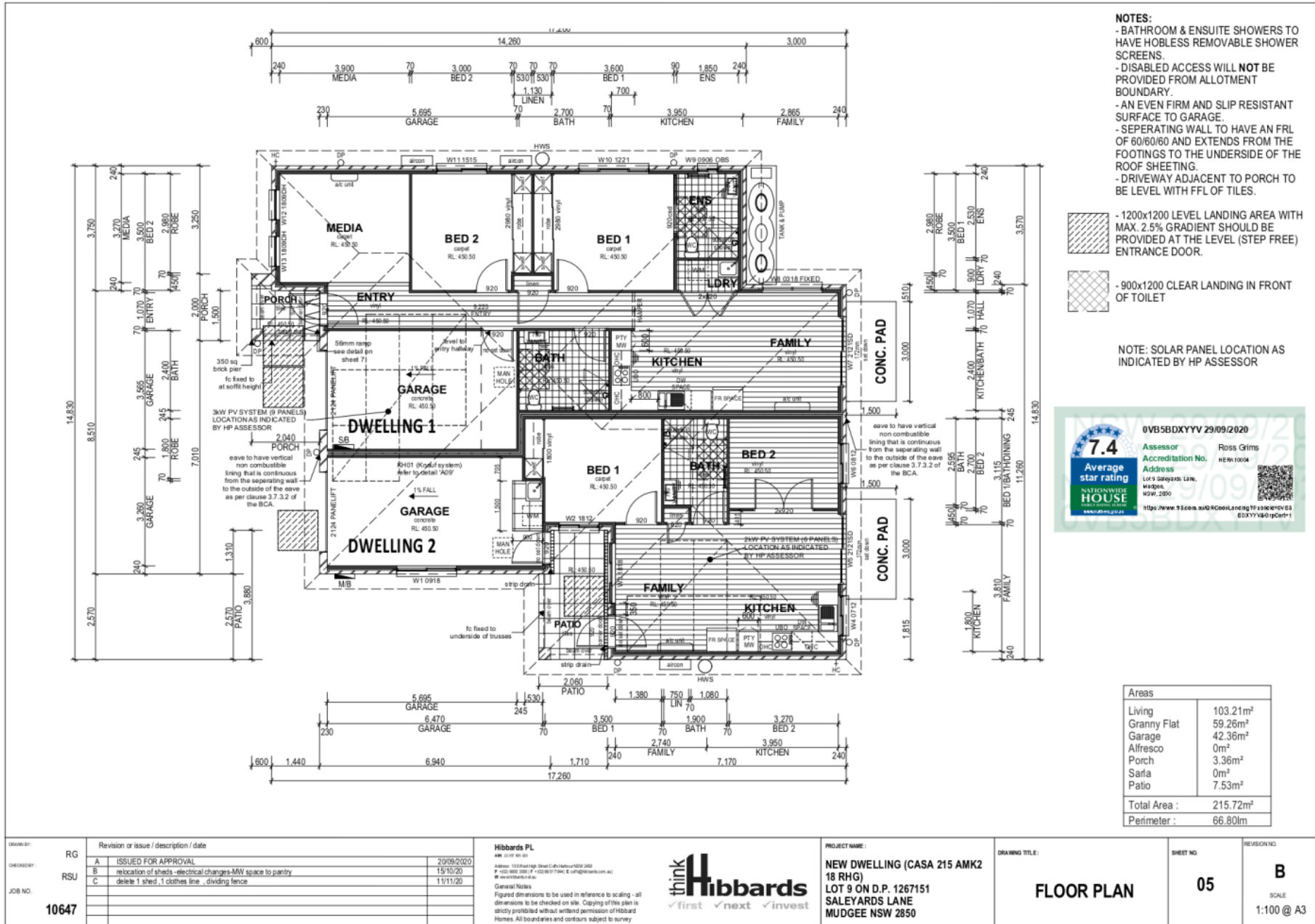
**think Hibbards**  
 first next invest

PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK2 18 RHG)**  
 LOT 9 ON D.P. 1267151  
 SALEYARDS LANE  
 MUDGEE NSW 2850

DRAWING TITLE:  
**SITE PLAN**

SHEET NO.  
**02**

REVISION NO.  
**B**  
 SCALE  
 1:200 @ A3



Revision or issue / description / date	Checked by	Job No.
A ISSUED FOR APPROVAL	RG	10647
B relocation of sheds - electrical changes-MV space to pantry	RSU	
C delete 1 shed, 1 clothes line - dividing fence		

**Hibbard's PL**  
AW 2019 80 02  
Address: 133 Hurlingham Street, Mudgee NSW 2850  
P 02 682 388 330 F 02 682 375 000 E info@hibbard.com.au  
www.hibbard.com.au

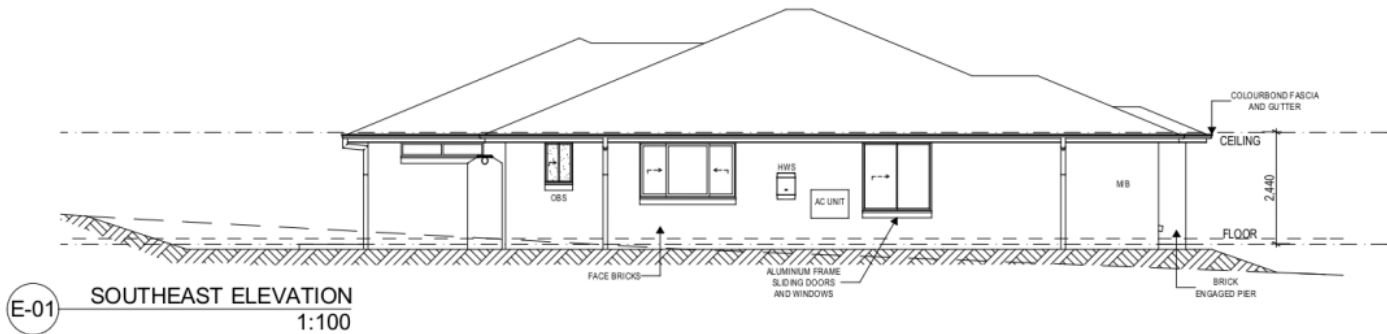
General Notes:  
Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey

**PROJECT NAME:**  
NEW DWELLING (CASA 215 AMK2 18 RHG)  
LOT 9 ON D.P. 1267151  
SALEYARDS LANE  
MUDGEE NSW 2850

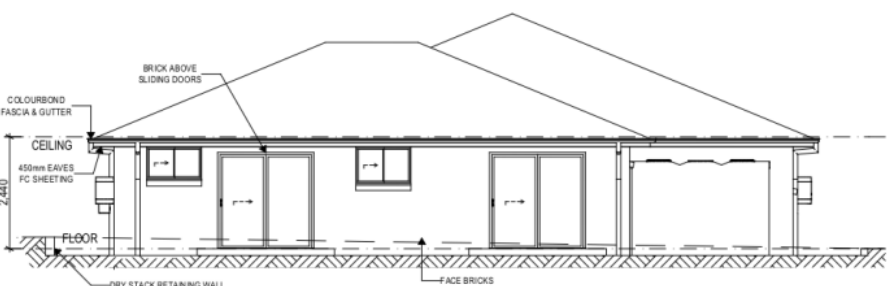
**think Hibbard's**  
first next invest

<b>DRAWING TITLE:</b> FLOOR PLAN	<b>SHEET NO.:</b> 05	<b>REVISION NO.:</b> B
		<b>SCALE:</b> 1:100 @ A3

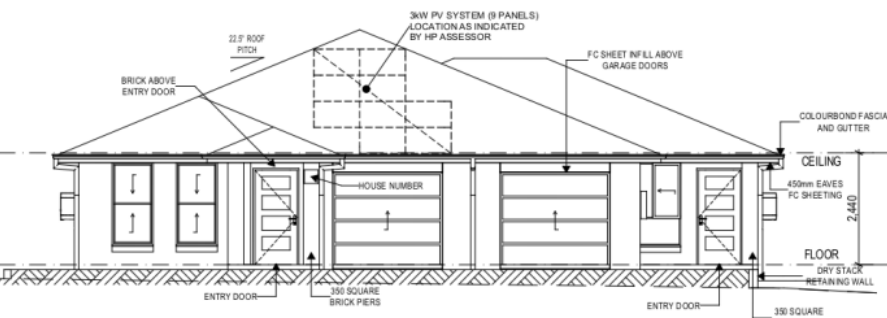
**NOTE:**  
WINDOW LOCKS TO ALLOW 100mm  
LOCKED OPENING ON ALL WINDOWS.



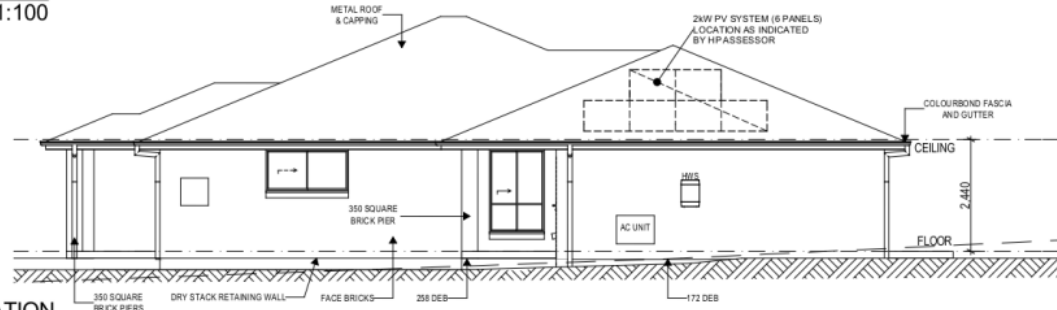
**E-01** **SOUTHEAST ELEVATION**  
1:100



**E-02** **SOUTHWEST ELEVATION**  
1:100



**E-04** **NORTHEAST ELEVATION**  
1:100



**E-03** **NORTHWEST ELEVATION**  
1:100

Revision or issue / description / date	Drawn by	Checked by
A ISSUED FOR APPROVAL	RG	
B relocation of sheds - electrical changes - MV space to pantry		
C delete 1 shed, 1 clothes line, dividing fence		

**Hibbards PL**  
ABN 22 09 80 02  
Address: 122 Princes Highway, Sale, VIC 3850  
P: 052 902 1000 F: 052 902 1744 E: info@hibbards.com.au  
W: www.hibbards.com.au  
**General Notes**  
Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey



**PROJECT NAME:**  
NEW DWELLING (CASA 215 AMK2  
18 RHG)  
LOT 9 ON D.P. 1267151  
SALEYARDS LANE  
MUDGEES NSW 2850

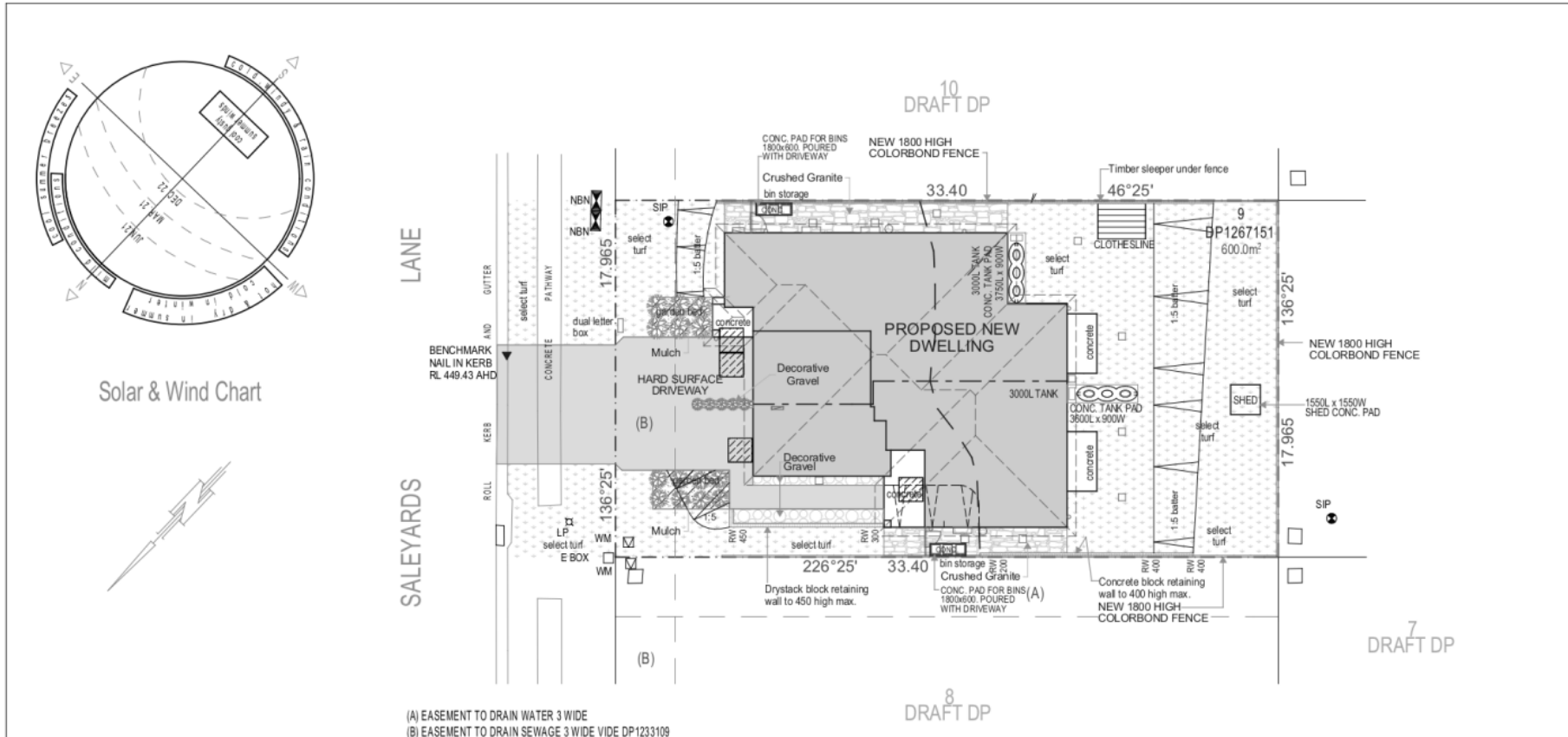
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**ELEVATIONS**

**SHEET NO:**  
**06**

**REVISION NO:**  
**B**  
SCALE  
1:100 @ A3

**JOB NO.**  
**10647**





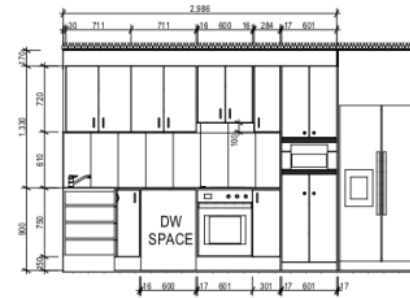
(A) EASEMENT TO DRAIN WATER 3 WIDE  
 (B) EASEMENT TO DRAIN SEWAGE 3 WIDE DP1233109

- PLANTS WILL BE SELECTED FROM THE FOLLOWING RANGE BY THE LANDSCAPER AND WILL BE DEPENDANT ON AVAILABILITY AT THE TIME OF PLANTING.
- GARDENIA FLORIDA
  - VIBURNUM TINUS
  - VIBURNUM ODARTISSIUM
  - ORIENTAL PEARL
  - CALLISTAMEN
  - NANDINA MOON BAY
  - WESTRINGA
  - DIOSMA
  - PORT WINE MAGNOLIA
  - PHOTINIA SUPER RED
  - PURPLE FOUNTAIN GRASS
  - MIXED GARDENS OF SHRUBS, GRASSES & GROUNDCOVERS

Landscape Plan  
 SCALE 1:200

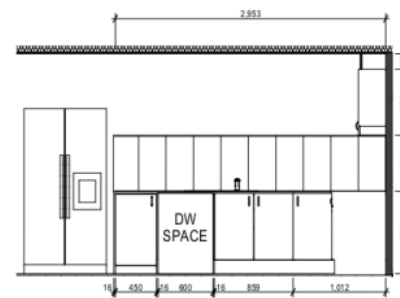
DRAWN BY: CHECKED BY: JOB NO.	RG RSU 10647	Revision or issue / description / date A ISSUED FOR APPROVAL 20/08/2020 B relocation of sheds - electrical changes - MN space to pantry 15/10/20 C delete 1 shed, 1 clothes line - dividing fence 11/11/20	Hibbards PL ABN 13 019 80 02 Address: 133 Westgate Street, Coffs Harbour NSW 2450 P 080 000 330 P 080 001 7344 E c@hibbards.com.au W www.hibbards.com.au General Notes: Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbard Homes. All boundaries and contours subject to survey	PROJECT NAME: NEW DWELLING (CASA 215 AMK2 18 RHG) LOT 9 ON D.P. 1267151 SALEYARDS LANE MUDGEE NSW 2850	DRAWING TITLE: LANDSCAPE PLAN	SHEET NO. 08	REVISION NO. B SCALE 1:200 @ A3
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**GRANNY FLAT  
KITCHEN ELEVATIONS**

SCALE 1:50



**MAIN DWELLING  
KITCHEN ELEVATIONS**

SCALE 1:50

DRAWN BY:	RG	Revision or issue / description / date	
CHECKED BY:	RSU	A ISSUED FOR APPROVAL	20/09/2020
		B relocation of sheds -electrical changes-MW space to pantry	19/10/20
JOB NO.	10647	C delete 1 shed , 1 clothes line ,dividing fence	1/11/20

**Hibbards PL**  
 ABN 22 09 80 20  
 Address: 122 Princes Street, Sydney NSW 2000  
 P: +61 2 922 0000 F: +61 2 922 0000 E: info@hibbards.com.au  
 W: www.hibbards.com.au  
 General Notes  
 Figured dimensions to be used in reference to scaling - all dimensions to be checked on site. Copying of this plan is strictly prohibited without written permission of Hibbards Homes. All boundaries and contours subject to survey



PROJECT NAME:  
**NEW DWELLING (CASA 215 AMK2  
 18 RHG)  
 LOT 9 ON D.P. 1267151  
 SALEYARDS LANE  
 MUDGEES NSW 2850**

DRAWING TITLE:  
**KITCHEN  
 ELEVATIONS**

SHEET NO.  
**12**

REVISION NO.  
**B**  
 SCALE  
 1:50 @ A3

## 8.4 MA0027/2021 Proposed Aldi Food Store - Extension of Delivery Hours - 24 Hours Per Day

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, MA0027/2021

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner for MA0027/2021 Proposed Aldi Food Store - Extension of Delivery Hours - 24 Hours Per Day;
- B. approve MA0027/2021 Proposed Aldi Food Store - Extension of Delivery Hours - 24 Hours Per Day subject to the following conditions and statement of reasons:

#### Conditions of Consent (*AMENDMENTS IN BLUE*)

### APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Drawing No. A1-010, A1-040, A1-090, A1-091, A1-100, G-A3-850) by Suters Architects, Fence detail by Donaldson Worrad (Drawing No. SK-001 dated June 2008) and Statement of Environmental Effects by Hassell Pty Ltd. except as varied by any conditions listed herein.

### AMENDMENTS

2. The Church Street frontage of the development is to be provided with a fence constructed of masonry and metal with a maximum height of 1200mm. Details of the fence are to be submitted to Council's Group Manager Planning and Development for approval prior to the issue of a Construction Certificate.
3. Signage is to be provided in accordance with the following approved plans:
  - Entrance sign attached to front fence – Drawing No. A3-849, Revision B, dated 11/04/2006
  - ALDI roof sign – Drawing No. A1-092, Revision H, dated 25/10/2006.
  - ALDI wall sign – South elevation – Drawing No. A1-090, Revision A, dated 25/10/2006
  - ALDI wall sign – North elevation – Drawing No. A1-091, Revision A, dated 25/10/2006.

### PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

4. A security deposit of \$2,000 shall be lodged with Council prior to the issue of the construction certificate. This will be refunded after the completion of the building providing there has been no damage to Council's footpath/ kerb and gutter or that any damages have been restored at full cost to the developer.
-

5. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
6. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
7. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

<b>TOTAL PAYABLE</b>	<b>\$ 126,658.00</b>
----------------------	----------------------

8. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
9. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
10. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.
11. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the *Construction Certificate*. The report must demonstrate that stormwater run off from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. The increased flow due to the development is to be retained onsite. All storm water detention details including analysis shall be included in the drainage report.
12. Existing and proposed contours are to be provided on detailed engineering plans.
13. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.
14. A Stage 2 Environmental Site Assessment and any remediation required as a result of the assessment shall be carried out prior to the issue of a Construction Certificate.

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements.

15. Prior to work commencing a Construction Certificate must be issued by Council or an Accredited Private Certifier.
16. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
17. When foundations are excavated, if filled ground is found, footings shall be designed by a

Structural Engineer and Council must be notified in writing.

18. Prior to the commencement of works on site, the applicant shall advise Council's Technical Services Department, in writing, of any existing damage to Council property.
19. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building - including the erection of any fences or hoardings. Details of their protection during the construction phase of the development shall be included in the landscape information provided as a consequence of Condition 10.
20. Soil erosion prevention measures in accordance with the approved Erosion and Sediment Control Plan are to be erected prior to the commencement of site works and maintained until vegetation cover is established on the disturbed areas.
21. A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.
22. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
24. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the commencement of demolition works.

## DEMOLITION WORKS

25. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving Asbestos Cement in Buildings".
26. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
  - Type of demolition waste
  - Location of disposal
  - Estimated quantities
27. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.
28. All redundant services such as water, sewer, electricity and telecommunications are to be capped.

## BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

29. Compliance with the provisions of the *Environmental Planning and Assessment Act 1979, Regulations* and the *Building Code of Australia*.
  30. Compliance with the relevant codes of the Standards Association of Australia adopted by the *Building Code of Australia* and subject to any limitations made by the *Building Code of*
-

*Australia.*

31. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Friday 7.00am to 6.00pm
  - Saturday 8.00am to 1.00pm
- No construction work that is audible shall be undertaken on Sundays or public holidays.
32. Plumbing and drainage shall be carried out by a Licensed Plumber and Drainer and be in accordance with the National Plumbing and Drainage Code.

**ENGINEERING CONSTRUCTION**

33. Car parking within the development is to comply with the following:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
  - b) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 1993;
  - c) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
34. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
35. The vehicular entry and exits are to have a minimum width of 8 metres (at the kerb line). Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to the development site. The entrance shall be constructed in accordance with Aus-Spec #1 and Council standard drawings including M526-Industrial Access, M594-Kerb & Gutter Layback.
- Note: Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Asset Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
36. All existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and footpath prior to occupation of the development.
37. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and *New South Wales Code of Practice, Plumbing and Drainage*. All works are to be at the full cost of the developer.
38. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with *Aus-Spec #1, Australian Standard 3500* and the approved drainage report.
39. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
-

## OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

40. On completion of the building work, the owner of the building shall cause the Council to be furnished with a certificate from a competent person with respect to each essential fire safety measure nominated in the Fire Safety Schedule. The certificate shall be in accordance with the relevant provisions of the Building Code of Australia and Part 9 of the *Environmental Planning and Assessment Regulation 2000*.
41. At least once in each period of 12 months after an annual fire safety statement is required to have been furnished to Council, the owner of the building shall cause the Council to be furnished with a further certificate with respect to each essential service nominated in the attached fire safety schedule.
42. The applicant shall repair in accordance with Aus-Spec # 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.
43. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of the development.
44. All vehicle parking and manoeuvring areas are to be sealed and graded towards an approved drainage location in accordance with AS 2890.1 and 2, prior to occupation or use of the development.
45. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.
46. The land is to be consolidated and/or subdivided such that the development will be located on one allotment of land.

## GENERAL CONDITIONS

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

47. No goods are to be stored or displayed between the building line and the public road frontage.
  48. All vehicles are to enter and exit the site in a forward direction at all times.
  49. The approved hours of operation for use of the premises are:
    - Monday to Sunday                      7.00 am to 10.00 pm
  50. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
  51. All loading and unloading in connection with the premises shall be carried out wholly within the site.
-

52. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
53. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.
54. The side and rear boundaries of the property are to be provided with a 1.8m high fence at full cost to the developer.
55. The operation of the proposed ALDI food store is to be restricted to a maximum of three (3) deliveries per day and ~~must~~ **may be carried out 24 hours per day, 7 days per week within the following hours;**
- ~~Monday to Saturday 7.00 am to 10.00 pm~~
  - ~~Sunday 8.00 am to 6.00 pm~~

**(MODIFIED BY MA0027/2021)**

56. The operation of the fixed mechanical plant and equipment shall comply with the assumed Sound Power Levels and the implementation of specific noise mitigation measures and operational procedures recommended within the Acoustic Report prepared by Wilkinson Murray Pty Limited.
57. **The proponent shall ensure that the noise generated from the deliveries does not exceed the criteria in the following Table at any residence or hotel/motel on privately owned land. The receivers are identified in the Noise Assessment submitted with the application (Document ID MAC201214-01RP1 dated 23 November 2020).**

Table – Maximum Noise Levels (Night)

Receiver	Time of Day <sup>1</sup>	Noise Levels at Sensitive Receptors dB LA <sub>max</sub>	dB LAeq (15 minutes)
R1-R6	Night	52	39
H1	Night	52	48

<sup>1</sup> Night = 10:00pm – 7:00am

Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry 2017*.

**(ADDED BY MA0027/2021)**

58. In accordance with the recommendations made in Part 5.2 – Noise Attenuation Controls and Recommendations of the Noise Assessment Report submitted with the Modification of Consent Application (Document No. MAC201214-01RP1, prepared by Muller Acoustic Consulting, and dated 23 November 2020), the following noise mitigation measures are to be installed and undertaken, prior to deliveries occurring between 10pm and 7am:
- a) The fence along the whole of the northern property boundary is to be extended to 2.1m high. The fence is to be constructed to acoustic fencing standards, with no gaps in the fence.
  - b) The fence along that part of the eastern boundary between the north-east corner of



- the property and the Aldi building is to be extended to 2.1m high. The fence is to be constructed to acoustic fencing standards, with no gaps in the fence.
- c) The refrigeration units of trucks are to be switched off before entering the site.
  - d) The loading area and compactus are to be lined with perforated corrugated steel sheeting over absorptive material such as Rockwool or alternatively lined with Soundblock Whispercell or equivalent. More specifically, the acoustic treatment shall be applied in the following locations:
    - (i) the southern and western sides of the compactus unit; and
    - (ii) the northern wall of the Aldi building adjacent to the loading area ramp;and
    - (iii) the west facing wall around the loading dock loading door.
  - e) All other existing boundary fences are to be maintained.

**(ADDED BY MA0027/2021)**

59. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

**(ADDED BY MA0027/2021)**

**ADVISORY NOTES**

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

**STATEMENT OF REASONS**

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
  2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.
  3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
-

4. The issues raised in submissions received in response to public notification of the development have been sufficiently addressed as follow:
- a) Conditions relating to noise mitigation, and impacts to the amenity of the area; and
  - b) Conditions have been imposed to regulate the operational management of the site.

**(ADDED BY MA0027/2021)**

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## Executive summary

<b>OWNER/S</b>	Aldi Foods Pty Limited
<b>APPLICANT:</b>	KDC Pty Ltd
<b>PROPERTY DESCRIPTION</b>	99 Church Street, Mudgee (Lot 3 DP 1125495)
<b>PROPOSED DEVELOPMENT</b>	Proposed Aldi Food Store – Extension of Delivery Hours – 24 Hours Per Day
<b>ESTIMATED COST OF DEVELOPMENT:</b>	Not Applicable
<b>REASON FOR REPORTING TO COUNCIL:</b>	The original application was determined by Council
<b>PUBLIC SUBMISSIONS:</b>	2

Council is in receipt of Development Application MA0027/2021 that seeks approval to modify DA0343/2007 Proposed Aldi Food Store – Extension of Trading Hours for 24 Hour Deliveries, located at 99 Church Street Mudgee NSW 2850, Lot 3 DP 1125495, received by Council on 10 December 2020.

The application was notified in accordance with the *Mid-Western Regional Community Participation Plan 2019*. Two (2) submissions were received during the assessment period. The primary issue raised was the noise impacts associated with 24 hour deliveries, on a site where there is a residential/commercial interface, and an adjoining motel. These submissions have been discussed throughout.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application is recommended for Approval.



Figure 1. Location Plan

## Disclosure of Interest

Nil.

## Detailed report

### Background

On 6 June 2007, Council resolved to approve DA0343/2007 for the Aldi Store on the subject site, which was constructed and has operated ever since. The application was subsequently modified under MA0014/2012, to extend the trading hours to 7.00am to 10.00pm, 7 days a week.

The hours of deliveries were also extended to 7.00am to 10.00pm Monday to Saturday, but restricted to 8.00am – 6.00pm on Sunday. A maximum of 3 deliveries are permitted per day.

### Proposal

This modification application seeks to modify Condition 55 of the consent to allow for deliveries to occur 24 hours per day, whilst still being limited to a maximum 3 deliveries per day. For reference, Condition 55 has been included below.

55. *The operation of the proposed ALDI food store is to be restricted to a maximum of three (3) deliveries per day and must be carried out within the following hours;*

- *Monday to Saturday 7.00 am to 10.00 pm*

- *Sunday* 8.00 am to 6.00 pm

The applicant has provided that the purpose of the 24 hour deliveries is to allow for increased flexibility of deliveries to the Aldi store. The proposed modification will increase the efficiency and flow of deliveries across the day, evening and night. In allowing a 24-hour, 7 day a week delivery schedule, the site and operations will be better able to cope with potential traffic condition changes, natural disaster impacts and any other potential impacts on delivery vehicles.

No changes to the approved operating hours of 7am-10pm are proposed.

In support of this application, an acoustic assessment prepared by Muller Acoustic Consulting has been submitted, with a conclusion stating that the proposal can operate within the limits set by the *Noise Policy for Industry 2017*.

#### REQUIREMENTS OF REGULATIONS AND POLICIES

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

#### 4.55(1A) Modifications involving minimal environmental impact

##### (1A) Modifications involving minimal environmental impact

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

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

**Comment** The proposed modification would result in a maximum of 3 delivery trucks being able to access the site on a 24 hour basis. The applicant has provided an acoustic assessment demonstrating that the 24 hour deliveries can occur without causing impact to the amenity.

Based on this documentation, and low frequency of truck movements (3) across a 24 hour period, Council is satisfied that the extension of delivery hours will have only a negligible impact in the area.

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

**Comment** The test of whether the development is substantially the same requires assessment of whether the modification "does not radically transform the originally approved development": *Tipalea Watson Pty Ltd v Ku-ring-gai Council* (2003) 129 LGERA 351. The word "substantially" means "essentially or materially having the same essence": *Vacik Pty Ltd v Penrith City Council*

The modification will only result in delivery trucks being able to access the site on a 24 hour basis. The 'essence' of the development is the same, in that the land use, and intensity of use will not change. On this basis, Council is satisfied that the proposed modification does not radically transform the development, and is substantially the same as originally approved.

*(c) it has notified the application in accordance with:*  
*(i) the regulations, if the regulations so require, and*  
*(ii) a development control plan,*

**Comment** The S4.55(1A) Application was notified to adjoining neighbours.

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

**Comment** Two submissions were received, which have been discussed and addressed below.

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

**Comment** All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

*(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

**Comment** Noted.

### **State Environmental Planning Policies**

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

It is noted that temporary exemptions apply for the 24 hour use of chain retail stores under Division 4 Special provisions – COVID-19, however this Division will be repealed at the end of the prescribed period (i.e. it will be repealed on 25 March 2021). Therefore, Development Consent for 24 hour delivery is required.

The proposed modification does not otherwise alter the proposal's compliance with the relevant State Environmental Planning Policies.

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

No new considerations were required to be addressed as the proposed modification will have no effect on LEP compliance.

#### **Mid Western Regional Development Control Plan 2013**

The original development was considered against the relevant chapters and sections of this DCP. The proposed modification does not give rise to any issues that need to be considered/reconsidered.

### **IMPACT OF DEVELOPMENT**

#### **Context and Setting**

The proposal is appropriate with regards to the surrounding context and setting, and 24 hour use is not unexpected in the commercial area, subject to noise and other amenity impacts being appropriately managed where there is a residential interface.

**Access, transport and traffic**

No additional traffic movements are required as part of this modification. The site will remain limited to a maximum 3 deliveries per day, spread over 24 hours. On this basis, there will be a positive impact on traffic where deliveries can occur in off-peak times.

**Public domain**

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

**Utilities**

Not applicable.

**Heritage**

Not applicable.

**Other land resources**

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

**Water**

No significant impact expected.

**Soils**

Not applicable.

**Air and Microclimate**

Not applicable.

**Flora & fauna**

Not applicable.

**Waste**

Not applicable.

**Energy**

Not applicable.

**Noise & vibration**

The applicant has submitted an acoustic assessment prepared by Muller Acoustic Consulting, who have demonstrated how the development can comply with the *Noise Policy for Industry 2017* (NPI).

To quantify the existing background noise level, both attended and unattended noise monitoring was conducted on the site. Noise predictions from truck deliveries have been quantified at the identified receivers, and a Maximum Noise Level has been set.

The Maximum Noise Levels (Night) limits are applicable to the development:

Table – Maximum Noise Levels Night) (dB LA<sub>max</sub>)

Time of Day <sup>1</sup>	Noise Levels at Sensitive Receptors
	dB LA <sub>max</sub>
Night	52

<sup>1</sup>Night = 10:00pm – 7:00am

The assessment report considered the procedures and criteria detailed in the NPI. The report clearly found that, subject to recommended noise mitigation measures, the development can operate in accordance with the NPI guidelines, and will not cause offensive noise to any sensitive receptors. For further details, refer to the attached Acoustic Report. The recommended noise mitigation measures are as follows:

#### Recommended Noise Mitigation Measures

- Refrigeration units of trucks are switched off before entering site;
- Existing northern boundary fence extended to a height of 2.1m above the carpark surface;
- The loading dock (and compactus) of the project would be lined with perforated corrugated steel sheeting over absorptive material such as Rockwool or alternatively be lined with Soundblock Whispercell or equivalent; and
- Maintain all other existing boundary fences surrounding the operation and residences.

The development has been conditioned accordingly.

#### ***Natural Hazards***

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

#### ***Technological hazards***

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

#### ***Safety, security and crime prevention***

There are no anticipated issues relating to safety, security and crime prevention in relation to deliveries. The SEE states that ALDI store will continue to operate in accordance with the approved hours of operation, and as such, the premises will remain closed and locked to the public at night. The appropriate ALDI staff will be on site for scheduled night time deliveries as required. The loading area of the premises will be open for a short period during the process of the pallet drop delivery. Once delivery is complete, the loading area will be closed and relocked.

#### ***Social impact in the locality***

The development has been conditioned to regulate any social impacts that may arise as a result of noise from delivery trucks. This includes acoustic fencing, operational management, and noise attenuation materials in the loading area.

#### ***Economic impact in the locality***

Generally positive, in that it provides increased efficiency and flexibility in the flow of deliveries to the Aldi store.

#### ***Site design and internal design***

Not applicable.

#### ***Construction***

Not applicable.

#### ***Cumulative Impacts***

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

## SUITABILITY OF SITE FOR DEVELOPMENT

### **Does the proposal fit in the locality**

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

### **Are the site attributes conducive to development**

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

## SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

### **Public Submissions**

The application was notified in accordance with the *Mid-Western Regional Community Participation Plan 2019*. Two (2) submissions were received during the assessment period.

The primary concern raised in the submissions were the noise impacts associated with 24 hour deliveries, on a site where there is a residential/commercial interface, and an adjoining motel. Associated impacts, including economic impact as a result of the noise, were also raised. The submissions have been noted, and discussed below:

### **Noise**

Potential noise impacts were raised in both submissions. The areas of primary concern is that the proposed measures will be ineffective, and will consequently result in an impact to amenity, sleep disturbance and local economic impact.

#### **Issue:**

One submission cited the operational measures, specifically switching off refrigeration units in the delivery trucks, as being unrealistic and unenforceable.

#### **Comment:**

Operational conditions are a common way of managing amenity impacts across all types of development. If operational conditions of consent are not being complied with, this is a breach of the consent, which could result in compliance action being taken.

#### **Issue:**

One of the submissions suggested there would be a significant increase in traffic noise and local air quality.

#### **Comment:**

This is not the case, because there are no additional deliveries proposed in this application. The status quo of 3 deliveries per day will not change.

#### **Issue:**

Both submissions stated that the increase in traffic and human generated noise would result in sleep disturbance to the adjoining residents, and guests of the adjoining Winning Post Motel. Truck reversing alarms were also raised as a source of annoyance.



Comment:

As discussed above, there will be no increase in traffic, or traffic noise as a result of this modification. The same maximum of 3 deliveries per day applies, only they will be spread over 24 hours. Notwithstanding this, the acoustic assessment has addressed potential sleep disturbance, with a conclusion stating that sleep disturbance is not anticipated, as emissions from noise are predicted to remain below the EPA Guideline for maximum noise trigger levels. Truck reversing alarms have been factored into the methodology. It is not unexpected to have deliveries to a supermarket in a commercial zone outside of typical working hours, subject to compliance with noise conditions.

**Note.** There are currently temporary exemptions in place that allow for the 24 hour use of chain retail stores under Division 4 Special provisions – COVID-19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Issue:

One of the submissions question why the acoustic assessment recommended the northern boundary fence be extended to 2.1m height, but no extension of the fence in the north eastern corner.

Comment:

Muller Acoustic Consulting undertook unattended noise monitoring on the site, which included a noise logger in this exact location. The noise testing showed the predicted noise level to be 40 db LA<sub>max</sub> in the north eastern corner, where there is a noise limit of 52 db LA<sub>max</sub>. This noise receptor is closest to the loading dock, which is to be lined with sound proofing material. Therefore, as per Muller's findings, the fence does not need to be extended in this area.

Issue:

One submission raised concerns that the noise will result in the adjacent motel having 20 vacant rooms per day, which will impact the motel's income stream.

Comment:

As demonstrated by the acoustic report, and subject to compliance with the conditions of consent, the deliveries can operate without having an unacceptable impact.

***Submissions from public authorities***

No submissions were sought or received from public authorities.

*THE PUBLIC INTEREST*

***Federal, State and local government interests and community interests***

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

*CONSULTATIONS*

***Health & Building***

No consultation necessary.

***Development Engineer***

No consultation necessary.

**Heritage Advisor**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

**Council Strategies**

Not Applicable.

**Council Policies**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013

**Legislation**

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

## Financial implications

Nil.

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

19 January 2021

*Attachments:*

1. Acoustic Report. (separately attached)
2. Copy of Submissions. (separately attached)
3. Applicant's Response to Submissions. (separately attached)

**APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER

## 8.5 MA0015/2021 Modification to DA046/2019 - 16 Lot Subdivision - 2-26 Saleyards Lane, Mudgee

REPORT BY THE SENIOR TOWN PLANNER  
 TO 17 FEBRUARY 2021 ORDINARY MEETING  
 GOV400088, DA0046/2019

### RECOMMENDATION

#### That Council:

- A. receive the report by the Senior Town Planner for MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee;
- B. approve MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee and add 8 Bell Street, Mudgee (Lot 22 DP585777) into the approval; and
- C. approve MA0015/2021 – Modification to DA0046/2019 – Modification to 16 Lot Subdivision – 2-26 Saleyards Lane, Mudgee subject to the following conditions and Statement of Reasons (with amendments shown in blue):

### CONDITIONS

#### PARAMETERS OF CONSENT

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein. Approved documentation may include any Planning or Engineering reports submitted with and in support of the application as detailed below.

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Proposed Lot Plan	29701-CD02	C	18.05.20	Barnson
Proposed Services Plan	29701-CD03	C	28.05.20	Barnson
Proposed Stormwater Plan	29701-CD04	C	11.03.20	Barnson

#### **MODIFIED BY MA0015/2021**

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

## GENERAL

### Amended Plan Requirements

3. An amended plan of subdivision must be submitted to create a four (4) metre by four (4) metre corner cutoff/splay at the corner of Bell Street and Saleyards Lane for road widening purposes.
4. Either of the following two (2) options may be adopted for stormwater management for the proposed subdivision (subject to approval of the stormwater drainage design by Council):
  - a) Detention Basin - the plan of proposed subdivision must be amended to provide a sufficient area of land as a Drainage Reserve for construction of a stormwater detention basin to provide for stormwater quality improvements generally in accordance with the Water Sensitive Urban Design (WSUD) guidelines.
  - b) Swales – the use of swales will require registration on titles of appropriately worded Encumbrances, Restrictions as to User or other instruments deemed necessary to ensure the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing the swale for the width of the swale.

### Other

5. Notwithstanding approved plans, no structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in *Mid-Western Development Control Plan 2013*.
6. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.
7. Dual sets of water services, sewer junctions, and stormwater connections are to be provided to each lot nominated as a dual occupancy lot within the subdivision.
8. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.
9. Street trees of an approved species are to be provided at a rate of one tree per allotment.
10. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
11. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer

is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

- 11A The endorsed plan indicates creation of an easement over adjacent land identified as Lot 22 DP585777. All costs associated with the creation of the required easement are to be borne by the developer and compensation for the restriction of use of land within the easement must also be paid.

**ADDED BY MA0015/2021**

**Stormwater**

12. The developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
13. A fully detailed Stormwater Drainage Plan must be submitted to and approved by Council that provides for control and treatment of stormwater runoff generated by future development of the land. Recommended stormwater drainage design requires the use of an inter-allotment drainage system discharging into a detention basin situated in a drainage reserve prior to discharge by an approved method into the intermittent watercourse located on adjoining land.
14. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
15. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1.

**Water and Sewer Services**

16. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
17. Council does not permit other bodies to insert new junctions into “live” Sewer and water mains. Please contact Council’s Operations Water and Waste Department by calling 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
18. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the *National Specification – Water Supply Code of Australia*.
19. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the *National Specification – Sewerage Code of Australia*.
20. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

21. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost of \$390 for a 20 mm water meter.
22. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.

### **Telecommunications and electricity supply**

23. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an underground electricity supply.

### **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)**

*The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.*

24. A Construction Certificate is required for but not limited to the following civil works:
  - a) Water and sewer main extensions;
  - b) Stormwater drainage such as inter-allotment drainage, detention basins;
  - c) Footpath; and
  - d) Landscaping of public reserves.

No works can commence prior to the issue of the Construction Certificate.

NOTE: Additional permits and approvals may also be required under other legislation, eg. *Plumbing and Drainage Act 2011*, and *Plumbing and Drainage Regulation 2017* for water and sewer infrastructure works.

- 24A Prior to commencement of any additional works, application must be made and approval given to modify Construction Certificate Approval CCC0079/2019. Amended stormwater drainage drawings must be provided for approval that shows appropriate dispersal arrangements at the outfall into the mapped watercourse that provides for both control of the rate of discharge and prevention of erosion and scouring.

#### **ADDED BY MA0015/2021**

- 24B Prior to commencement of any additional works within the riparian zone, a separate Controlled Activity Approval for those works must be obtained from the Natural Resources Access Regulator (NRAR).

#### **ADDED BY MA0015/2021**

25. Prior to the issue of a Construction Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards

referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:

- a) Runoff calculations.
26. A Drainage Report submitted in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 20 year ARI event. All stormwater detention details including analysis shall be included with the drainage report.
  27. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
  28. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
  29. The only waste derived fill material that may be received at the development site must be:
    - a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
    - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
  30. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
    - a) Saving available topsoil for reuse in the revegetation phase of the development;
    - b) Using erosion control measures to prevent on-site damage;
    - c) Rehabilitating disturbed areas quickly; and
    - d) Maintenance of erosion and sediment control structures.
  31. Prior to the issue of a Construction Certificate for civil works, the developer is to nominate which lots within the proposed subdivision are likely to be developed for dual occupancy development in the future and provide written notice to Mid-Western Regional Council of the nominated dual occupancy lots.
  32. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

33. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

35. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the *Water Management Act 2000*), the proponent shall obtain a Section 91 Activity Approval under the *Water Management Act 2000* to carry out those works.

Note: Please contact the NSW Office of Water for more information in relation to this matter.

36. Prior to the commencement of subdivision works, the following actions are to be carried out:

- a) A site supervisor is to be nominated by the applicant;
- b) Council is to be provided with two (2) days notice of works commencing; and
- c) Council is to be notified in writing of any existing damage to Council's infrastructure.

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

37. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

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

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

- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) Building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in



connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

40. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

## **DURING CONSTRUCTION**

41. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - a) Installation of sediment and erosion control measures;
  - b) Water and sewer line installation prior to backfilling;
  - c) Stormwater drainage pipe installation prior to backfilling; and
  - d) Practical Completion.
42. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
43. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to NSW Land Registry Services.
44. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
45. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
46. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
47. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
48. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
49. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.

## **PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE**

*Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.*

50. Under the *Environmental Planning & Assessment Act 1979*, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

Note: the fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.

51. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
52. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
53. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be developed in the future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
  - b) Dwg format or "Autocad compatible".

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

55. The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
56. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of *Australian Standard AS 2870 – 2011: Residential Slabs and Footings*. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
57. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Subdivision Certificate.

### **Defects Liability Bond**

58. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council. The defects liability bond will be held by Council for a period of 24 months, to ensure that any defects that become apparent during that time are remedied by the developer.

## Developer Contributions

59. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the *Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021*, either of the following is to occur prior to the issue of a Subdivision Certificate:
- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
  - b) A Bank Guarantee for the contributions identified in the following schedule (subject to indexation, where applicable) is to be given to Council, on the following terms:
    - (i) A Bank Guarantee is to be prepared to the value of contributions payable as agreed to by Council (this is to include indexation, where applicable).
    - (ii) The Bank Guarantee is to be made in favour of Council.
    - (iii) Council is to be the custodian of the original Bank Guarantee.
    - (iv) The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the agreement to call in the Bank Guarantee without notice.
    - (v) Should the deferment overlap into the following financial year, then the contributions payable will be subject to indexation.

Schedule of Section 94 Contributions		
16 additional lots (minus credit for existing)		
Mudgee (Catchment 2)	Per Lot	15 Lots
Public Amenity or Service		
Transport Management		
Traffic Management	\$1,282.00	\$19,230
Open Space		
Local Open Space	\$2,013.00	\$30,195.00
District Open Space	\$2,732.00	\$40,980.00
Community Facilities		
Library Buildings	\$263.00	\$3,945.00
Library Resources	\$316.00	\$4,740.00
Drainage		
Drainage Works	\$0.00	\$0.00
Administration		
Plan Administration	\$614.00	\$9,210.00
<b>Total</b>	<b>\$7,220.00</b>	<b>\$108,300.00</b>

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

Note: Council's *Section 94 Development Contributions Plan 2005-2021* is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

## Certificate of Compliance

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

Note 1 – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

### Restrictions on Title

61. Four metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed dual stormwater and sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

The stormwater and sewerage lines are to be located 1.5m from the property boundary and internal edge of the easement. Services are to be located approximately 1.0m apart within the centre of the easement.

62. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.

63. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 16, as identified in the approved plans, a drainage reserve with an access handle to Saleyards Lane is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve.

64. Where the stormwater drainage design involves a drainage swale, appropriately worded encumbrances, restriction as to user or other instruments are to provide for the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing of the swale for the width of the swale.

65. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 (as required) identified on the approved plans, to ensure any future buildings on the land are constructed with a finished floor level (FFL) that is at least 0.5m above the 1 in 100 (i.e. 1% Annual Exceedance Probability flood event) flood level.

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) the flood level and required FFL to be incorporated into the covenant/restriction; and
- b) the lots that are flood affected in the subdivision.

66. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 identified on the approved plans, to ensure any fencing allows for the free passage of flood waters, within the 1 in 100 (i.e. 1% Annual Exceedance Probability) flood level.

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) The flood level and required FFL to be incorporated into the covenant/restriction; and
- b) The lots that are flood affected in the subdivision.

### **Electricity and Telecommunication Certificates**

67. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
  - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose;
  - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; and
  - d) All works required by the consent be completed in accordance with the consent.
68. Underground electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

### **STATEMENT OF REASONS**

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
  - a) A condition requiring a corner truncation has been applied to assist in vehicles being able to see around the corner of the Saleyards Lane and Bell Street intersection.
  - b) A condition has been applied requiring a Notice of Arrangement to be obtained from the electricity supplier.
4. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.  
**ADDED BY MA0015/2021**
5. The proposed modification complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.  
**ADDED BY MA0015/2021**
6. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.  
**ADDED BY MA0015/2021**

## OTHER APPROVALS

### General Terms of Approval

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

## ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the *Environmental Planning and Assessment Act 1979*.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *Environmental Planning and Assessment Act 1979*.
- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:  
[www.water.nsw.gov.au](http://www.water.nsw.gov.au) > Water Licensing > Approvals.

- 8 This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

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

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

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
- b) A Bank Guarantee for the contributions is to be given to Council, on the following terms:
  - The Bank Guarantee is to be prepared to the value of contributions payable as agreed to by Council (this is to include indexation where applicable).
  - The Bank Guarantee is to be made in favour of Council.
  - Council is to be the custodian of the original Bank Guarantee.
  - The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the agreement to call in the Bank Guarantee without notice.
  - Should the deferment overlap into the following financial year, then the contributions payable will be subject to indexation.

<b>Schedule of Contributions</b>				
<b>Development Consent DA0046/2019</b>				
<b>Public Service</b>	<b>No. of Equivalent Tenements (ET)</b>	<b>Contribution Rate (Amount per ET)</b>	<b>Contribution Levied</b>	<b>Date until which contribution rate is applicable</b>
Water	15.0	\$8,407	\$126,105.00	30 June 2019
Sewer	15.0	\$3,838	\$57,570.00	30 June 2019
		<b>TOTAL</b>	<b>\$183,675.00</b>	

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

Note: Council's *Development Servicing Plan for Mid Western Regional Council Water Supply* and *Development Servicing Plan for Mid Western Regional Council Sewerage* are available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.

## Executive summary

<b>OWNER/S</b>	Mid-Western Regional Council, Max and Colleen Walker and Hibbards Pty Ltd.
<b>APPLICANT:</b>	Barnson Pty Ltd.
<b>PROPERTY DESCRIPTION</b>	2-26 Saleyards Lane, Mudgee (Lots 7-13 DP1266486, Lots 1-6 DP1262994 and Lot 22 DP585777)
<b>PROPOSED DEVELOPMENT</b>	Modification to 16 Lot Subdivision
<b>ESTIMATED COST OF DEVELOPMENT:</b>	Not applicable

<b>REASON FOR REPORTING TO COUNCIL:</b>	Application seeks to modify a development consent that was originally determined by Council
<b>PUBLIC SUBMISSIONS:</b>	Nil.

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 14 October 2020. The proposed modification of Development Consent DA0046/2019 seeks to re-direct the stormwater outlet pipe through Mudgee Valley Tourist Park, which is owned by Council.

The original development consent was determined by Council. This modification of consent application is required to be determined by Council.

The modification of consent application was not placed on public exhibition because the amenity impacts associated with the proposed modification are no greater than the approved development. No submissions were received.

The proposed modifications are recommended for approval.

## Disclosure of Interest

Nil

## Detailed report

### BACKGROUND

#### Original Approval

The original development consent was approved by Council at its meeting on 12 December 2018. The approved development subdivided Lot 211 DP1070725 (20-24 Bell Street, Mudgee) into 16 allotments.

Development consent DA0046/2019 included conditions 4 and 12-16 inclusive that required the developers to undertake stormwater drainage works typically required in subdivision developments. Condition 4 allowed for the use of a detention basin or drainage swales to deal with stormwater within the subdivision. Conditions 12-16 required the submission and approval of a detailed stormwater drainage plan.

A detailed stormwater drainage plan was submitted for approval with the application for Construction Certificate CCC0079/2019. These plans showed a drainage swale/easement running alongside the north-eastern boundary of the site with a discharge pipe in the adjoining lot to the west. The Construction Certificate included conditions requiring the consent of the adjoining landowner to the west and a Controlled Activity Approval from the Natural Resources Access Regulator (NRAR) prior to commencement of construction.

The developer undertook works without obtaining the adjoining landowner's consent or a Controlled Activity Approval.

#### Easement through Council land

The developer was unable to obtain the consent of the adjoining landowner for that part of the stormwater outlet constructed on the adjoining property to the west. The developer required an alternative discharge location for stormwater. The developer approached Council and sought

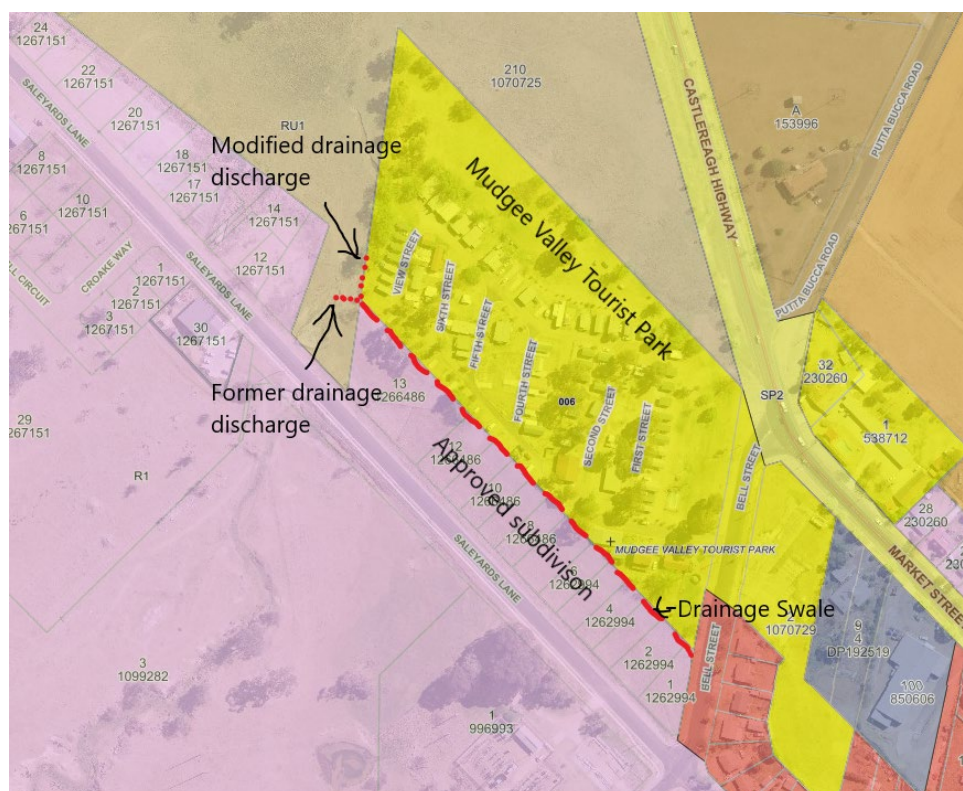


approval to construct a stormwater discharge pipe along the western boundary of Mudgee Valley Tourist Park, located to the north-east of the subdivision site and to create an easement over this stormwater infrastructure.

Council considered this request at its meeting on 20 May 2020 and granted consent to a drainage easement over Council land and the associated construction of works, subject to the outcomes of further determinations, applications, compensation and legal advice.

A copy of this report is included in the attachments.

No progress has been made to date in forming this easement.



**Figure 1 – Location of Drainage Discharge Points**

### Previous Modifications

There are no previous modifications of Development Consent DA0046/2019.

### Proposed Modification

This application to modify the development consent was submitted to Council on 14 October 2020. The proposed modification seeks the following modifications to the approved development:

- (i) Modify Condition 1 of Development Consent DA0046/2019 to refer to amended drawings showing the stormwater discharge outlet over Council's Lot 22 DP585777.
- (ii) Incorporate Lot 22 DP585777 (Mudgee Valley Tourist Park) into the development consent.

The modified plans are included in the attachments.

## REQUIREMENTS OF REGULATIONS AND POLICIES

### **Section 4.55 Modification Legislation**

#### Minimal Environmental Impact

The Modification Application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* pertains to modifications to a Development Consent that are of minimal environmental impact. It is considered that the proposed modification will have 'minimal environmental impact' compared to the originally approved proposal, as the subdivision will still primarily occur on 2-26 Saleyards Lane, Mudgee, which incorporates the original parent lot. The change in direction for the stormwater outlet is unlikely to have an environmental impact.

#### Substantially the Same Development

The proposed modification is considered to be substantially the same development as that approved. The subdivision for residential lots is still contained in the original parent lot.

#### Consultation

Consultation with the relevant Minister, public authority or approval body with regard to a condition applied as a result of concurrence or with general terms of approval is required. The original consent was integrated development, and such consultation is required for this modification.

This application to modify the existing development consent was referred to the Natural Resources Access Regulator (NRAR). The Natural Resource Access Regulator (NRAR) has provided amended General Terms of Approval for the proposed modification. These amended General Terms of Approval will be attached to any modified development consent issued.

The modified General Terms of Approval are included in the attachments.

#### Notification and Submissions

This modification of consent application was not placed on public exhibition. Council's *Community Participation Plan 2019* provides that where a proposed modification will have no greater impact on the amenity of neighbouring properties than the original application, it does not need to be notified. The proposed amendment to the stormwater discharge location will have no greater impact on neighbouring properties than the approved development. No submissions were sought or received in response to the proposed modification.

#### Matters for Consideration

The consent authority is required to consider the relevant matters outlined in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As the proposed modification does not seek any major changes to the approved subdivision, the majority of the matters for consideration under Section 4.15 are not relevant. These considerations are summarised as follows:

- a) The provisions of any environment planning instruments.

***Mid-Western Regional Local Environmental Plan 2012 (LEP)***

The proposed modification does not alter the proposal's compliance with the relevant development standards contained in the LEP.

***State Environmental Planning Policies***

The proposed modification does not alter the proposal's compliance with the relevant development standards contained in the applicable SEPP's.

- b) The provisions of any development control plan.

***Mid-Western Regional Development Control Plan 2013***

The proposed modification does not alter the proposal's compliance with the relevant requirements of the Mid-Western Regional Development Control Plan 2013.

- c) The provisions of any planning agreement.

Not applicable.

- d) The regulations.

Not applicable.

- e) The likely impacts of development.

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

- f) The suitability of the site for the development.

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

- g) Any submissions received.

Not applicable.

- h) The public interest.

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

*ASSESSMENT OF PROPOSED MODIFICATIONS*

**Amend Condition 1 to reflect amended plans.**

The modification of consent application included amended plans showing the drainage swale along the north-eastern boundary of the subdivision and a drainage outlet extending in a northerly direction, along the western boundary of Mudgee Valley Tourist Park. Council has previously

agreed in principle to the drainage outlet and associated easement being located within the Mudgee Valley Tourist Park. The amended plans are in accordance with what has been agreed.

It is recommended that Condition 1 be amended to refer to the amended plans.

**Include Lot 22 DP585777, Mudgee Valley Tourist Park, into the property reference of the development consent.**

The proposed modification effectively seeks to add Mudgee Valley Tourist Park into the development consent. It is recommended that property description in the development consent be amended to include the property incorporating Mudgee Valley Tourist Park.

### **Other conditions**

No modification is required to any other of the existing conditions of consent.

It is noted that Condition 14 requires the consent of the adjoining landowner for any stormwater drainage works that traverse adjoining land. In addition, Condition 35 requires that a Controlled Activity Approval under the Water Management Act 2000 be obtained prior to the commencement of any works within 40m of a watercourse. The retention of these conditions will protect the property rights of the adjoining property owner, and will ensure the watercourse will be protected.

Council's Development Engineer has recommended the addition of conditions. These conditions are discussed in the "Consultations" section of this report.

### *CONSULTATIONS*

#### ***Development Engineer***

Council's Development Engineer has provided the following comments:

*This essentially appears to be a minor change requiring amendment of approved plans. The change is required as both the applicant and developer originally failed to obtain adjoining owner's consent and a Controlled Activity Approval from NRAR for stormwater drainage works in an adjacent waterway.*

*From an engineering perspective there is no objection to replacing the two original plans with the amended plans.*

*The change triggers a requirement for creation of an easement over adjacent land owned by Council. All costs associated with the creation of the required easement are to be borne by the developer. Compensation for the restriction of use of land within the easement must also be paid.*

*Given the failure by the developer to obtain the required approvals, this change also triggers further stormwater drainage works. These works will require both an amendment to the previously approved Construction Certificate Plans (refer CCC0079/2019) and a Controlled Activity Approval from NRAR.*

The following conditions are recommended to be added to the development consent.

- 1A The endorsed plan indicates creation of an easement over adjacent land identified as Lot 22 DP585777. All costs associated with the creation of the required easement are to be borne by the developer and compensation for the restriction of use of land within the easement must also be paid.

This recommended condition is in line with the recommendations from the Council Report from 20 May 2020. This condition will be inserted as Condition 11A.

- 24A Prior to commencement of any additional works, application must be made and approval given to modify Construction Certificate Approval CCC0079/2019. Amended stormwater drainage drawings must be provided for approval that shows appropriate dispersal arrangements at the outfall into the mapped watercourse that provides for both control of the rate of discharge and prevention of erosion and scouring.
- 24B Prior to commencement of any additional works within the riparian zone, a separate Controlled Activity Approval for those works must be obtained from the Natural Resources Access Regulator (NRAR).

## Community Plan implications

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

## Strategic implications

### Council Strategies

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

### Council Policies

Not applicable

### Legislation

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

## Financial implications

Not applicable.

## Associated Risks

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

ILIJA SUSNJA  
SENIOR TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON

## DIRECTOR DEVELOPMENT

27 January 2021

- Attachments:*
1. Council Report from Ordinary Meeting 20 May 2020 regarding easement.
  2. Modified plans showing new stormwater discharge line.
  3. Modified General Terms of Approval from NRAR dated 15 December 2020.

## APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

128

MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 20 MAY 2020  
REPORT 9.2

## 9.2 Request by Developer for Easement over Council Land - Mudgee Valley Tourist Park 8 Bell Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 20 MAY 2020 ORDINARY MEETING  
GOV400087, DA0046/2019, 5952

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue and Property Manager on the Request by Developer for Easement over Council Land - Mudgee Valley Tourist Park 8 Bell Street Mudgee; and**
2. **agree to the proposal put forward by the Developers of Allotment 211 DP1070725 to approve an easement to discharge stormwater runoff and the associated construction of works on Allotment Lot 22 DP585777, subject to, but not limited to, the outcomes of the further determinations, applications, compensation and legal advice as cited in this Report; and**
3. **authorise the General Manager to exercise delegated authority to deal with all outcomes and any other matters arising in relation to the establishment of the easement, including the negotiation of compensation and the associated construction of works over Allotment Lot 22 DP585777; and**
4. **instruct the Developers of Allotment 211 DP1070725 not to undertake any construction works on Allotment Lot 22 DP585777 until the General Manager is satisfied with all outcomes; and**
5. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and**
6. **authorise the Mayor to sign all documentation, where additionally required to do so, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and**
7. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and**
8. **require the Developers of Allotment 211 DP1070725 be responsible for all costs, including Council's reasonable legal costs and the cost of the relevant valuation report obtained by Council associated with the proposed establishment of an easement over Allotment Lot 22 DP585777.**

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### Executive summary

The purpose of this Report is for Council to consider a proposal put forward by the Developers of 20-24 Bell Street (the Developers) to obtain Council approval to grant an easement for drainage over Council owned land located at 8 Bell Street Mudgee. The land is identified as Lot 22

DP585777 and is known as Mudgee Valley Tourist Park (the Park). The proposal is appended as Attachment 1 to this Report.

## Disclosure of Interest

Nil

## Detailed report

### Background

Development consent approved the subdivision of 20-24 Bell Street being Lot 211 DP1070725 owned by the Developers into 16 allotments.

The Consent issued for DA0046/2019 included Conditions 4, and 12-16 inclusive that required the Developers to undertake stormwater drainage works typically required in subdivision developments that include provision of an underground/piped drainage system and inter-allotment drainage, discharge of stormwater runoff to either existing downstream infrastructure where available or to a natural drainage feature (creek or other watercourse). In this case there is no downstream infrastructure available.

Construction Certificate CCC0079/2019 also included conditions requiring consent of adjoining owners and a Controlled Activity Approval from the Natural Resources Access Regulator (NRAR) prior to the commencement of construction.

An information request was issued seeking a stormwater drainage plan that showed an on-site detention basin within the subdivision. This option, if properly designed, does not require adjoining land owners consent. The adjoining lands include Lot 210 DP1070725 which is owned by another ratepayer (the Ratepayer) and the Park. The original development application did not show a drainage outlet within Lot 210 DP1070725 that discharged into the creek on that property.

The Developers opted for a drainage swale design instead, where the disposal of stormwater would discharge to a watercourse to the west on the Ratepayer's land. This proposed option was subject to the Developers obtaining both the Ratepayers consent and a Controlled Activity Approval from the NRAR.

The Developers undertook works without obtaining either approval which has caused upset to the Ratepayer such that the Developers have been unable to negotiate the Ratepayer's consent.

The Developers are now seeking consent to discharge stormwater runoff to a location further downstream of the development to the portion of the creek on land which comprises the Park, as shown in the sketches below. The Developers require the consent of Council as owner of the Park to create this easement and subsequent construction of infrastructure.





Section 45 of the Local Government Act (the Act) and Council's *Land Acquisition and Disposal Policy* (the Policy) provide that Council may dispose of its land assets, including interests in land such as an easement, only if the land is classified as *Operational*.

The Park is comprised of Lot 22 DP585777 being 4.04Ha and is classified as *Operational* Land under the Act.

#### Considerations

There are five (5) options available for the drainage of stormwater from the subdivision.

1. On-site detention basin.
  - If properly designed, an on-site detention basin with a weir overflow does not require the consent of the adjoining Ratepayer for the discharge of drainage over their land. If properly designed, the post-development flows should not exceed the pre-development flows from the property.
  - The Developers had the option to provide an on-site detention basin on their site to accommodate stormwater drainage for the development. The provision of this on-site basin would have taken up part of the subdivision and would affect the size and/or number of lots that could be created. Consequently, the Developers opted for a drainage swale arrangement instead.
2. Directing stormwater to the creek to the west of the site on the Ratepayer's land – drainage swale design.
  - This was the Developer's preferred option, but the Developers were not able to obtain the adjoining Ratepayer's consent for the works on their land for the reasons as previously outlined.
  - Notwithstanding this situation, a possible course of action for the Developers is to seek a court order imposing the easement under s88K Conveyancing Act 1919 (NSW).

3. Pump out to the street.
  - Pump out systems are unreliable and are generally not supported by Council officers.
4. Directing drainage to the street.
  - There is insufficient fall across the site to be able to practically direct stormwater to the street. The site slopes towards the north-western corner.
5. Directing drainage through Council's land at the Park to the creek.
  - Will drain stormwater from the site by gravity.
  - The total area of the easement required for these works would be approximately 66m<sup>2</sup> representing approx. 0.165% of the total lot area of the Park.
  - The easement required will sterilise a portion of the Park. Any future works on the Park will need to require compliance with the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. This regulation requires that dwelling sites and camp sites must be located at least 3m from the boundary of the Park. Consequently, it will not be possible to place any dwellings or campsites over the proposed easement.
  - Notwithstanding that part of the site cannot be developed, it is currently being used as the 'rear yard' of a number of cabins.
  - It is desirable to maintain the area within 3m from the western boundary of the site as a landscape buffer to provide some visual screening to the Park.
  - The proposed works may have some impact on riparian vegetation. The Developers will need to demonstrate how the proposed works minimise the impact of the works on the root zone of trees in any application made to Council or NRAR.

Should Council reject the proposal for an easement on the Park land (Option 5), the Developers still have Options 1 & 2 as viable alternatives to facilitate the removal of stormwater from their development site.

Should Council agree to the creation of an easement over their land, then Lot 22 DP585777 being the Park, will need to be tied to the Development Consent. This will require a separate development application to be made for drainage works over both Lots 211 and Lot 22. Council will need to provide landowner's consent to the lodgement of the new development application.

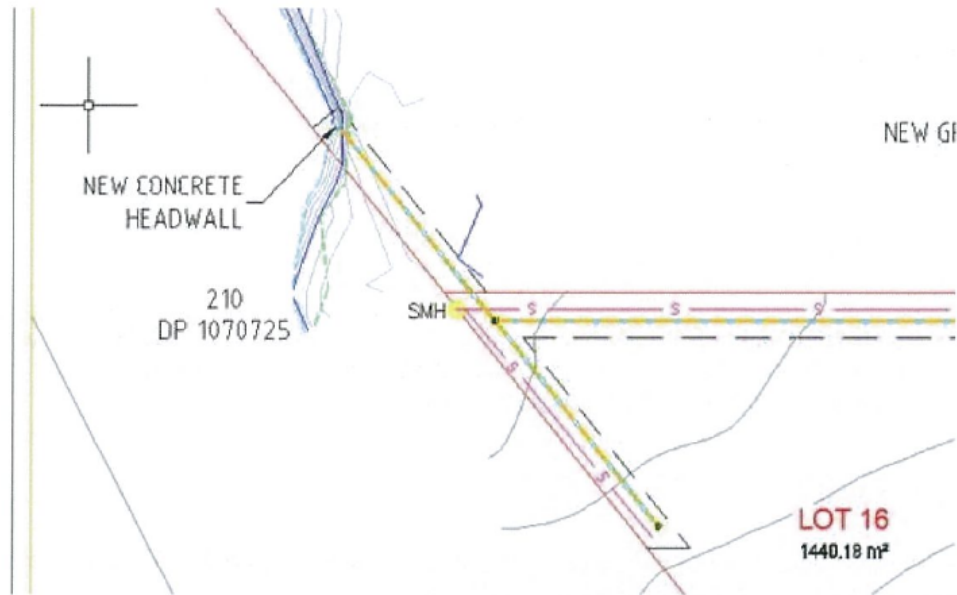
The Developers will also need to obtain a Controlled Activity Approval from the NRAR to undertake works within 40m of a watercourse.

The Developers are legally able to pursue an easement and development consent for the amended drainage works, provided Council gives its consent to do so.

In order to properly define the extent of the easement, it would be prudent to first obtain development consent for the works required within the easement. The works that will be required will be an underground pipe from the subdivision site (ie Lot 211 DP1070725), through the Park until the pipe reaches the creek within the Park. At the end of the pipe, within the creek bank, will be some form of energy dissipater/scour protection.

An indicative layout showing approximate location of the easement has been provided by the Developers.

A detailed design must be submitted and approved for construction to ensure the easement is appropriately located and dimensioned for inclusion on a Survey Plan creating the necessary easement.



The Policy dictates in relation to disposal of Council's interest in land initiated other than by Council, all costs associated with the disposal of the interest, including compensation for the value of the land contained in the easement, valuation, survey and lodgement costs and Council's reasonable legal costs, will be borne by the initiator.

It is recommended Council agree to the proposal put forward by the Developers for an easement to discharge stormwater runoff and the associated construction of works on the Park land. This agreement is subject to, but not limited to, the outcomes of the further determinations, applications, compensation and legal advice as cited in this Report.

It is also recommended that Council authorise the General Manager to exercise delegated authority to deal with the outcomes and any other matters arising in relation to the establishment of the easement, including the negotiation of compensation.

In order to mitigate any risks, it is recommended that the Developers be instructed not to undertake any construction works at the Park until the General Manager is satisfied with all outcomes.

### Community Plan implications

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

### Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

Land Acquisition and Disposal Policy

**Legislation**

Local Government Act 1993  
Conveyancing Act 1919 (NSW)  
NSW Land Registry Services and Registrar General's Guidelines  
Real Property Act 1900

**Financial implications**

The Policy dictates that in relation to disposal of Council's interest in land initiated other than by Council, all costs associated with the disposal of the interest, including compensation for the value of the land contained in the proposed easement, valuation, survey and lodgement costs and Council's reasonable legal costs, will be borne by the initiator.

**Associated Risks**

Risks will be mitigated by instructing the Developers not to undertake any construction works at the Park until the General Manager is satisfied with all outcomes.

Council's solicitor is to be engaged to advise and to facilitate the legal processes.

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

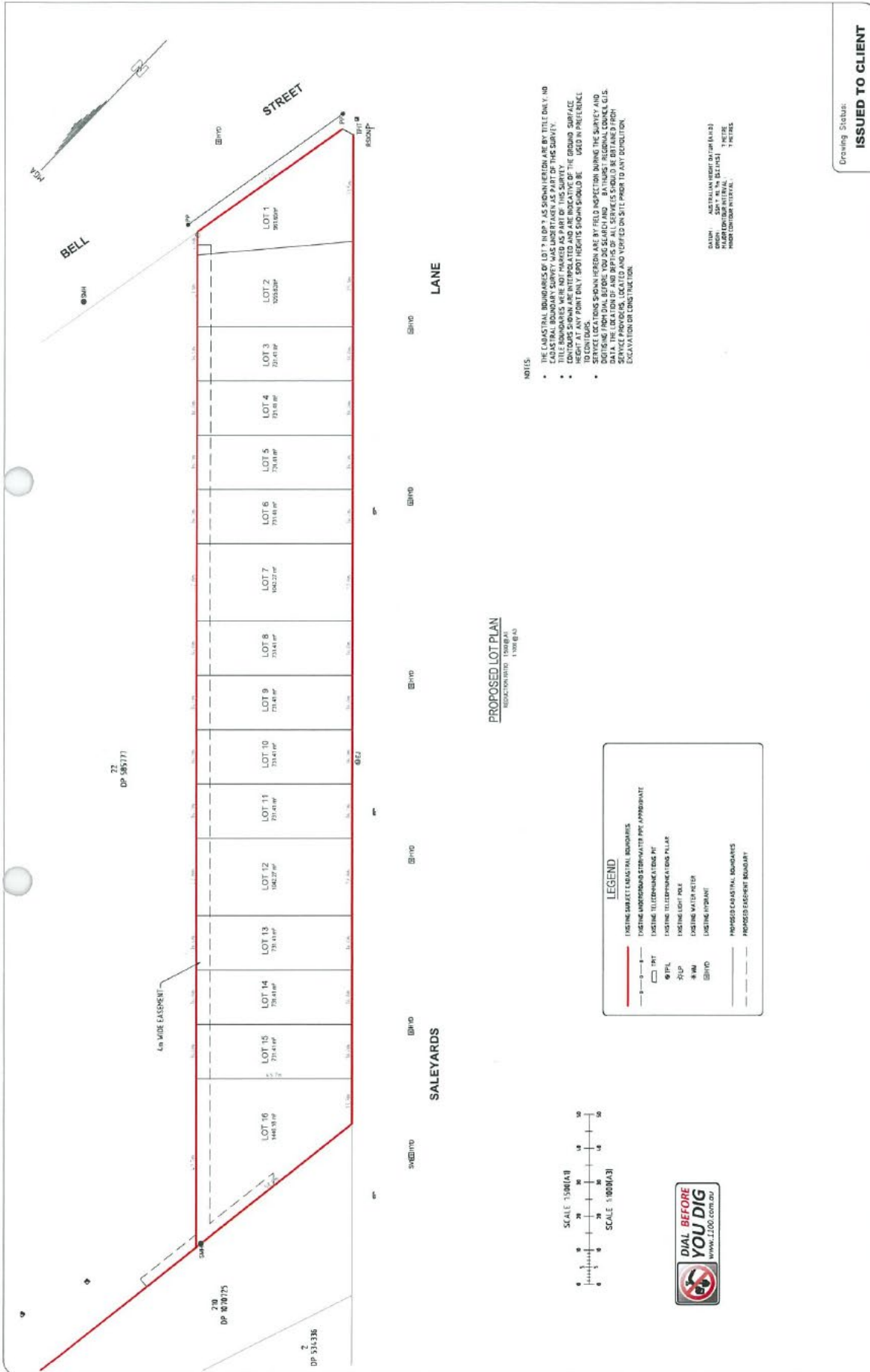
LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 April 2020

*Attachments:* 1. Proposal for Easement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



Drawing Status: **ISSUED TO CLIENT**

Certification

Design	Drawn	Rev	Date	Amendment
Check	OK			
Draw	RM			
Prepared	RM			
Checked	RM			
Approved	RM			

Drawing Title: **PROPOSED LOT PLAN**

Client: **M/ MAX WALKER**

Project: **PROPOSED SUBDIVISION, LOT 211, DP101072, 26-28 Bell Street, MUDGEE**



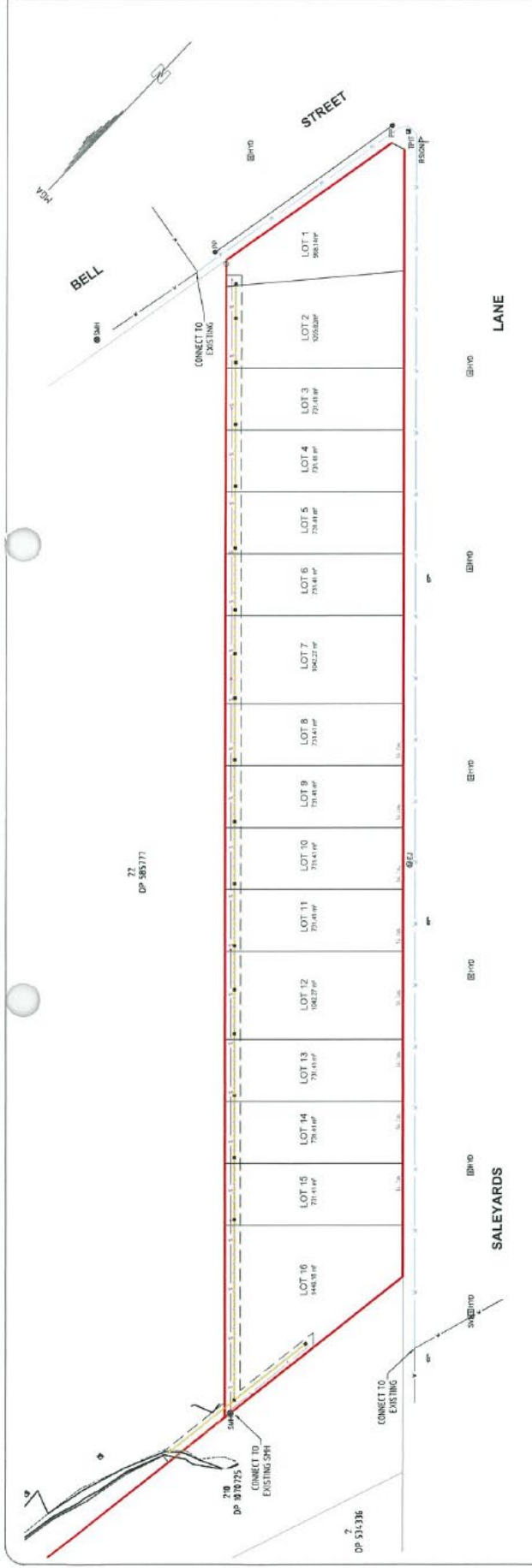
Office Located: **Mudgee | Bellambi | Scone | Sydney | Newcastle**

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 E general@barnson.com.au  
 W www.barnson.com.au



Revision: **C**

Drawing Number: **29701 - CD02**



**PROPOSED SERVICES PLAN**  
 SUBDIVISION 1:000 B.A.S.

- NOTES:**
- THE EXISTENTIAL BOUNDARIES OF LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 ARE BY TITLE ONLY. NO CALCULATED BOUNDARY SURVEY HAS BEEN MADE AS PART OF THIS SURVEY.
  - TITLE BOUNDARIES WERE NOT MARKED AS PART OF THIS SURVEY.
  - CONTIGUOUS LOTS ARE INTERPOLATED AND ARE INDICATIVE OF THE GROUND SURFACE TO CONTIGUOUS LOTS. SPOT HEIGHTS SHOULD BE USED IN PREFERENCE TO CONTIGUOUS.
  - SERVICE LOCATIONS SHOWN HEREIN ARE BY FIELD INSPECTION DURING THE SURVEY AND DO NOT REPRESENT A FIELD SURVEY. A FIELD SURVEY BY A REGISTERED PROFESSIONAL ENGINEER SHOULD BE CONDUCTED TO VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES. SERVICE PROVIDERS, LOCATED AND VERIFIED ON-SITE PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION.

SOUTH: 100% METERS PER FOOT (30.48)  
 NORTH: 100% METERS PER FOOT (30.48)



**LEGEND**

- EXISTING SUBJECT LEGAL BOUNDARIES
- EXISTING UNDERGROUND UTILITIES PER APPROPRIATE AUTHORITY
- EXISTING TELEPHONE CABLES (T)
- EXISTING TELEPHONE CABLE PILLAR
- EXISTING LOT POLE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- NEW 600 PIP / 150 PT
- NEW SERVICE TUBES / 150MM
- NEW WATER MAIN

Drawing Status: **ISSUED TO CLIENT**  
 Certification: **29701-CD03 C**

Rev	Date	Amendment
C	24/05/2020	REVISED DRAWING
A	24/05/2020	ISSUED FOR APPROVAL

Design	Drawn	Checked	Drawn
MMW	MMW	MMW	MMW

Drawing Title: **PROPOSED SERVICES PLAN**

Client: **M/MAK WALKER**  
 Project: **PROPOSED SUBDIVISION, L&Z1, DP107025, 28-24 Bell Street, MUDGEEO**



Offices Located: **Stokes Hill, Mudgee | Sydney | Newcastle**  
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## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** S961129280  
**Issue date of GTA:** 15 December 2020  
**Type of Approval:** Controlled Activity  
**Description:** New concrete storm-water pipe and concrete headwall  
**Location of work/activity:** 20-24 Bell Street Mudgee NSW 2850  
**DA Number:** DA0046/2019  
**LGA:** Mid-Western Regional Council  
**Water Sharing Plan Area:** Macquarie Bogan Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
------------------	---------

### Design of works and structures

- |              |  |
|--------------|--|
| GT0009-00010 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000. |
| GT0019-00003 | Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.                                   |

### Erosion and sediment controls

- |              |   |
|--------------|---|
| GT0014-00007 | A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land. |
| GT0021-00004 | The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.   |
| GT0022-00005 | During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.   |

### Plans, standards and guidelines

- |              |  |
|--------------|--|
| GT0001-00001 | A. The application for a controlled activity approval must include the document(s) listed in Schedule 1. B. The document(s) must be prepared by a suitably qualified person.   |
| GT0005-00193 | A. The application for a controlled activity approval must include the following plan(s): - Vegetation Management Plan, Stormwater Management Plan, Stormwater Outlet Structure Plan, Sediment and Erosion Control Plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-">https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-</a> |





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

---

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<b>LGA:</b>	Mid-Western Regional Council
<b>Water Sharing Plan Area:</b>	Macquarie Bogan Unregulated River Water Sources

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	activities.
GT0008-00024	A. Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator. B. The corridor must extend for: i. a width of 20 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the controlled activity.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities">https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities</a> .

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	<b>Rehabilitation and maintenance</b>
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

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	<b>Reporting requirements</b>
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA0046/2019 as provided by Council:

- Controlled Activity Report (Inclusive of plans) dated 15/06/2020

## 8.6 MA0031/2021 New Grandstand - Community Facility at Mudgee Showground 11 Nicholson Street, Mudgee - Lot 1 Sec 66 DP 758721

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, MA0031/2021

### RECOMMENDATION

**That Council:**

- A. receive the report by the Town Planner for MA0031/2021 New Grandstand - Community Facility;**
- B. approve MA0031/2021 New Grandstand - Community Facility subject to the following conditions and statement of reasons:**

### CONDITIONS

#### APPROVED PLANS CONDITIONS

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

<b><i>Title / Name</i></b>	<b><i>Plan No.</i></b>	<b><i>Rev</i></b>	<b><i>Date</i></b>	<b><i>Prepared by</i></b>
Floor Plan	1	<del>B</del> D	<del>28-5-20</del> 18-12-20	Kate Foody
Elevations	2	<del>B</del> D	<del>28-5-20</del> 18-12-20	Applicant Kate Foody
Site Plan	<del>2</del> 3	<del>B</del> D	<del>28-5-20</del> 18-12-20	Applicant
Mudgee Showground Draft Masterplan	-	1	23/04/2020	Mid-Western Regional Council

**(MODIFIED BY MA0031/2021)**

### GENERAL

2. This development consent provides approval for a new grandstand – recreation facility (outdoor), only.
3. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

### PRIOR TO COMMENCEMENT OF WORKS

4. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority; and

- b) the date on which work will commence.

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

- 5. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

- 6. A sign must be erected in a prominent position on any work site in which the erection or demolition of a building is carried out:
  - a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - c) the name, address and telephone number of the principal certifying authority for the work; and
  - d) the sign shall be removed when the erection or demolition of the building has been completed.

- 7. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b) building involves the enclosure of a public place.

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

- 8. The development site is to be managed for the entirety of work in the following manner:
  - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

## **BUILDING CONSTRUCTION**

- 9. All building work must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning & Assessment Act 1979* and *Regulations* and all relevant *Australian Standards*.
- 10. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

11. Construction work noise that is audible at other premises is to be restricted to the following times:
  - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
12. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
13. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
14. All building work is to comply with the requirements of the *Access to Premises Standard*.
15. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

#### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

#### **ONGOING / OPERATIONAL**

18. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
19. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

## ADVISORY NOTES

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

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

**(ADDED BY MA0031/2021)**

3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## Executive summary

<b>OWNER/S</b>	Mudgee Showground Trust – Care of Mid-Western Regional Council
<b>APPLICANT:</b>	Scott Jackson
<b>PROPERTY DESCRIPTION</b>	Mudgee Showground 11 Nicholson Street, Mudgee - Lot 1 Sec 66 DP 758721
<b>PROPOSED DEVELOPMENT</b>	Modification to New Grandstand – Recreation Facility (Outdoor)
<b>ESTIMATED COST OF DEVELOPMENT:</b>	Not Applicable
<b>REASON FOR REPORTING TO COUNCIL:</b>	The original application was determined by Council
<b>PUBLIC SUBMISSIONS:</b>	0

Council is in receipt of a Modification Application MA0031/2021 that seeks approval to amend the design of the approved grandstand, at the Mudgee Showground 11 Nicholson Street, Mudgee (Lot 1 Sec 66 DP 758721).

The application has been placed on public exhibition in accordance with Council's Community Participation Plan 2019. The exhibition period ended on 29 January 2021 and no submissions were received, during the assessment period.

The application has been referred to Council for determination, because the original application was determined by Council at the 15 July 2020 Council meeting (DA0296/2020).

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application is recommended for approval.

## Disclosure of Interest

Council is the manager and developer of the land subject to this report.

## Detailed report

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

### SITE DESCRIPTION

The subject site is located on its own block with frontage to Nicholson Street, Douro Street, Atkinson Street and Madeira Street, Mudgee. The site has an area of 12.37 hectares and is located within the Heritage Conservation Area. No heritage listed items are located within the site.

The Mudgee Showground site contains a cluster of show related buildings, including the main pavilion, amenities, animal pavilions, stables and nurseries. Other community organisations have buildings on the site which are utilised on a regular basis.

The site previously contained a grandstand adjacent to the main arena, which was erected in 1936, and was in existence until its demolition in January 2020 due to its structural inadequacy and poor condition. The demolition was approved by Council at their monthly meeting under DA0136/2018.

The grandstand will replace the previous one in the same location, adjacent to the main pavilion, approximately 80m from the Douro Street boundary, and 18m from the main arena. The proposed 150 seat grandstand is an ancillary component to the public recreation area that is the Showground, and will again provide a facility for spectators at the main showground arena.

Vehicular access to the site is gained in 3 locations via Douro Street, Nicholson Street and Madeira Road.

A number of trees are scattered throughout the grounds of the site.



Figure 1 – Subject Site

## PROPOSED DEVELOPMENT

The proposal seeks to modify the approved grandstand as follows:

- Addition of a 2.4m x 15m awning to the back of the grandstand (western face).
- The rear storage area is to be changed to part storage and part office with kitchenette and an accessible toilet area;
- Double handle doors for the storage area to be changed to a roller door for better access;
- All hand rail and balustrade will change from chain link infill to all steel galvanised hand rail and balustrade;
- The eastern face of building balustrade will have a new approximate height of 1800mm;
- Storage walls height to be raised by 100mm to achieve a 5 degree pitch on roof.

It is noted that, with the exception of the awning, the modified proposal has the same height, bulk, scale and number of seats, as originally approved.



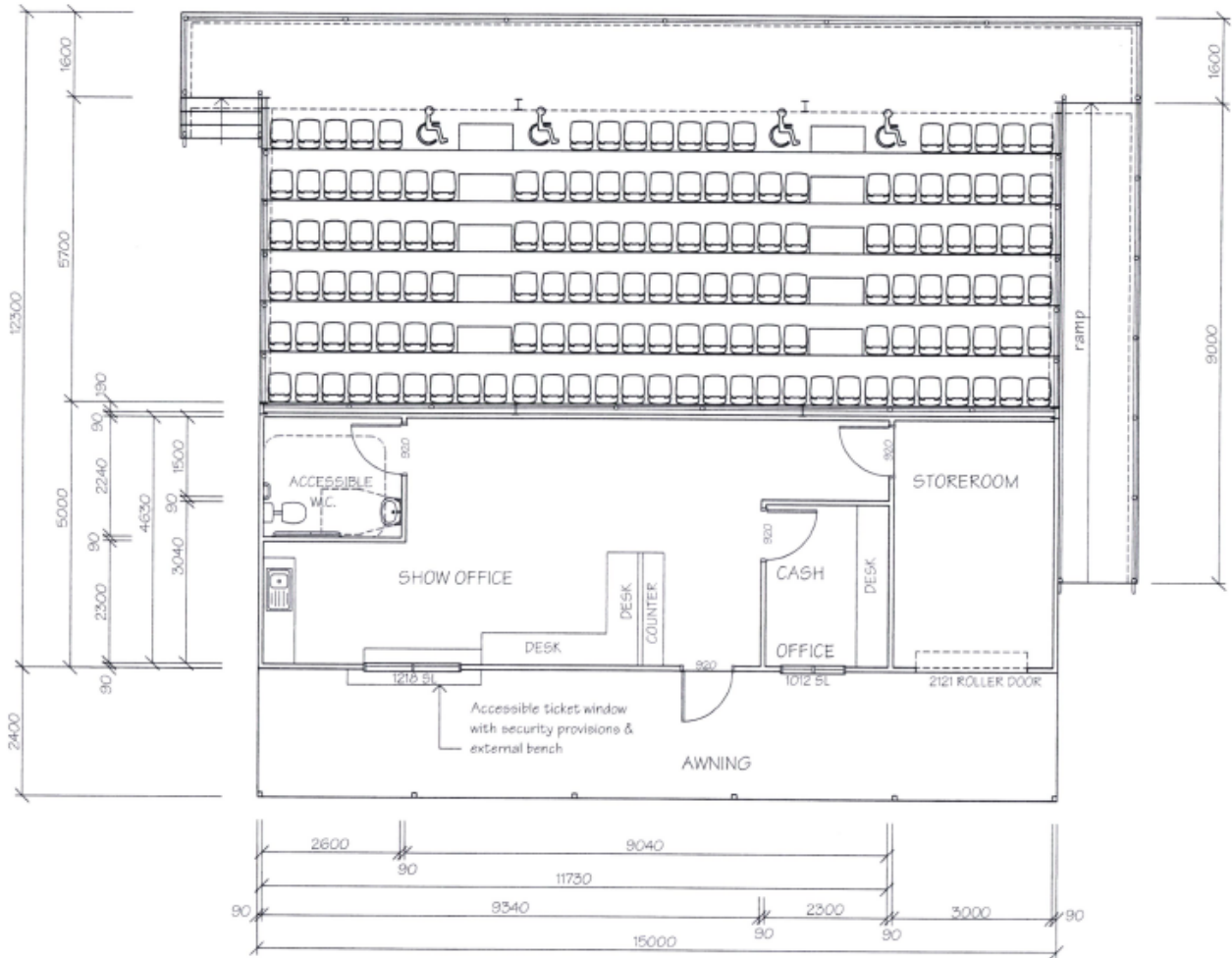


Figure 2 – Floor Plan

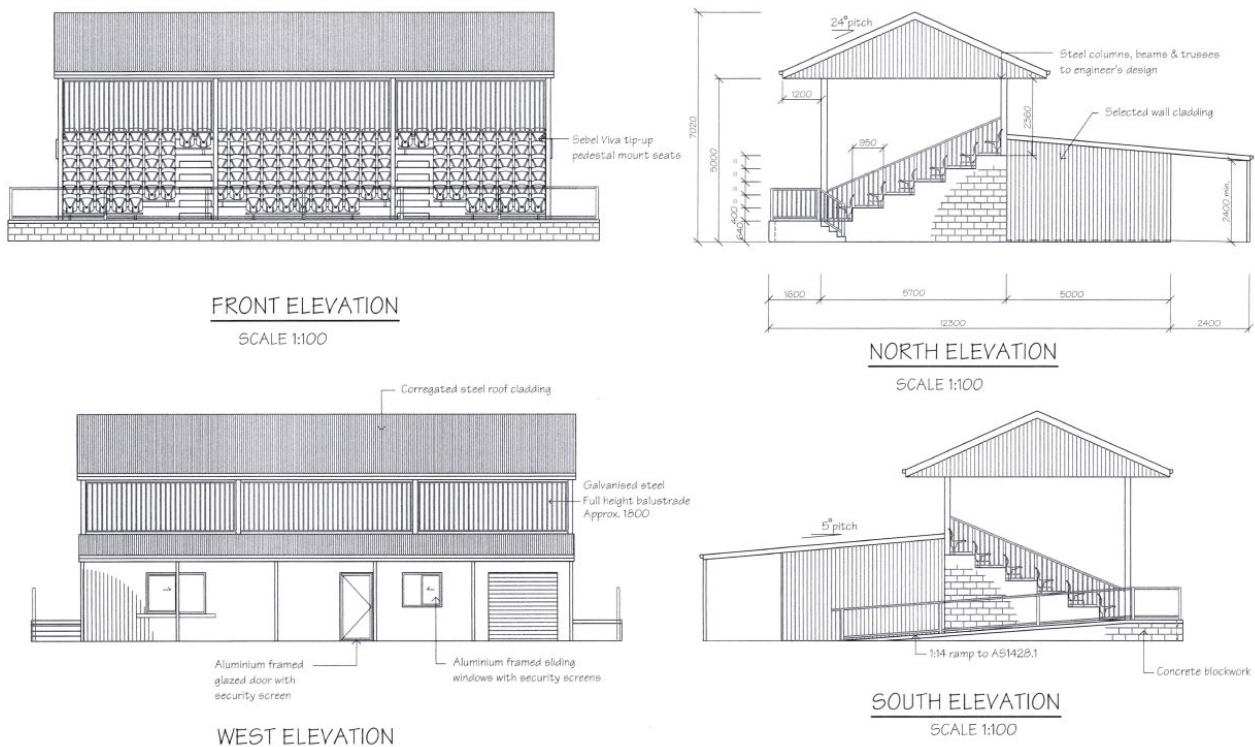


Figure 3 - Elevations

## LEGISLATIVE REQUIREMENTS

### Designated Development

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

### Integrated Development

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

## ASSESSMENT

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

### 4.55(1A) Modifications involving minimal environmental impact

#### **(1A) Modifications involving minimal environmental impact**

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

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

**Comment** The proposed modification would result in a 16% increase to the floor area. This increase is solely from the new awning at the rear of the grandstand that will cover the ticket windows of the show office.

Council is satisfied that a 16% increase will have only a negligible additional impact in the area, which is already characterised by large community facility buildings and pavilions.

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

**Comment** The test of whether the development is substantially the same requires assessment of whether the modification "does not radically transform the originally approved development": *Tipalea Watson Pty Ltd v Ku-ring-gai Council* (2003) 129 LGERA 351. The word "substantially" means "essentially or materially having the same essence": *Vacik Pty Ltd v Penrith City Council*

The grandstand serves the same purpose as originally approved, which is to provide a seating area for spectators of the recreation facility (outdoor) to utilise. The minor design changes do not radically transform the development, and therefore Council is satisfied that the proposed modification is substantially the same as was originally approved.

*(c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, and*
- (ii) a development control plan,*

**Comment** The S4.55(1A) Application was advertised in accordance with the *Mid-Western Regional Community Participation Plan 2019*.

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

**Comment** No submissions were received.

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

**Comment** All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

(4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

**Comment** Noted.

#### **4.15(1)(A) Requirements of Regulations and Policies**

The proposed modification does not alter the proposal's compliance with the relevant *State Environmental Planning Policies*, or *Mid-Western Regional Local Environmental Plan 2012*. No new considerations were required to be addressed as a result of the proposed modification.

##### *(ii) Draft environmental planning instruments (EPI)*

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

##### *(iii) Any development control plans*

#### **Mid-Western Regional Development Control Plan 2013**

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

#### **Part 5.3 Stormwater Management**

The existing conditions concerning adequate disposal of stormwater, remain applicable.

#### **Part 5.4 Environmental Controls**

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

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

No Planning Agreements are applicable.

#### *IMPACT OF DEVELOPMENT*

##### ***Context and Setting***

The proposed development is consistent with the other buildings within the showground, by way of design, colour schemes and materials. A grandstand is an essential component to a showground, and the proposed grandstand replacement will again result in this feature being a part of the site.

##### ***Access, transport and traffic***

The proposed development will utilise the existing access to the showgrounds and informal parking areas throughout the showgrounds. The traffic generation from the proposed replacement grandstand will not exceed the capacity of the local road network and is identical to the previous arrangement, with the previous grandstand.

##### ***Public domain***

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

##### ***Utilities***

The proposed grandstand has access to water, reticulated sewerage, electricity and stormwater infrastructure, which is already connected to the showground site.

##### ***Heritage***

No significant impact - the site is located within the Heritage Conservation Area. The proposed grandstand will complement other buildings within the showground and will have no adverse impact on the character of the Heritage Conservation Area.

##### ***Other land resources***

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

##### ***Water***

No significant impact expected.

##### ***Soils***

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

##### ***Air and Microclimate***

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

##### ***Flora & fauna***

Not applicable.

##### ***Waste***

Construction waste will be addressed by conditions. It is expected that there will be no significant ongoing waste generation. Existing waste management measures will be retained.

##### ***Energy***

Not applicable. The proposed development will not use significantly more energy than any like development. No specific energy saving measures proposed.

##### ***Noise & vibration***

Noise is expected for a limited duration over the construction phase, and will be regulated by conditions of consent.

***Natural Hazards***

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

***Technological hazards***

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

***Safety, security and crime prevention***

No change to passive surveillance as a result of the proposed development.

***Social impact in the locality***

The grandstand will provide a positive social contribution to the community.

***Economic impact in the locality***

Generally positive.

***Site design and internal design***

The location of the grandstand is situated in the same location as the previous grandstand that had been in existence since 1936, until it was demolished in January 2020.

***Construction***

To comply with the Building Code of Australia, which will be captured at Construction Certificate stage.

***Cumulative Impacts***

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

*SUITABILITY OF SITE FOR DEVELOPMENT*

***Does the proposal fit in the locality***

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

***Are the site attributes conducive to development***

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

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

***Public Submissions***

The application was advertised and neighbour notified, in accordance with *Mid-Western Regional Community Participation Plan 2019*, for a period of 14 days, ending 29 January 2021. During the notification period, no submissions were received.

***Submissions from public authorities***

No submissions were sought or received from public authorities.

## THE PUBLIC INTEREST

### **Federal, State and local government interests and community interests**

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

## CONSULTATIONS

### **Health & Building**

No consultation necessary.

### **Development Engineer**

No consultation necessary.

### **Heritage Advisor**

The application was not referred to Council's Heritage Advisor owing to the fact that the location, bulk and scale, colour scheme and design of the proposed grandstand are generally consistent with the previous grandstand, and other buildings approved on the Showground site.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable.

### **Council Policies**

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

### **Legislation**

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

## Financial implications

Not Applicable.

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

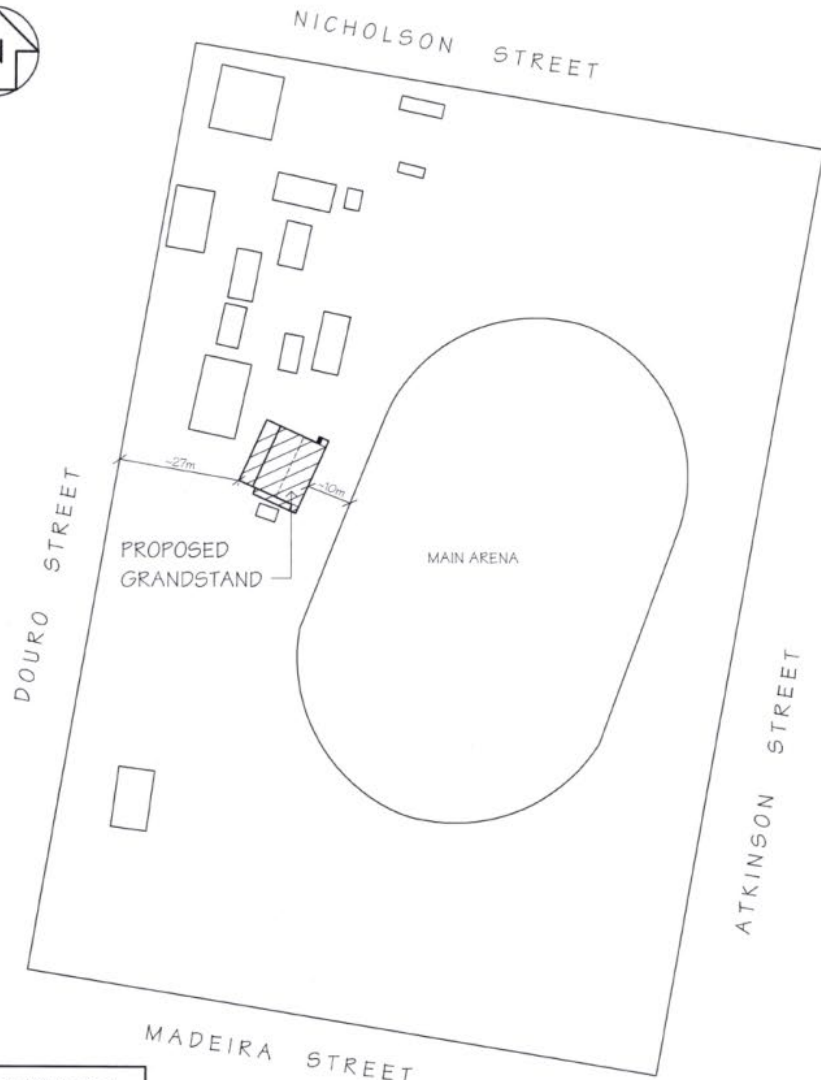
JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

22 January 2021

*Attachments:* 1. Development Plans.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

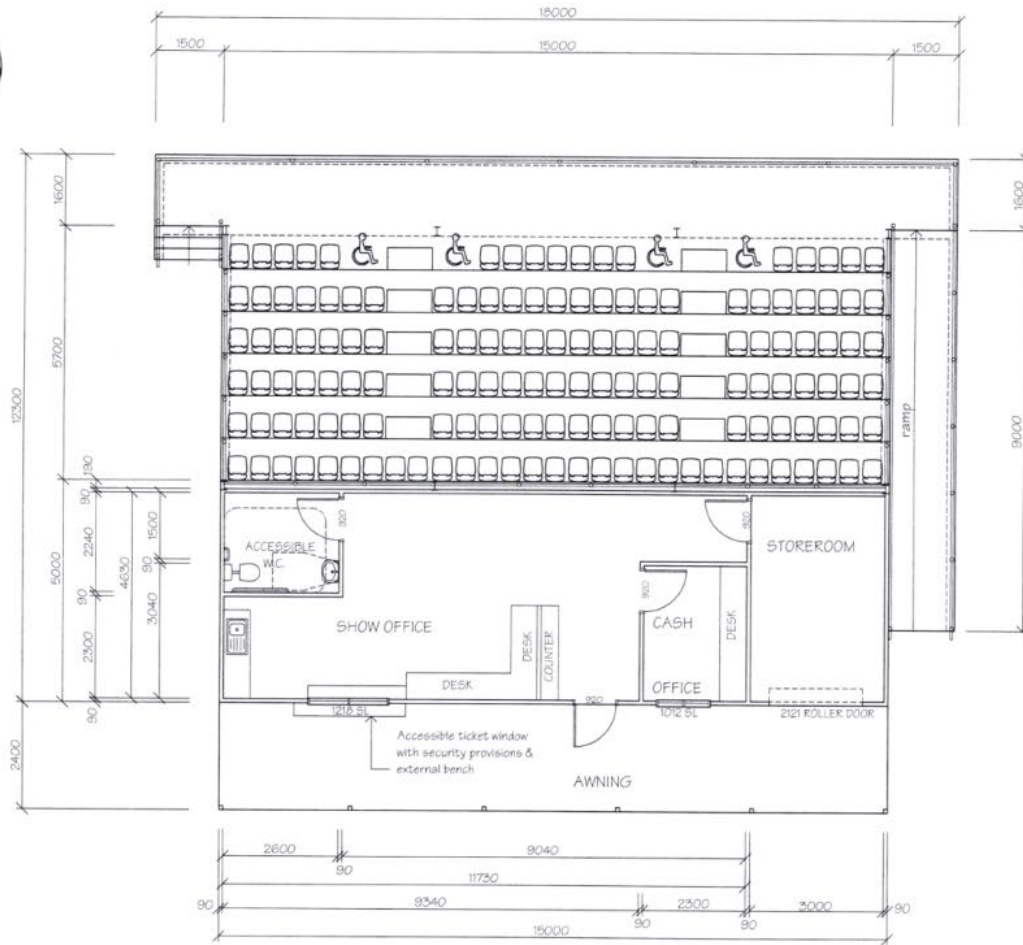


PRELIMINARY ONLY  
NOT FOR CONSTRUCTION  
18-12-20

SITE PLAN  
SCALE 1:1000

Project: PROPOSED GRANDSTAND MUDGEES SHOWGROUND			
Job No. 20.02	DWG. No. 3	Amtt. D	No. in set. 3
Scale: AS SHOWN	Date: 18-12-20	File: 2002.dwg	





**FLOOR PLAN**

SCALE 1:100



**NOTES:**

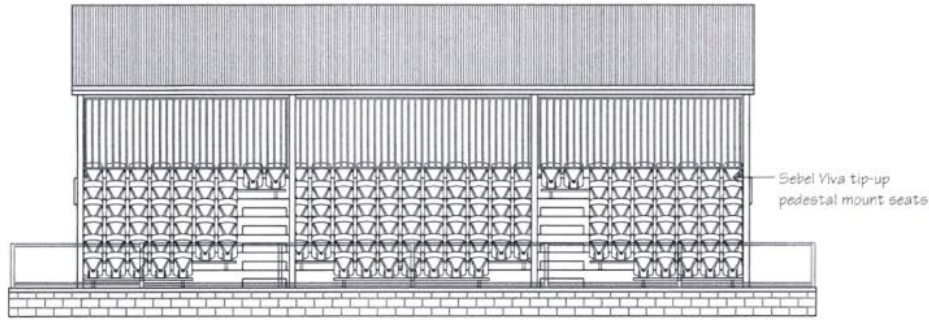
1. Plan & elevations prepared for quoting purposes only.
2. Fixed seating quantity set to 146 + 4 PWD positions.
3. Presumed to be a public entertainment venue, therefore NCC NSW H101 applies.
4. It is the responsibility of the client to ensure that the layout complies with the NCC & local authority.

**PRELIMINARY ONLY**  
 NOT FOR CONSTRUCTION  
 18-12-20

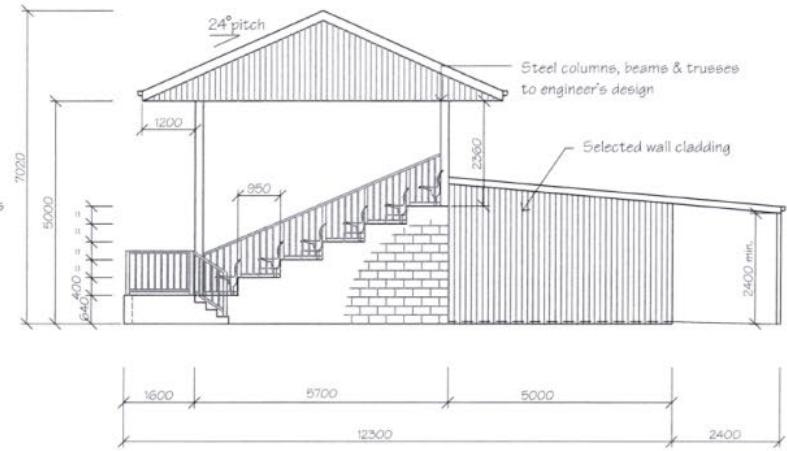
Presentation:  
**RELIABLE DRAFTING SERVICE**  
 Kate Foody ph. 63 371116  
 12 Alexander Street Mob. 0402608213  
 EGLINTON 2795 A.B.N. 60 167 131 984  
 email kate@draftingservice.net.au

Project:  
**PROPOSED GRANDSTAND  
 MUDGEE SHOWGROUND**  
 Client:  
**MID WESTERN REGIONAL COUNCIL**

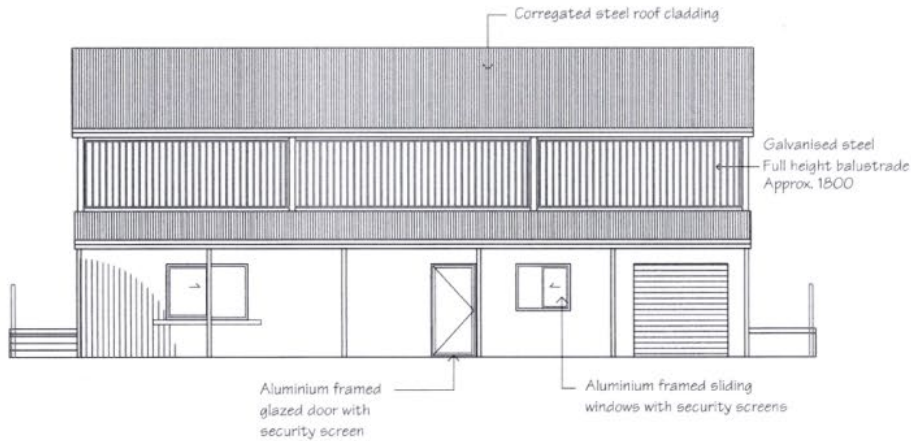
Floor Areas:			
Grandstand:	129.0m <sup>2</sup> (incl. ramp & stairs)		
Storeroom & offices:	75.0m <sup>2</sup>		
Awning:	36.0m <sup>2</sup>		
Job No.	DWG. No.	Amtd.	No. in set
20.02	1	D	3
Scale: A5 SHOWN	Date: 18-12-20	File: 2002.dwg	



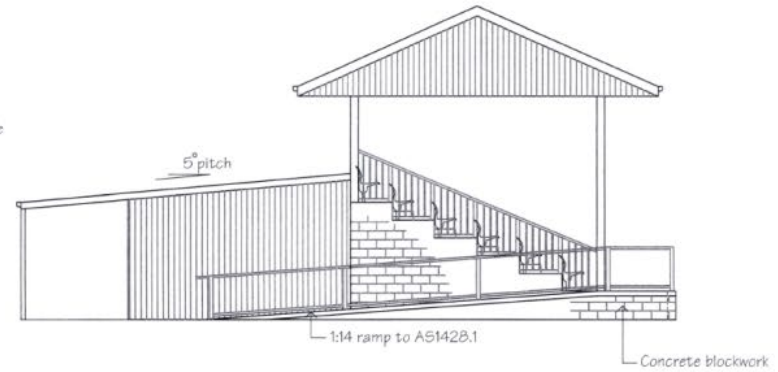
**FRONT ELEVATION**  
SCALE 1:100



**NORTH ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION  
18-12-20

Project:			
PROPOSED GRANDSTAND MUDGEE SHOWGROUND			
Job No.	DWG. No.	Amdt.	No. in set
20.02	2	D	3
Scale: AS SHOWN	Date: 18-12-20	File: 2002.dwg	

## 8.7 MA0020/2021 Torrens Title (2 into 50 Lots) at 17 Fairydale Lane, Mudgee (Lots 1 and 2 DP 1264511)

REPORT BY THE TOWN PLANNER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, DA0249/2014

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner on the MA0020/2021 Torrens Title (2 into 50 Lots) at 17 Fairydale Lane, Mudgee (Lots 1 and 2 DP 1264511);
- B. approve MA0020/2021 Torrens Title (2 into 50 Lots) at 17 Fairydale Lane, Mudgee (Lots 1 and 2 DP 1264511) subject to the following conditions and statement of reasons:

#### Conditions of Consent (*AMENDMENTS IN BLUE*)

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans ~~MX-10268.00 - C8.0 Rev B & MX-10268.00 - C8.1 Rev B dated 29<sup>th</sup> November 2016 and BK083 CONCEPT.dwg dated 8 April 2014 sheet 1 of 2 and the Application received by Council on 21 January 2014 and Modification Application received by Council on 5 June 2019~~ 'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535 prepared by O'Ryan Geospatial Pty Ltd as submitted with the current *Modification Application*, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

*(AMENDED BY MA0020/2021)*

### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – RELEASE NO. 1

- 1a. Under the *Environmental Planning & Assessment Act 1979*, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office. Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges.

*(ADDED BY MA0049/2019)*

- 1b. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

*(ADDED BY MA0049/2019)*

- 1c. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the

financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

(ADDED BY MA0049/2019)

- 1d. Prior to the issue of a *Subdivision Certificate* for Release No. 1, a “Right of Carriageway” is to be created over proposed Lot 2 through the registration of the appropriate survey plan and associated 88B instrument to provide legal access to existing rear dwelling on Proposed Lot 1.

(ADDED BY MA0049/2019)

- 1e. In accordance with the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

<b>*1 new lot – Lot 2</b>	
<b>Transport Management</b>	
Traffic Management	1,282
<b>Open Space</b>	
Local Open Space	2,013
District Open Space	2,732
<b>Community Facilities</b>	
Library Buildings	263
Library Resources	316
<b>Administration</b>	
Plan Administration	614
<b>Drainage</b>	
Drainage Works	5,508
<b>TOTAL</b>	<b>\$12,728</b>

Note: The two existing dwellings are exempt from paying S94 contributions

(ADDED BY MA0049/2019)

- 1f. Prior to the issue of Release No. 1, the developer shall obtain a *Certificate of Compliance* under the *Water Management Act*. This will require:
  - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

Water Headworks (1 new lot)	\$ 12,610.50
Sewerage Headworks (2 new lots)	\$ 8,059.80
<b>Total Payable</b>	<b>\$ 20,670.30</b>

(ADDED BY MA0049/2019)

- 1g. The developer is to provide a water service and meter for each lot in the subdivision. This

can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Release of Proposed Lots 1 & 2 as per plan MX-10268.00-C8.0 Rev B

Full Water Service 1 x \$1,844 = \$1,844  
(Lot 2)

Note: Council does not permit other bodies to connect into 'live' water mains.

(ADDED BY MA0049/2019)

## GENERAL

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

2. A new Restriction as to User be placed upon proposed lots ~~1-7 and 27-33~~ **93-109** as per plan ~~BK083-CONCEPT.dwg~~ **'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535** requiring all dwellings to be constructed in accordance with Category 2 Acoustic Treatment of Residences, Appendix C of the Department of Planning's publication, Development near Rail Corridors and Busy Roads – Interim Guidelines as follows;

- Windows/ Sliding doors – Openable 6mm monolithic glass and full perimeter acoustic seals;
- Timber frame or Cladding Construction – 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity;
- Brick veneer Construction – 110mm brick, 90mm deep timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally;
- Double brick cavity Construction – 2 leaves of 110mm brickwork separated by 50mm gap;
- Roof – Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity;
- Entry door – 40mm solid core timber door fitted with full perimeter acoustic seals;
- Floor – 1 layer of 19mm structural floor boards, timber joists on piers, or concrete slab on ground;
- Ducted air conditioning and/or ventilation is to be provided to all living rooms and bed rooms.

(AMENDED BY MA0020/2021)

3. A Restriction as to User be placed upon proposed lots ~~3-7 and 27-33~~ **93-107** as per plan ~~BK083-CONCEPT.dwg~~ **'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535** stating no habitable buildings are to be located on the allotments within the area twenty five metres from the rail line without a full noise assessment being undertaken by an acoustic consultant and a report detailing findings and recommendations.

(AMENDED BY MA0020/2021)

4. A Restriction as to User be placed upon proposed lot ~~48~~ **75** as per plan ~~BK083~~

CONCEPT.dwg Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535 stating that multi dwelling housing is not permitted on the allotment due to non-compliance with Council's DCP.

*(AMENDED BY MA0020/2021)*

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
6. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing.
7. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council. All work is to be at no cost to Council.
8. A detailed engineering design (including but not limited to sediment and erosion control, sewer/water main extensions, drainage networks and road works) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*.

Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" mains on receipt and approval of engineering plans.

Note 2: Council does not permit other bodies to insert new junctions into 'live' sewer mains.

9. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
  10. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
  11. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
  12. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
  13. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
    - The subdivision works are to be inspected by the Council (or Accredited Certifier on
-

behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:

- Installation of sediment and erosion control measures
- Water and sewer line installation prior to backfilling
- Establishment of line and level for kerb and gutter placement
- Road and driveway pavement construction (including excavation, formwork and reinforcement)
- Road pavement surfacing
- Practical completion

The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

14. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5yr ARI. All storm water detention details including analysis shall be included with the drainage report.

#### **STORMWATER DRAINAGE**

15. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries.
16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
17. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

#### **ROADS, KERBS AND VEHICULAR ACCESS**

18. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
19. All accesses must comply with Council's Access Policy, AUSTRROADS Part 4A and any other relevant RMS supplements.
20. The developer is to upgrade Fairydale Lane for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5 m @ 3% crossfall
Nature Strip (x1)	4.5 m
Concrete Footpath (x1)	2.5m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required

Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

21. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve Width	18 m
Pavement Width	9 m @ 3% crossfall
Nature Strip (x2)	4.5 m
Concrete Footpaths (x1)	1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

## EARTHWORKS

22. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

23. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
  - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

## WATER AND SEWER

24. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. [Extension of the water main is required from:](#)
- Gladstone Street, near the intersection of Fairydale Lane to Council's existing main near the hydrant adjacent to 63 Fairydale Lane (Lot 254 DP1175650).
  - The existing 50mm pipe fronting the site is to be upgraded to a minimum 100mm supply line to service the development.

[The Developer will be responsible for obtaining all consents and approvals that may be required by the relevant Rail Authority to service the development.](#)



All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

**(AMENDED BY MA0020/2021)**

25. The applicant is to provide separate water and sewer reticulation services to each lot.
26. Three metre wide easements, including associated Section 88B of the *Conveyancing Act 1919* instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE – RELEASE 2**

- 26a. Prior to the release of Lots ~~39, 40, 42 and 45~~ 60, 63, 65 and 66 the ROW providing legal access to the rear dwelling on proposed Lot 2 is to be released.

**(AMENDED BY MA0020/2021)**

27. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
  28. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
  29. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
  30. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
  31. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
    - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
    - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
    - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
    - an agreement be made between the developer and Council;
    - as to the security to be given to Council that the works will be completed or the contribution paid, and
    - as to when the work will be completed or the contribution paid.
  32. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
-

33. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

33A. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi-mature and barricaded for protection.  
**(ADDED MA0020/2021)**

34. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE

Rate per lot created, as per plan ~~BK083-CONCEPT.dwg~~ 'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535 prepared by O'Ryan Geospatial Pty Ltd.

<b>Transport Management</b>	
Traffic Management	1,282
<b>Open Space</b>	
Local Open Space	2,013
District Open Space	2,732
<b>Community Facilities</b>	
Library Buildings	263
Library Resources	316
<b>Administration</b>	
Plan Administration	614
<b>Drainage</b>	
Drainage Works	5,508
<b>TOTAL</b>	<b>\$12,728</b>

Note: The two existing dwellings are exempt from paying developer contributions

**(AMENDED BY MA0020/2021)**

35. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:  
(a) Payment of a contribution(subject to CPI increase) for water and sewerage headworks at the following rate:

Rate per lot created, as per plan ~~BK083-CONCEPT.dwg~~ 'Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535:

<b>Price per small lot, 650m<sup>2</sup></b>	
Water Headworks	\$6,305
	\$6,516.75
Sewerage Headworks	\$2,879
	\$2,975.25
Total Payable	\$9,184
	\$9,492.00

<b>Price per medium lot, 650m<sup>2</sup> 1200m<sup>2</sup></b>	
Water Headworks	<del>\$ 8,407</del> \$8,689.00
Sewerage Headworks	<del>\$ 3,838</del> \$3,967.00
Total Payable	<del>\$ 12,245</del> \$12,656.00
<b>Price per large lot, &gt;1200m<sup>2</sup></b>	
Water Headworks	<del>\$ 12,611</del> \$13,033.50
Sewerage Headworks	<del>\$ 4,030</del> \$4,165.35
Total Payable	<del>\$ 16,641</del> \$17,198.85

Note: The two existing dwellings are exempt from paying Water Headworks within this release

Note: One of the existing dwellings is exempt from paying Sewer Headworks within this release

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

**(AMENDED BY MA0020/2021)**

36. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of ~~\$1,844~~ \$2,193.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE	—44	x	\$1650	=	\$72,600
	48		2,193.00		\$105,264.00

Note: Council does not permit other bodies to connect into 'live' water mains.

**(AMENDED BY MA0020/2021)**

37. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of ~~\$390~~ \$668.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE	—44	x	\$370	=	\$16,280
	48		\$668.00		\$32,064.00

Release of proposed lots as per plan ~~BK083-CONCEPT.dwg~~ Plan of Proposed Subdivision of Lots 1 & 2 in DP1264511' Revision A, Dwg No. DA-MOD V2 Job No. 20-535

Water meter only	43	x	\$390	=	\$16,770
	47		\$680.00		\$31,960.00
					Less \$1,844 paid for proposed Lot 2 in Release No. 1

Note: Council does not permit other bodies to connect into 'live' water mains.

Note: The water meters for the two existing dwellings will be replaced with smart meters by Council.

**(AMENDED BY MA0020/2021)**

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of ~~\$1,700~~ \$1,803.00 per new junction to cover the cost of Council installing a junction in an existing main.

Note: Council does not permit other bodies to connect into 'live' water mains.

**(AMENDED BY MA0020/2021)**

39. (ADDED TO CONDITIONS 1E AND 30 BY MA0049/2019)

**ADVISORY NOTES**

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8. 7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

**STATEMENT OF REASONS**

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

**(ADDED BY MA0020/2021)**

3. The proposed development is considered satisfactory in terms of the matters identified in

Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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## Executive summary

<b>OWNER/S</b>	MAAS Group Properties Fairydale Pty Limited
<b>APPLICANT:</b>	Jock Rodgers, O’Ryan Geospatial
<b>PROPERTY DESCRIPTION</b>	Logan Estate 41 Fairydale Lane, Mudgee NSW 2850
<b>PROPOSED DEVELOPMENT</b>	Modification Application to approved Subdivision – Torrens Title
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$800,000.00
<b>REASON FOR REPORTING TO COUNCIL:</b>	Prior Applications for Modifications Determined by Council
<b>PUBLIC SUBMISSIONS:</b>	Nil

Council is in receipt of Modification Application MA0020/2021 that seeks approval to modify Subdivision – Torrens Title (2 into 50 Lots) located at Logan Estate 41 Fairydale Lane, Mudgee, known legally as Lots 1 and 2 DP 1264511. The modification application was received by Council on 30 October 2020.

This modification application seeks to increase the number of Lots from 45 to 50 (5 additional Lots).

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 29 January 2021. During the notification period, no submissions were received.

The application has been referred to Council for determination, as the original application was determined by Council at the 21 May 2014 Council meeting (DA0249/2014), and subsequently modified at the 17 July 2019 meeting (MA0049/2019).

The proposed development has been assessed in accordance with Council’s DCP and the LEP. The proposed development is considered generally consistent with Council’s planning controls.

The application is recommended for Approval.

## Disclosure of Interest

Nil.

## Detailed report

### Background

Council granted consent to Development Application DA0249/2014 for the subdivision of land to create 45 residential allotments at 17-29 Fairydale Lane Mudgee, being Lot 2 DP538790. The original application was determined by Council at the 21 May 2014 Council meeting.

The original development consent was approved over two stages;

- Stage 1 - Lots 1 to 16 and the residue allotment (including the existing dwelling at 29 Fairydale Lane); and
- Stage 2 - Lots 17 to 45 (including the existing dwelling at 17 Fairydale Lane).

Council granted a Construction Certificate for the Civil Engineering works on 5 October 2018.

On 17 July 2019, Council approved a section 4.55(1A) Application to modify DA0249/2014 (MA0049/2019), which amended the delivery/staging of the 45 lots, as follows:

1. Release No. 1 – Proposed Lot 1 which included the two existing dwellings, associated septic systems and trenches comprising of 7,856m<sup>2</sup> (this is made up of future Lots 16, 17, 18, 19, 20 and 21 from the original approved plan) and proposed Lot 2 being the remaining residual land comprising of 43,664m<sup>2</sup>.
2. Release No. 2 – Subdivision of the land as per the original approved plan.



Figure 1 – Location Plan

### Proposed Modification

This modification application seeks to increase the number of Lots from 45 to 50 (5 additional Lots). This will involve reducing the size of the Lots and minor reconfiguration to the subdivision layout as approved under DA0249/2014 and MA0049/2019. Release 1 (Lots 60-77) will remain as approved (see Figure 2) with proposed Lots 78-109 being modified to accommodate the increase of the 5 Lots.

The resulting Lots will all meet the Minimum Lot Size of 600m<sup>2</sup>. The road layout, road widths, intersections and connection points will remain the same. For context, the approved and proposed subdivision plans are shown below:

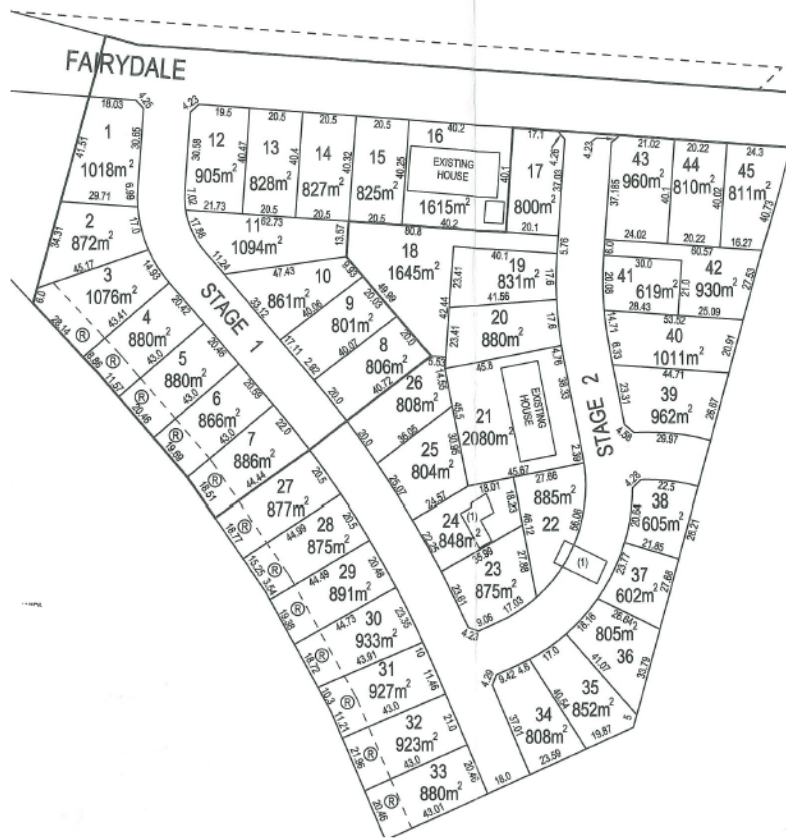


Figure 2 – Original Subdivision

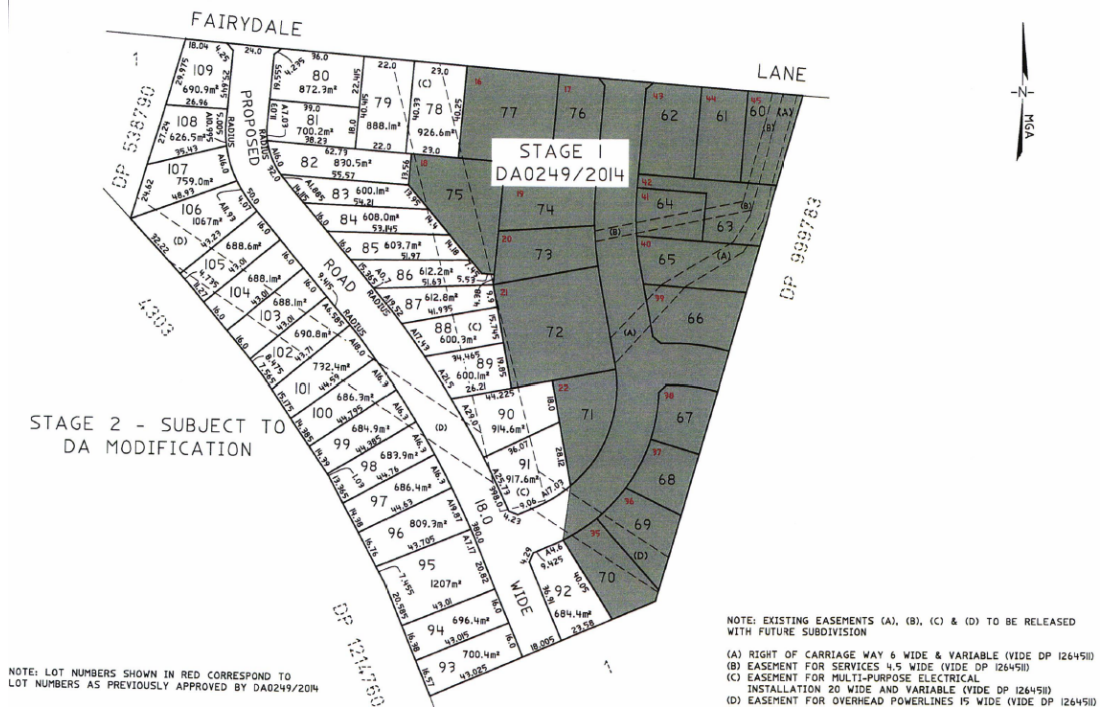


Figure 3 – Proposed Modification

## REQUIREMENTS OF REGULATIONS AND POLICIES

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

### 4.55(1A) Modifications involving minimal environmental impact

#### (1A) Modifications involving minimal environmental impact

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

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

**Comment** The proposed modification would result in an addition 5 lots, increasing the total from 45-50 which is a 10% intensification. The layout of Stage 1, which accounts for 18 Lots (36%), will remain unchanged.

Council is satisfied that a 10% Lot increase will have a negligible additional impact in the area, which is already characterised by new residential development. No additional impacts have arisen with the road configuration, site boundaries and layout remaining the same.

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

**Comment** The test of whether the development is substantially the same requires assessment of whether the modification "does not radically transform the originally approved development": *Tipalea Watson Pty Ltd v Ku-ring-gai Council* (2003) 129 LGERA 351. The word "substantially" means "essentially or materially having the same essence": *Vacik Pty Ltd v Penrith City Council*

At face value, the plan of subdivision appears to be generally the same, evidenced by comparing Figures 1 and 2. The Stage 2 Lot orientation and general layout will remain unchanged, and will follow the approved roadway, albeit with 5 additional Lots.

This will be achieved by reducing the size of the approved Lots to allow the new Lots to be accommodated. Any additional impacts that arise from an additional 5 Lots, considering noise, traffic generation, water and sewer are considered negligible. The proposal is still for residential purposes, with the road layout, road widths, intersections, connection points and site boundaries to remain the same as originally approved.

Based on an assessment of the modification application, Council is satisfied that the proposed modification is substantially the same as the originally approved residential subdivision.

*(c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, and*
- (ii) a development control plan,*

**Comment** The S4.55(1A) Application was advertised in accordance with the MWR CPP 2019.



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

**Comment** No submissions were received.

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

**Comment** All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

(4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

**Comment** Noted.

#### 4.15(1)(a) Evaluation

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

#### **State Environmental Planning Policies**

##### **State Environmental Planning Policy – Koala Habitat Protection (2020)**

SEPP 44 applies to the proposal as Mid-Western Regional Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size.

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

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

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

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

#### **45 Determination of development applications—other development**

An electricity easement traverses the subject site, and therefore Essential Energy was notified. To date, no response has been received. The comments and conditions received from Essential Energy in the original application are still applicable, and have been retained.

#### **86 Excavation in, above, below or adjacent to rail corridors**

The site is located in close proximity to the railway corridor to the east, however did not trigger the requirement for referral to the rail authority. Council's Operations Department have advised that the water main is to be extended along Fairydale Lane and under the railway line to link to Council's existing hydrant on the other side of the rail corridor. This is so satisfactory water pressure can be

achieved, and that water is reticulated so it is not left stagnant at a dead end. This will require separate approval to be obtained from the rail authority, and appropriate conditions of consent have been imposed.

### **87 Impact of rail noise or vibration on non-rail development**

In conjunction with John Holland, the manager of the rail corridor, the original application considered rail noise and vibration. An easement 25 metres wide along all lots adjoining the rail corridor was required, and forms a condition of consent. The condition has been updated to reflect the additional and renumbered lots to be created as part of this modification (refer to conditions 2 and 3).

#### ***Mid Western Regional Local Environmental Plan 2012***

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

#### **Clause 1.2 Aims of Plan**

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

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

The land is zoned R1 General Residential and is therefore subject to the plan.

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

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being the subdivision of land is permissible with consent in the zone and complies with the relevant objectives.

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

#### **R1 General Residential**

1. *To provide for the housing needs of the community.*

**Comment:** The proposal will contribute to the housing needs of the community.

2. *To provide for a variety of housing types and densities.*

**Comment:** The proposal will contribute to the variety of housing types and densities within the R1 zone.

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

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

#### **Clause 2.6 Subdivision – consent requirements**

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

#### **Clause 4.1 Minimum subdivision lot size**

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

The proposed reconfigured lots have an area ranging between 600.3m<sup>2</sup> and 1,207m<sup>2</sup>. The minimum lot size pursuant to the LEP is 600m<sup>2</sup>.

Accordingly, the proposal complies with the development standard.

#### **Clause 5.10 Heritage Conservation**

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

#### **Clause 6.1 Salinity**

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

#### **Clause 6.3 Earthworks**

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

#### **Clause 6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

#### **Clause 6.9 Essential Services**

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

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

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


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

**Mid Western Regional Development Control Plan 2013**

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

### **Part 7.1 Urban Part 7.1 Urban Subdivision**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMPLIES?</b>
<b>Applies to</b>	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned R1 General Residential.
<b>Lot size</b>	
Minimum lot size (MLS) as determined by MWRC LEP 2012	Yes. All lots achieve the 600m <sup>2</sup> MLS
All lots have street frontage	All lots have frontage to either the existing Fairydale Lane or the new proposed road servicing the subdivision.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m <sup>2</sup> – 10-15 degrees: 700m <sup>2</sup> – 15-20 degrees: 800m <sup>2</sup> – >20: subdivision prohibited	Approximately 0-10 degrees. 600m <sup>2</sup> applies.
All lots have 16m width at building line in residential and village zones	Yes. All lots have a minimum 16m frontage at the building line and are of ample size and dimension to accommodate a dwelling.
<b>Lot Design</b>	
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The Lot orientation is the same as the originally approved application. The Lots fronting Fairydale Lane achieve a north-south orientation. Due to the irregular shape of the site, the majority of the Lots run south west to north east, which still allows for a dwelling to be designed that will achieve the solar access requirements in the DCP.
For new release subdivision east-west orientated lots have increased width and midpoint	Yes, east-west orientated Lots are widened.
Lots generally rectangular in shape	The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Yes, the corner allotments are of sufficient size to accommodate a dual occupancy (detached). Two of the corner Lots are of sufficient size to accommodate a dual occupancy (attached).
<b>Road Standards for New Development</b>	
Urban Road Standards required	Yes, for new roads within the subdivision.
1 x 1.2m footpath, barrier kerbing	Yes, conditioned.
<b>Cycle ways and footpaths</b>	
Cycle ways and pedestrian networks included in new subdivisions	Yes. New footpaths required on each new road in the subdivision. Existing condition of consent.
<b>Open Space</b>	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Complies. The entire site is within 290m of the public reserve to the south that follows the railway corridor. Additionally, the entire site is within 180m of Jubilee Oval and surrounding fields to the east.  Only Lots 78-109 are being modified as part of this application, with each Lot being within 400m to the public reserve. The majority of Lots back on to the rail corridor and public reserve.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	
<b>Landscaping</b>	
Landscape plan provided, detailing treatment of public domain	Existing landscape plan provided with original application.
<b>Street Trees</b>	
Two (2) street trees provided per lot	Street trees were required in the original application, but omitted in error. Accordingly, a condition of consent has been added that street trees be provided.
<b>Utility Services</b>	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
<b>Drainage</b>	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Concept plan adequate.

### Mid-Western Regional Contributions Plan 2019

The original development application was levied under the repealed Section 94 Development Contributions Plan 2005. MA0049/2019 then modified the conditions to include a contribution per lot instead of per stage.

In accordance with Part 6.1 of the current 2019 Contributions Plan, the development must be levied under the former plan as per the applicable conditions of consent. As a result, the additional 5 Lots are also levied under the same plan, plus CPI.

Payment for the contributions are required to be paid prior to the Lots being released through the Subdivision Certificate application process with Council.

For reference, the contributions applied on a per lot basis, under the Section 94 Plan 2005 are below:

<b>Transport Management</b>	
Traffic Management	1,282
<b>Open Space</b>	
Local Open Space	2,013
District Open Space	2,732
<b>Community Facilities</b>	

Library Buildings	263
Library Resources	316
<b>Administration</b>	
Plan Administration	614
<b>Drainage</b>	
Drainage Works	5,508
<b>TOTAL</b>	<b>\$12,728</b>

### Water/Sewer Developer Service Plans

Pursuant to Council's Development Servicing Plan for water and sewer supply, developer contributions are applicable to each new vacant lot. A condition was imposed on the development for the payment of contributions. Conditions relating to headworks have been altered to provide a price per vacant lot, rather than an overall price per the previous staging plan. The figures have been updated in accordance with the 2020-2021 fees and charges.

The developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*. This will require:

- (a) Payment of a contribution for water and sewerage headworks at the following rate (updated :

<b>Price per small lot, 650m<sup>2</sup></b>	
Water Headworks	<del>\$6,305</del> \$6,516.75
Sewerage Headworks	<del>\$2,879</del> \$2,975.25
Total Payable	<del>\$9,184</del> \$9,492.00
<b>Price per medium lot, 650m<sup>2</sup> 1200m<sup>2</sup></b>	
Water Headworks	<del>\$8,407</del> \$8,689.00
Sewerage Headworks	<del>\$3,838</del> \$3,967.00
Total Payable	<del>\$12,245</del> \$12,656.00
<b>Price per large lot, &gt;1200m<sup>2</sup></b>	
Water Headworks	<del>\$12,611</del> \$13,033.50
Sewerage Headworks	<del>\$4,030</del> \$4,165.35
Total Payable	<del>\$16,641</del> \$17,198.85

Note: The existing dwellings are exempt from the payment of Section 64 Water Contributions as a credit would apply to the original dwelling, and Section 64 Water Headworks charges had been levied and paid for in connection with the Dual Occupancy development (DA1040/2006). Section 64 Sewer Headworks charges were not applied to the Dual Occupancy development – as sewer was not available, therefore contributions for all lots are applicable.

A new water meter will be charged for each new allotment. Council is currently replacing all water meters with smart meters free of charge to existing dwellings where there is already a water meter,

therefore, the existing dwellings are exempt from paying for the relocation of the water meters when the new infrastructure is constructed.

### *IMPACT OF DEVELOPMENT*

#### **(a) Context and Setting**

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

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

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

#### **(c) Public Domain**

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

#### **(d) Utilities**

All relevant utilities are available or can be made readily available to the site. This includes the water main that is to be extended through the rail corridor to connect to Council's existing network.

#### **(e) Heritage**

Not applicable.

#### **(f) Other Land Resources**

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

#### **(g) Water**

Council's Development Engineer provided the following:

The current proposed water supply arrangement provides for an upgrade of an existing 50mm water pipe to a 100 mm diameter supply pipe which has a 'dead end' and hydrant in front of an adjoining property located west of the subject site.

The proposed Lot layout currently proposes an increase in lot yield from 45 to 50 lots. Advice has been provided that the increase in demand created by the additional Lots requires a further mains extension to guarantee supply pressures and volumes.

Accordingly it is recommended that the previously approved water supply arrangements be amended to include extension of the main beyond the rail corridor to connect to Council's existing network in Fairydale Lane west of the rail corridor, noting the approval required from the Rail Authority.

Additionally, it is noted that several of the proposed Lots are capable of dual occupancy development which would further compromise the provision of an adequate water supply. A condition has been imposed accordingly.

#### **(h) Soils**

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

#### **(i) Air and Microclimate**

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

**(j) Flora and fauna**

Not applicable.

**(k) Waste**

Waste service available.

**(l) Energy**

Not applicable.

**(m) Noise and Vibration**

Not applicable.

**(n) Natural Hazards**

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

**(o) Technological Hazards**

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

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

Increased passive surveillance as a result of the proposed development.

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

Generally positive.

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

Generally positive.

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

Adequate as discussed throughout this report.

**(t) Construction**

Subdivision Works Certificate required, and all servicing works to be constructed in accordance with the conditions of consent.

**(u) Cumulative Impacts**

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

***SUITABILITY OF SITE FOR DEVELOPMENT******Does the proposal fit in the locality***

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

***Are the site attributes conducive to development***

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



## SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

### **Public Submissions**

The application was notified and advertised, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 29 January 2021. During the notification period, no submissions were received.

### **Submissions from public authorities**

No submissions were received from public authorities. The development does not alter the lots adjacent to the railway line. Electrical easements will be retained by the proposal, consistent with the 2014 approval referred to Essential Energy.

## THE PUBLIC INTEREST

### **Federal, State and local government interests and community interests**

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

## CONSULTATIONS

### **Health & Building**

No consultation necessary.

### **Development Engineer**

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

### **Heritage Advisor**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable.

### **Council Policies**

Mid-Western Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 - 2021  
Mid-Western Regional Contributions Plan 2019  
Community Participation Plan 2019

### **Legislation**

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

## Financial implications

Not Applicable.

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

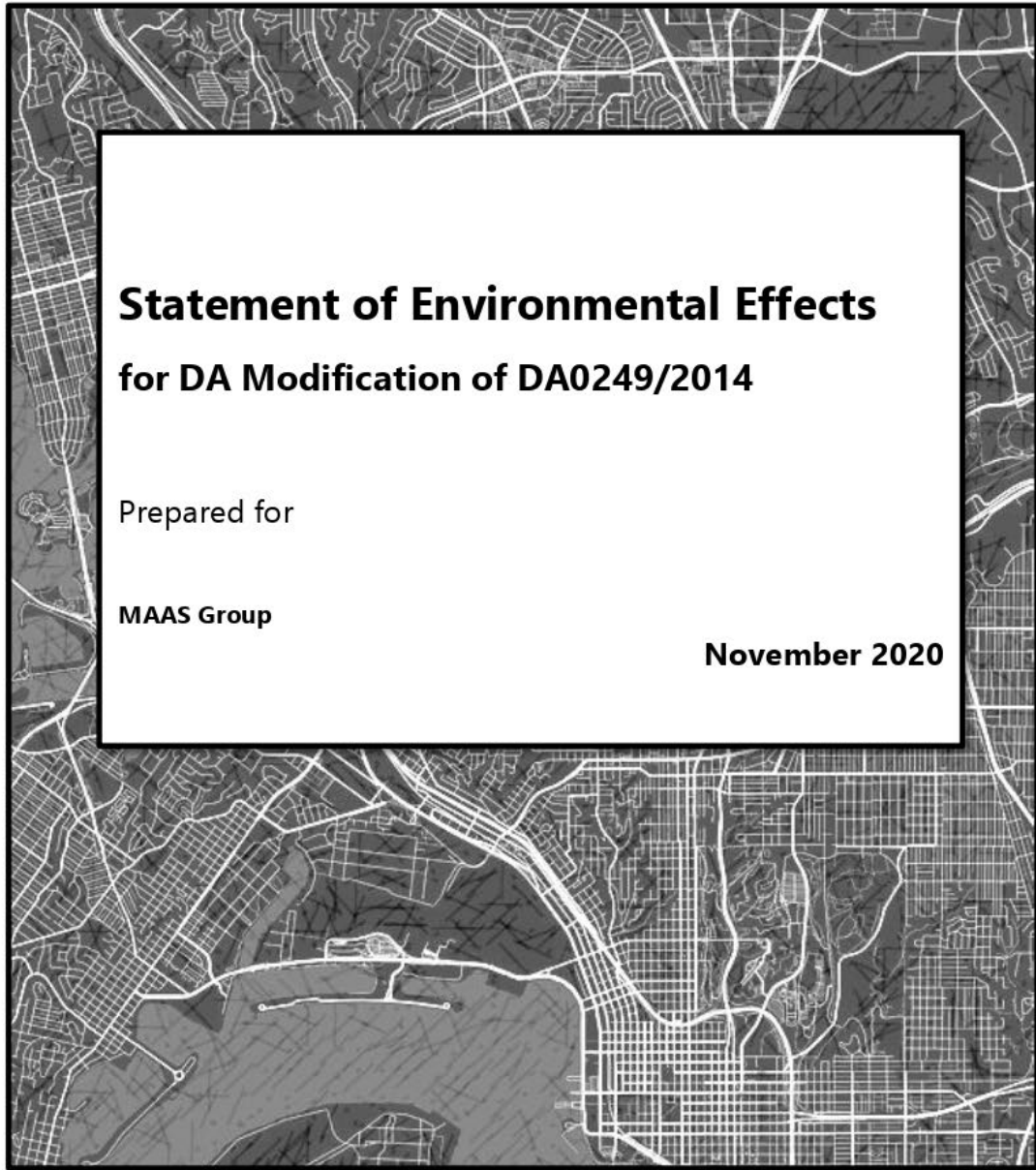
JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

18 January 2021

*Attachments:* 1. Statement of Environmental Effects.  
2. Plan of Subdivision and Servicing Plans.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



*O’Ryan Geospatial (O’Ryan), is responsible for the preparation, contents and information provided within this report and declare that there is no current benefit nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.*

*The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.*

*O’Ryan accepts no liability for the accuracy or completeness of the data and information provided to it by, or obtained by it, from any third parties, even if that data has been incorporated into or relied upon for generating this report.*

*This report has been produced by O’Ryan using information that is available to the client as at the date stated within this report and cannot be relied upon in any way if situations at the subject site changes. O’Ryan is under no obligation to update the information contained within the report at any time.*

*This report has been prepared on behalf of and for the exclusive use of the O’Ryan client, and is subject to and issued in connection with the provisions of the agreement between O’Ryan and its client. All information contained within this report are prepared for the exclusive use of the client to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein. O’Ryan accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.*

#### VERSION AND AMENDMENT CONTROL HISTORY

VERSION	DATE	DESCRIPTION	QA/QC
V1	2/11/2020	For Lodgement	MF



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## 1.0 INTRODUCTION

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### 1.1 OVERVIEW

This Statement of Environmental Effects (SoEE) has been prepared in support of a Section 4.55 (2) modification for amendments to the approved plans associated with DA0249/2014, an approval for an urban subdivision.

DA0249/2014 granted consent for the subdivision of “Logan Estate” for the purposes of residential dwelling houses. The approval also permitted the construction of new roads for suitable access and essential service infrastructure.

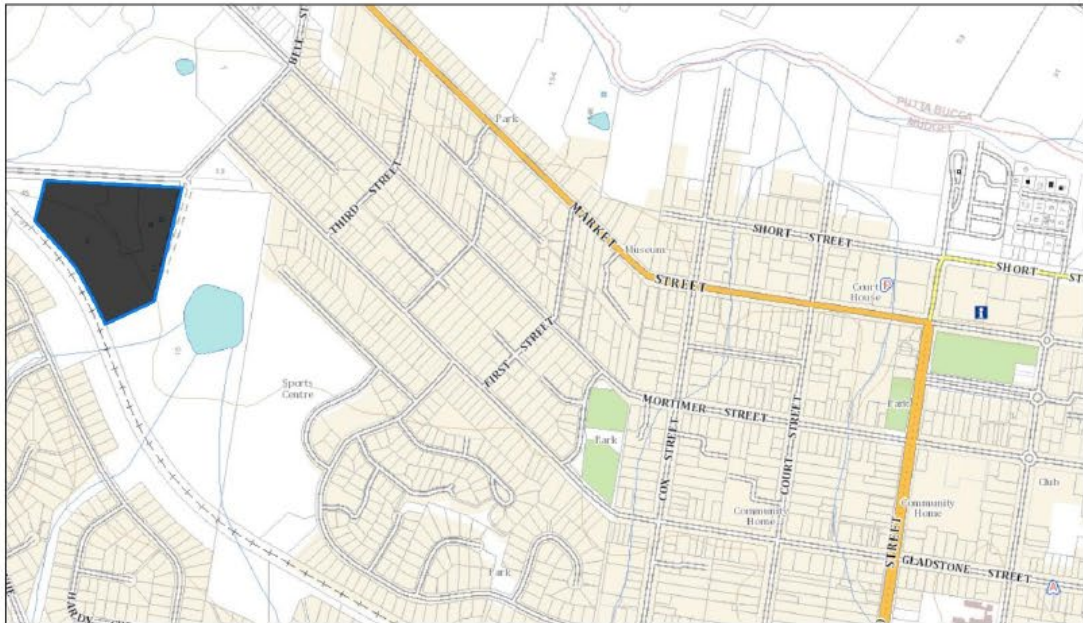
The modification involves a reconfiguration of the internal lot layout of part of the subdivision. The proposed modification would result in an increase of the lot yield by four (4) lots, for a total of 49 lots in the subdivision. The roads proposed for the subdivision and the overall footprint of the subdivision remain consistent with the approved plans. For these reasons, it is considered reasonable and appropriate to consider the amended plans as “substantially the same development” as the approved plans.

The site is zoned as R1 General residential under the Mid-Western Regional Local Environmental Plan (LEP) and the proposal continues to be permitted with consent. The proposed modification would enable the subdivision to better reflect the objectives of the zone relating to the provision of affordable and varied housing opportunities.

This SoEE reviews the key legislative, planning, and environmental considerations as they relate to the proposed modification of the approved plans.

### 1.2 SITE AND LOCALITY DESCRIPTION

The subject land is an irregular parcel consisting of Lot 1 & 2 in DP 1264511. The site is located 2.6 km from Mudgee post office via Market St, Douro St, Gladstone St and Fairydale Lane (see **Figure 1**). The surrounding area includes the Caerleon estate (separated by the Mudgee-Dunedoo railway line) and vacant land zoned for residential use.



**Figure 1 Subdivision Locality. Sourced from the Spatial Collaboration Portal**

The subject land is a flat area cleared of native vegetation. The subject land has frontage with Fairydale lane and would include the construction of new roads, per the approved plans, for access. See **Figure 2** below.



**Figure 2 Subdivision Site. Sourced from the Spatial Collaboration Portal**





## 2.0 PROPOSED MODIFICATION

### 2.1 OVERVIEW

The modification involves the reconfiguration of the internal lot layout. It should be noted that the modification is limited to lot layout amendments and that the total footprint of the subdivision and proposed roads would remain consistent with the approved plans.

The DA sketch plans lodged with this submission illustrate the two proposed releases for the subdivision. Release one (1) would remain consistent with existing approvals and would include lots 60 to 77. Release two (2) would be subject to the modified lot layout and would include lots 78 to 109.

The proposed modification to the approved plans will create four (4) additional lots within release two (2). Market research indicates the need for affordable residential housing opportunities in proximity of Mudgee. The amended plans would compliment the existing approvals to provide a variety of housing types and densities within the subdivision. Key considerations include:

#### Lot Configuration

- Reconfiguration of release two (2), the western side of the subdivision, to increase the lot yield by four (4).
- The proposed amendments would have no impact on existing buildings which are situated in release one (1), the eastern side of the subdivision. Release one (1) would be developed in accordance with the approved plans.
- The lots subject to modification in release two (2) are standard and corner lots only, with no battle-axe arrangements proposed.

#### Proposed Roads

- The proposed roads would remain consistent with the approved plans.

#### Subdivision footprint

- The total extent of the subdivision remains consistent with the approved plans.

#### Servicing and Drainage

- The proposal amends the servicing arrangements to reflect the reconfiguration of the lot layout. Service provision otherwise remains consistent with the existing plans.

### 2.2 ENVIRONMENTAL IMPACTS

The proposed modification is not considered likely to significantly increase any impacts that were anticipated for the development under the approved plans. The amended plans would result in an increase of lot yield from 45 to 49, which corresponds to an approximate 9% change. The increased lot yield is not anticipated to require any further environmental assessment beyond that which accompanied the lodgement of the approved plans.



## 3.0 REVIEW OF PLANNING AND LEGISLATION ISSUES

### 3.1 SECTION 4.55 (2) OF THE EP&A ACT 1979

Pursuant to section 4.55 (2) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council may consider an application to amend a development consent under the following mechanisms:

- Section 4.55 (1) - involving minor error, misdescription or miscalculation only
- Section 4.55 (1A) - involving minimal environmental impact
- Section 4.55 (2) - other modifications
- Section 4.56 - modification of consent granted by the Land & Environment Court

The Mid-Western Regional Council Application to Modify a Development Consent states (see note 2) that “A section 4.55(2) application is to modify the consent in other ways, as a result of changes to a design for example”. The section 4.55(2) application is therefore sought for this modification. It should be noted that the increase of four (4) lots would have a minimal environmental impact in the overall context of the subdivision.

Pursuant to section 4.55(2), Council may consider the application to amend the development consent provided that:

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment – The proposed changes relate to the lot layout, with an additional four (4) lots created, and with the servicing plans amended to reflect this change. The overall increase in lot yield is just 9%, reflecting an increase from 45 lots to 49 lots. The amended plans incorporate the four (4) additional lots by adjusting the internal lot boundaries and reducing overall lot areas. This change reflects the market demand for more affordable housing opportunities in proximity to Mudgee. The general shape, orientation, and positioning of lots remain consistent with approved plans.

The application is substantially the same development as the approved development. The subdivision footprint, proposed roads, and release one (1) are per the approved plans. The amendments proposed for release two (2) involve the addition of four (4) lots by adjusting the lot areas. All lots within the amended plans are compliant with LEP and DCP requirements. It is therefore considered reasonable and appropriate to consider the amended plans as “substantially the same development”.



- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
- (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

Comment – It is understood that Council will undertake a neighbourhood notification as part of the modification application and that any submissions made during this period will be considered by Council.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

Comment – Noted.

### **3.2 STATE ENVIRONMENTAL PLANNING POLICES (SEPP)**

The proposed modification does not alter the approved plans compliance with any SEPPs. No new considerations are required to be addressed as a result of this proposed modification.



### 3.3 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

#### 3.3.1 Zoning Considerations

The subject land is zoned R1 General Residential under the provisions of the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The proposal remains consistent with the prescribed zone objectives:

- *To provide for the housing needs of the community*
- *To provide for a variety of housing types and densities*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

Comment – The amended plans increase the availability of dwelling house opportunities in proximity to Mudgee. The addition of four (4) lots provides higher density residential housing which, within the broader context of the subdivision, provides a varied range of housing opportunities.

#### 3.3.2 Minimum lot size requirements

Section 4.1 of the MWR LEP prescribes the minimum lot size provisions for subdivision in the Mid-Western Regional LGA. Per clause 4.1

- (1) *The objectives of this clause are as follows—*
- to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
  - to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
  - to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
  - to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
  - to ensure that subdivision does not have an inappropriate impact on the natural environment,*
  - to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Comment - The subject land has a minimum lot size of 600m<sup>2</sup> per the Mid-Western Regional Council Lot Size Map LSZ\_006C. The DA Sketch Plan accompanying this application demonstrates compliance with lot size requirements.



### 3.4 MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN

The amended plans have been considered against the relevant chapters and sections of the Mid-Western Regional Development Control Plan (DCP). Compliance considerations relating to part 7.1 Urban Subdivision of the DCP are addressed in **Table 1**. The review indicates that the proposed modifications do not give rise to any issues that need to be reconsidered.

**Table 1 Review of DCP Requirements**

Lot Size	
(a) All lots must have street frontage	Complies – road frontage is achieved through Fairydale Lane or roads proposed in the approved plans
(b) As slope increases the size of the lots increases	Complies – the subject land does not exceed slope thresholds.
(c) Development not permitted on slopes in excess of 20°	
(d) All lots must have a minimum width of 16m at the building line (4.5 m from the front of the property boundary)	Complies – all lots have a minimum width of 16m at the property boundary. Where lots slightly taper towards the back (see lots 82 to 90), the lot layout has been designed to comply with the DCP.
(e) Battle axe handles must have a minimum width of 4m	Not applicable – no battle axe lots proposed for the design
Lot Design	
(a) For infill developments in established areas, orientation should optimise solar access	Not applicable – the proposed subdivision is not an infill development
(b) For subdivisions in new release areas at the edge of established residential areas lot orientation should maximise solar access	Complies – the lots within release two (2) are rectangular lots primarily orientated east-west. Houses can be designed to achieve good solar access in living spaces.
(c) Lots should be generally be rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar access of the future dwelling.	Complies – the amended lots are generally rectangular in shape. Where variation occurs, this is due to the irregular subdivision footprint and constraints imposed by the approved plans (which includes existing dwellings).
(d) Corner lots should be created of a sufficient area for the purposes of dual occupancies with the supply of appropriately located independent utility points	Complies – where feasible corner lots are designed to be greater than 800m <sup>2</sup> to provide opportunities for dual-occupancies



Street Design and Layout	
<p>(a) A traffic statement is to be submitted for any subdivision involving 5 or more allotments and, in all cases, where the creation of a road is proposed</p> <p>(b) A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area.</p>	<p>Not applicable – traffic considerations were addressed in the approved plans. Four (4) new lots will not result in a substantial increase of traffic.</p>
<p>(c) Where cul-de-sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision.</p> <p>(d) The maximum number of lots serviced by a cul-de-sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.</p>	<p>Not applicable – cul-de-sac treatment is not nominated for the subject site.</p>
<p>(e) A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking</p>	<p>Not applicable – the amended plans incorporate four (4) additional lots for a total of 49 lots.</p>
Cycleways and footpaths	
<p>(a) Cycleways and alternative pedestrian networks are encouraged within new subdivisions</p>	<p>Not applicable – addressed in the approved plans</p>
<p>(b) End of cul-de-sacs to include pedestrian pathways (or share ways)</p>	<p>Not applicable – cul-de-sac treatment is not nominated for the subject site.</p>
<p>(c) The developer will be required to pay council a contribution for the installation of cycle ways and footpaths</p>	<p>Not applicable - noted</p>
Open Space	
<p>(a) Subdivision of greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground, or passive area</p>	<p>Not applicable – addressed in the approved plans</p>
<p>(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment</p>	<p>Not applicable – addressed in the approved plans.</p>
Landscaping	
<p>(a) A Landscape plan detailing the proposed treatment of the public domain is required</p>	<p>Not applicable – addressed in approved plans</p>

Statement of Environmental Effects



Street Trees	
(a) All lots require establishment of 2 street trees per lot.	Not applicable – addressed in approved plans
Utility Services	
(a) A servicing plan shall be submitted with the development application and include provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications	Complies – engineering drawings have been provided to demonstrate the delivery of essential services to the subject land. The services have been amended to reflect changes to the lot layout
Drainage	
(a) Refer to section 5.3 Stormwater & Drainage	Complies – stormwater and drainage provisions are detailed in the provided engineering drawings.



## 4.0 CONCLUSION

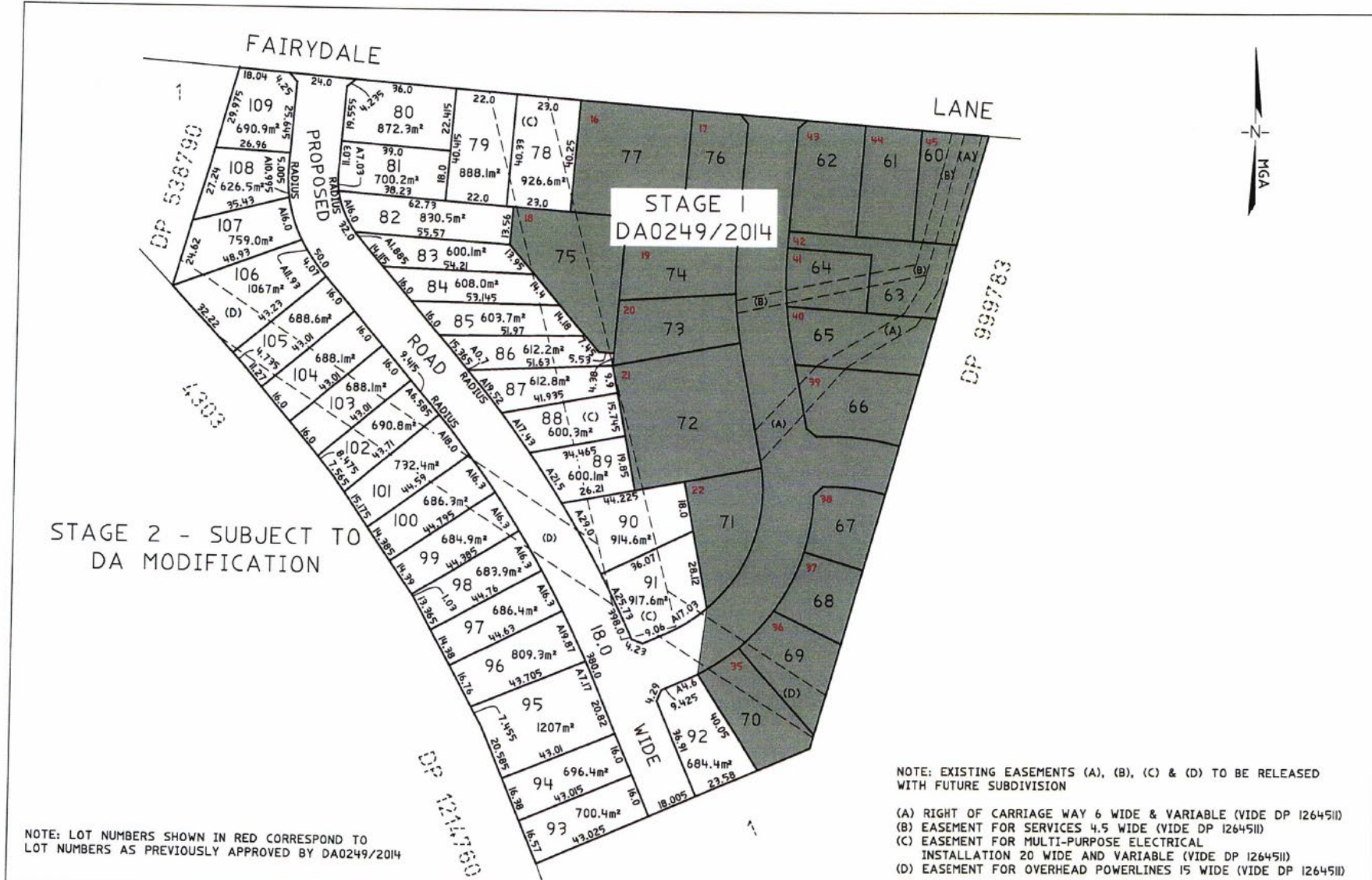
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A review of the relevant legislative, planning, and environmental considerations applicable to the proposed modification lodged for DA0249/2014 concludes that the amended plans remain consistent with the design intent of the approved plans. Key findings of the assessment include:

- The proposed modification includes two releases. Release one (1) relates to lots within the eastern side of the subdivision and will be developed in accordance with the approved plans. Release two (2) is subject to modified lot layouts and includes the create of four (4) additional lots.
- The amended plans remain “substantially the same” as the approved plans. The subdivision footprint, proposed roads, and lots within release one (1) remain the same as the approved development. The amended lot layout in release two (2) are largely the consistent with the approved plans, only resulting in a 9% increase in lot yield and retaining the general orientation and shape of the approved plans.
- The proposed modification provides higher density residential housing which, within the broader context of the subdivision, provides a varied range of housing opportunities in proximity to Mudgee.
- A review of the key planning legislation and applicable EPIs have been considered. The review indicates that the proposed modification is compliant with the Mid-Western Regional LEP and DCP provisions. The proposed modification does not give rise to any issues that need to be reconsidered from the original proposal.

O’Ryan Geospatial is submitting this proposal on behalf of the applicant to Mid-Western Regional Council for assessment and granting of consent with regards to the benefits of the proposal and given the negligible environmental, social, or economic impacts.





STAGE 2 - SUBJECT TO DA MODIFICATION

STAGE 1  
DA0249/2014

NOTE: LOT NUMBERS SHOWN IN RED CORRESPOND TO LOT NUMBERS AS PREVIOUSLY APPROVED BY DA0249/2014

NOTE: EXISTING EASEMENTS (A), (B), (C) & (D) TO BE RELEASED WITH FUTURE SUBDIVISION  
 (A) RIGHT OF CARRIAGE WAY 6 WIDE & VARIABLE (VIDE DP 1264511)  
 (B) EASEMENT FOR SERVICES 4.5 WIDE (VIDE DP 1264511)  
 (C) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 20 WIDE AND VARIABLE (VIDE DP 1264511)  
 (D) EASEMENT FOR OVERHEAD POWERLINES 15 WIDE (VIDE DP 1264511)

 DANIEL BARASA DIRECTOR DATE: 30/10/2020	PREPARED BY ORYAN GEOSPATIAL PTY LTD AND REGISTERED 129 CARROLL STREET PUNJICREE NSW 2894 029 9097 466	 ORYAN GEOSPATIAL	CLIENT HAAS GROUP	SCALE: 1:200	DATE: 03A2020 MGA95	TITLE PLAN OF PROPOSED SUBDIVISION OF LOTS 1 & 2 IN DP 1264511	NUMBER A
				CONT. REFERENCE: A3	DRAWN: JJB CHECKED: DK	LAA MID-WESTERN REGIONAL	LOCALITY MUDGEE

# RESIDENTIAL SUBDIVISION

LOT 2 / DP 538790

17-29 FAIRYDALE LANE, MUDGEE, NSW, 2850

PROPOSED MODIFICATION TO DA 0249 / 2014

## LIST OF DRAWINGS

C1.0	LIST OF DRAWINGS & LOCALITY PLAN
C2.0	SEWER PLAN
C3.0	DRAINAGE PLAN
C4.0	WATER PLAN



LOCALITY PLAN  
N13



ISSUED FOR APPROVAL

CLIENT  
MAAS GROUP

PROJECT  
PROPOSED SUBDIVISION  
17-29 FAIRYDALE LANE  
MUDGEE, NSW, 2850

DESIGNED	DRAWN	CHECKED	DATE	SCALE	CAD FILE
J.D.	J.M.	A.T.	14.12.20	A1	TX15091.00

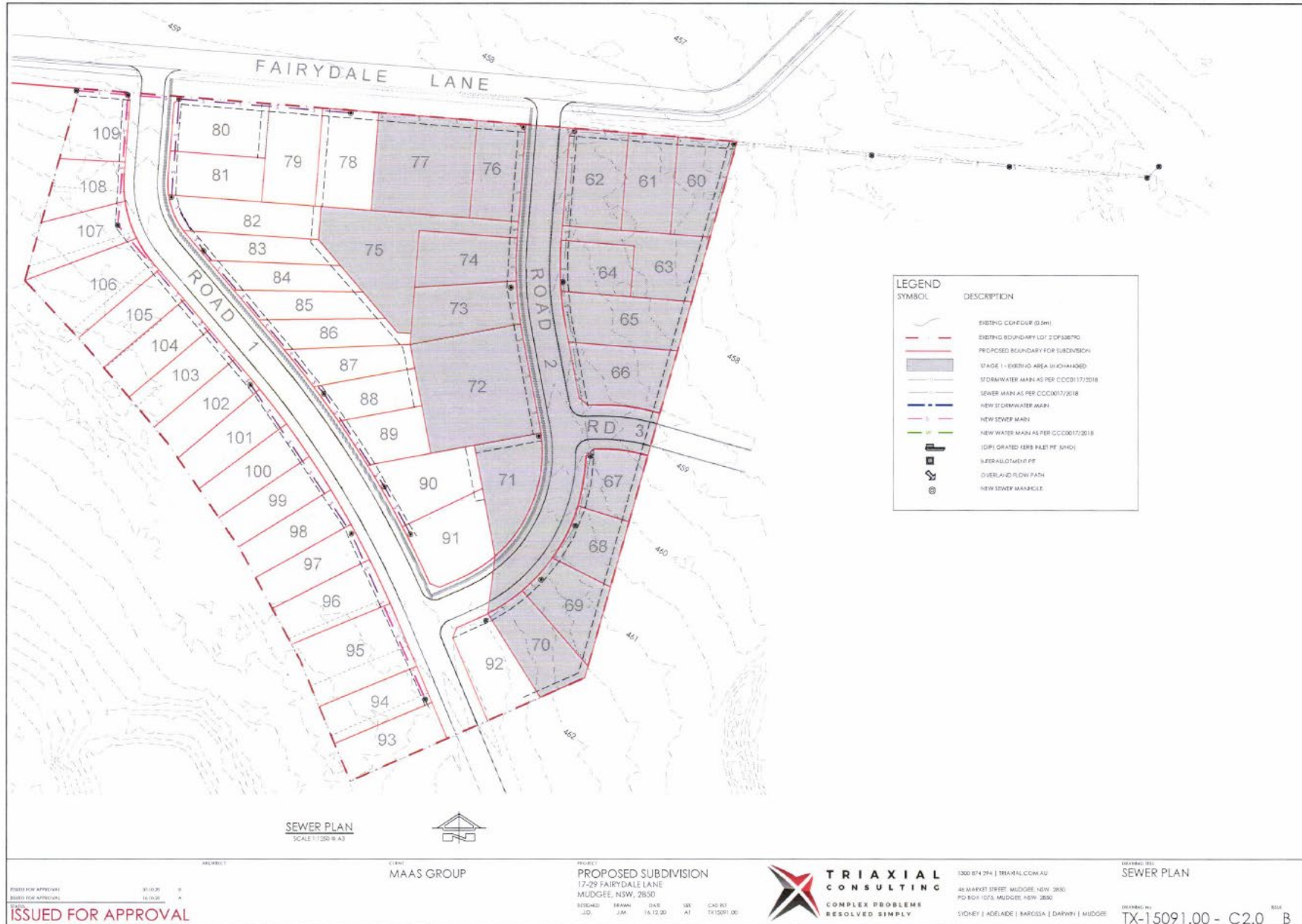


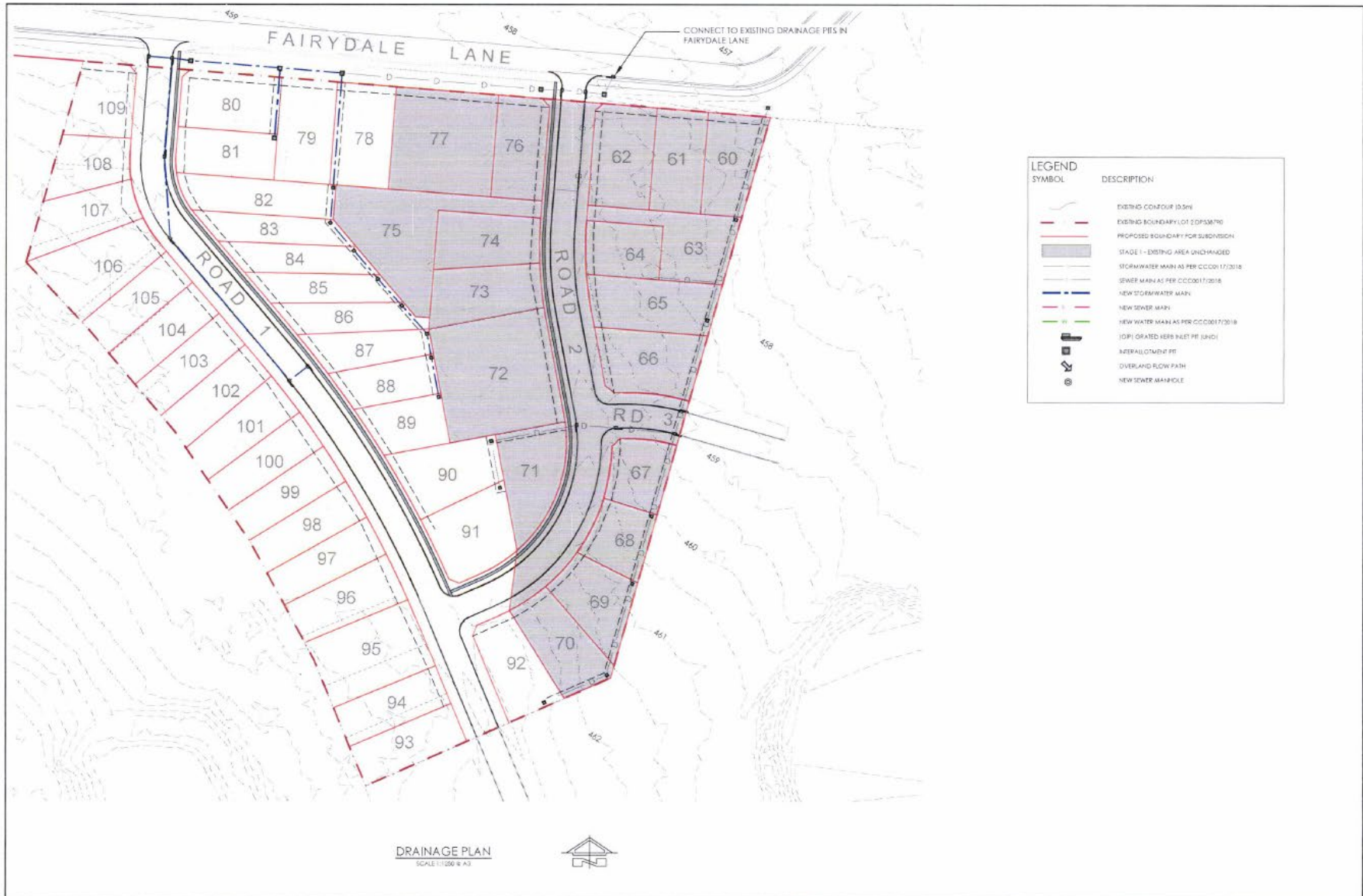
1300 874 274 | TRIAXIAL.COM.AU  
46 MARKET STREET, MUDGEE, NSW, 2850  
PO BOX 1078, MUDGEE, NSW, 2850  
SYDNEY | ADELAIDE | MARGARITA | DARWIN | MUDGEE

DRAWING FILE  
SHEET LIST & LOCALITY PLAN

DRAWING NO.  
TX-15091.00 - C1.0

SCALE  
B

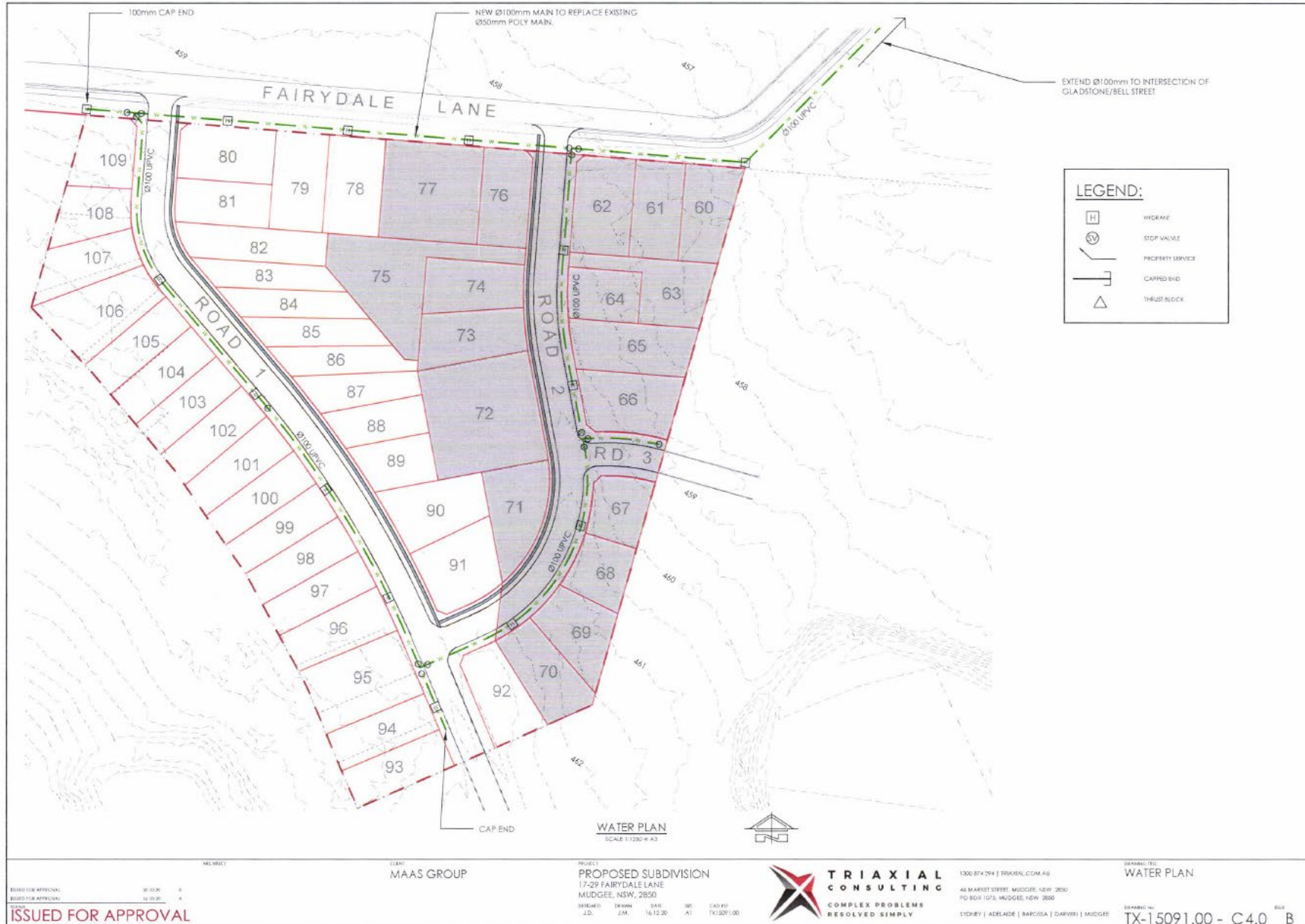




LEGEND SYMBOL	DESCRIPTION
	EXISTING CONTOUR 10.5M
	EXISTING BOUNDARY LOT 2 DP534790
	PROPOSED BOUNDARY FOR SUBDIVISION
	STAGE 1 - EXISTING AREA UNCHANGED
	STORMWATER MAIN AS PER CCC0017/2018
	SEWER MAIN AS PER CCC0017/2018
	NEW STORMWATER MAIN
	NEW SEWER MAIN
	NEW WATER MAIN AS PER CCC0017/2018
	(DPI) OPERATED HERB PALET PIP (UNCI)
	INTERALLOTMENT PIT
	OVERLAND FLOW PATH
	NEW SEWER MANHOLE

**DRAINAGE PLAN**  
SCALE 1:1000 @ A3





## 8.8 Planning Proposal Lot 1 DP130555, Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, 37, 39, 139 and 141 Calderwood Road, Rylstone

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, LAN900120

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 1 DP130555, Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, 37, 39, 139 and 141 Calderwood Road, Rylstone;**
2. **provide initial support for the rezoning and change to minimum lot size of Lot 1 DP130555, Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, 37, 39, 139 and 141 Calderwood Road, Rylstone;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

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### Executive summary

Council has received a Planning Proposal seeking an amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone the subject site from RU1 Primary Production with a current minimum subdivision lot size of 100 and 40 hectares to R5 Large Lot Residential with a minimum lot size of either 2 or 5 hectares. The minimum lot size will be determined by water source/s demonstrated. Further details of the water source/s will likely be a condition of any future Gateway Determination and will be further considered during any future development application for subdivision.

The subject site comprises 6 lots; Lot 1 DP130555 (a closed road), Lots 93, 94, 97 and 98 DP755426 and Lot 1 DP712926, with a combined area of 42 hectares. The subject site is located to the west of Rylstone and has frontage to Calderwood Road to the north. Calderwood Road extends around the site along the western boundary and then into the site. The site has frontage to the Cudgegong River to the south.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Rylstone, this is visually displayed in Figure 3-3 Rylstone Town Structure Plan. The proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS.

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

The staff recommendation is to provide initial support for the Planning Proposal and to send to the Department of Planning Industry and Environment (DPIE) for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPIE for Gateway Determination.

## Disclosure of Interest

Nil.

## Detailed report

### **Planning Proposals**

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

### **The Gateway Process**

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE's A Guide to Preparing Local Environmental Plans.

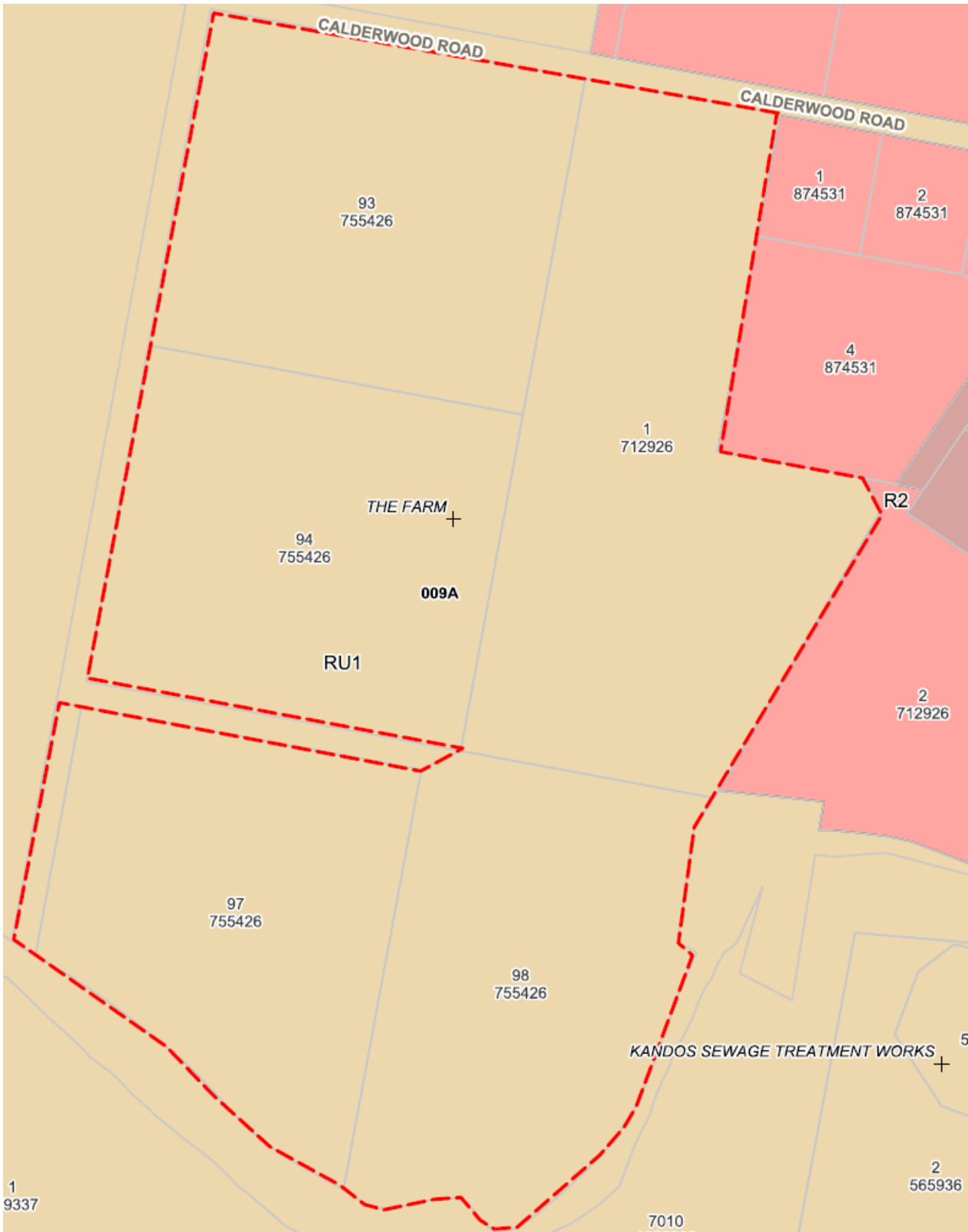
### **Gateway Timeline**

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
<b>Preparation of a Planning Proposal</b>		
Planning Proposal lodged with Council	✓	October 2020
Staff Undertake Initial Assessment	✓	October 2020 - January 2021
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 17 February 2021 meeting.
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
<b>Consultation</b>		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

**PROPOSED**

The Planning Proposal seeks to rezone the subject site from RU1 Primary Production with a current minimum subdivision lot size of 100 and 40 hectares to R5 Large Lot Residential with a minimum lot size of either 2 or 5 hectares. The below map highlights the subject site and current zoning.



Subject site and current RU1 Primary Production zoning.



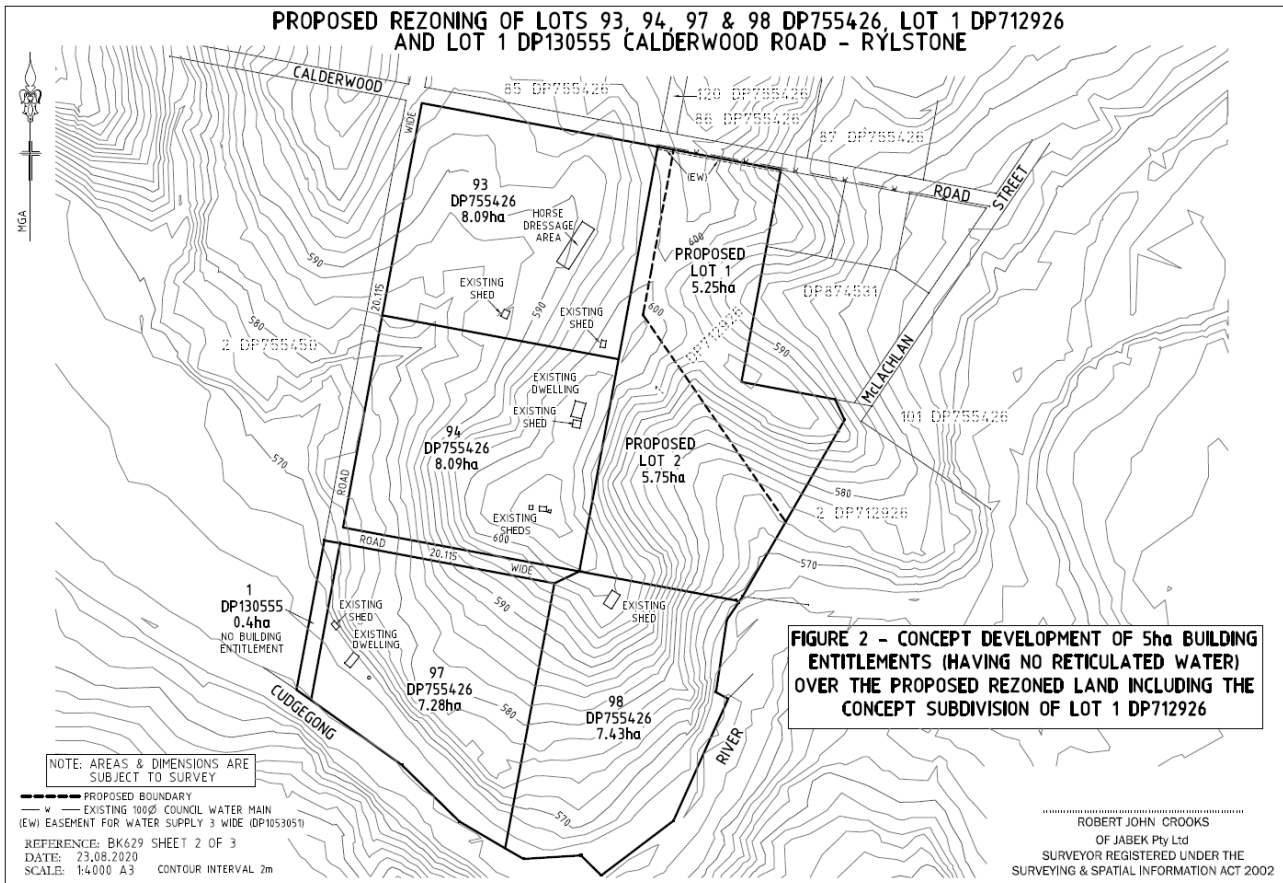
The proponent has stated the future source/s of water will determine the future minimum lot size. Council has previously received advice from the Department of Primary Industries – Office of Water (DPI – Office of Water) in relation to water supply volumes and source. The DPI – Office of Water publication ‘How much water do I need for my rural property’ stipulates the required water volumes for rural properties, including rural lifestyle properties. Previous experience in considering water supply for rural lifestyle lots has demonstrated that in this region with rainfall volumes, roof rainwater catchment is not of a sufficient volume to satisfy the required volumes, therefore a secondary source is required. Further, specific advice was provided in relation to lots with a minimum lot size of 5 hectares. Lots of this size can generally achieve the required bore buffers to onsite sewerage disposal management systems.

Alternatively, if a community bore scheme were established to provide a supplementary water supply, individual bore buffers to be located on the subject site would not be a constraint and the minimum lot size could be reduced to 2 hectares.

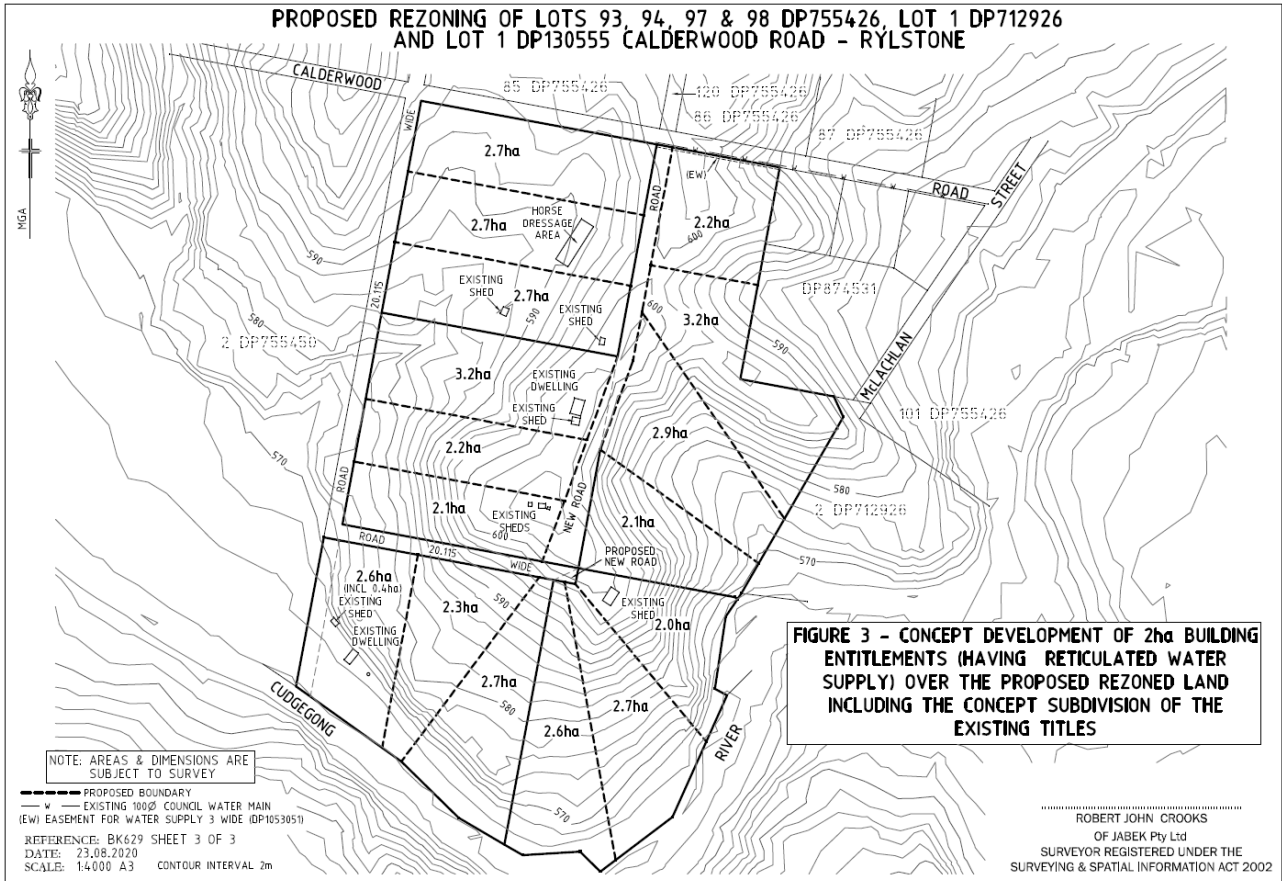
It is likely any future Gateway Determination will include a condition to engage with the DPI – Office of Water regarding water supply volumes and source. Further, any future subdivision development application will need to demonstrate the proposed water supply sources and volume.

A Council water main is located within Calderwood Road at the northern end of the site, it must be highlighted that Council will not connect any future lots with a minimum lot size of 2 hectares (or greater) to Council’s reticulated water system due to various operating challenges including maintaining water quality to properties.

The proponent provided two concept subdivision plans for a 2 and 5 hectare minimum, these plans are provided below:



Concept subdivision plan with a 5 hectare minimum lot size



Concept subdivision plan with a 2 hectare minimum lots size

It is noted that the plan states ‘having reticulated water supply’, it must be again highlighted that Council will not connect any future lots with a minimum lot size of 2 hectares (or greater) to Council’s reticulated water system due to various operating challenges including maintaining water quality to properties.

**INTENDED OUTCOMES**

The Planning Proposal seeks to rezone the site to R5 Large Lot Residential land and change the minimum lot size to 2 or 5 hectares to facilitate either a 6 or 16 lot subdivision.

**EXPLANATION OF PROVISIONS**

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

1. Amending part of the zone indicated on Land Zoning Map – Sheet LZN\_009A from RU1 Primary Production to R5 Large Lot Residential.
2. Amending part of the minimum lot size indicated on the Lot Size Map – Sheet LSZ\_009A from (AD) 100 hectares and (AB4) 40 hectares to (AA) 5 hectares, with a Lot Size Clause Area D overlay across the site. The overlay will relate to Clause 4.1 (3B) Minimum subdivision lot size, that allows lots to be created of at least 2 hectares if the appropriate water supply can be provided.

**JUSTIFICATION**

The DPIE guide to preparing Planning Proposals outlines eleven questions to be addressed in the Planning Proposal, the proponent has addressed the eleven questions. The questions most applicable in the consideration of this Planning Proposal are discussed below.

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

The Planning Proposal has been considered in accordance with Council’s Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Rylstone, this is visually displayed in Figure 3-3 Rylstone Town Structure Plan. Figure 3-3 Rylstone Town Structure Plan is provided below –

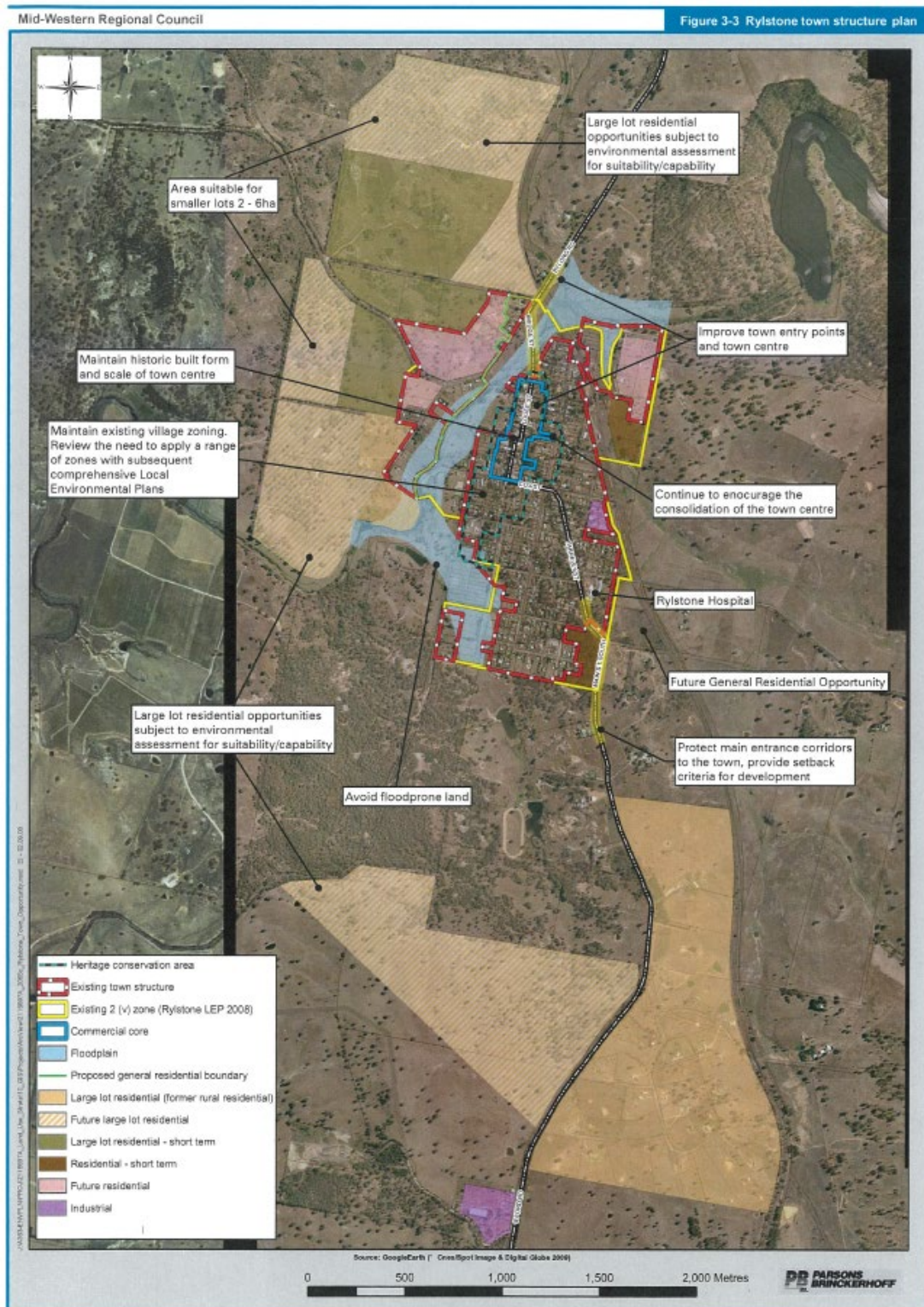


Figure 3-3 Rylstone Town Structure Plan identifies large lot residential opportunities to the north-west and in addition to the west and to the south. The north-west opportunity area is identified as a short term priority, while the west and south opportunities are long-term opportunities. No medium opportunities are identified.

To date the north-west opportunity has not been taken up. A third of this opportunity area has been the subject of a two lot subdivision. These two lots are developed, accordingly reducing the likelihood of this area of the opportunity being taken up. Therefore, it is reasonable to consider the rezoning of the subject site.

An estimated demand of 3 Large Lot Residential lots per annum is stated in Part C of the CLUS. There is currently no land zoned R5 Large Lot Residential available around Rylstone. It is sound strategic land use planning to have a 20 year zoned supply available. The north-west short term opportunity area and the subject site represents an approximate 12 year supply. Accordingly, the proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS and therefore initial support is recommended.

Criteria was developed for the consideration of land for rural lifestyle opportunities to be zoned R5 Large Lot Residential with a 2 hectare minimum. The criteria in an Addendum to Part C of the CLUS. The subject site has already identified for this Large Lot Residential opportunity, in addition the proposed has been considered against criteria.

The criteria is provided below and a staff comment provided:

*The land:*

*1. Can be managed to avoid land use conflict*

*Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.*

The submitted Planning Proposal does not address how land use conflict will be managed between land zoned Large Lot Residential and adjoining land. However, the Cudgegong river adjoining the site to the south and Calderwood Road to the north and west, provides buffers to adjoining sites.

*2. Is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.*

The Planning Proposal did not consider potential flooding. However, the land rises significantly from the Cudgegong River, specific building envelopes will be determined at either the subdivision or dwelling development application stage.

*3. Can be connected to the existing road network by sealed road access*

*The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.*

Part of the Calderwood Road fronting the site is a sealed road. The proposed subdivision layout will utilise the Council network to provide access to the proposed lots. As required in other rural lifestyle subdivisions with a minimum of 2 hectares, the developer constructs a sealed internal road. In this instances, the developer will be required to upgrade Calderwood Road for the extent not currently sealed.

*4. Is not visually intrusive*

*There is no impact on the visual amenity or sensitive corridors identified in the CLUS on the Mudgee Town Structure Plan.*

Due to the sites location such a distance from the identified sensitive corridors located on the urban edge of Rylstone, the visual impact is considered minimal.

*5. Will not undermine future residential land opportunities*

*It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.*

The proposed will not impact on the supply of general residential land in Rylstone.

*6. Will not adversely impact on the groundwater system*

*Mudgee is fully within an area identified by the NSW Department of Primary Industries - Water as being significant in terms of groundwater vulnerability. Any development, and in particular unserviced development, needs to demonstrate that it will not adversely impact on the groundwater system.*

The subject site is identified as groundwater vulnerable. A further study will be required to be submitted as a condition of any future Gateway Determination.

*7. Can be justified in terms of supply and demand*

*Reference should be made to the Urban Release Strategy in terms of the likely anticipated demand (excluding land zoned but having a 2,000-4,000 square metre option subject to servicing).*

As discussed, the demand for these lots is required.

*8. Can be managed to reduce bushfire hazard*

*Bushfire hazards in the area can be appropriately managed or reduced.*

The subject site is not mapped as bushfire prone, however a buffer area is located along the western edge of the site. A referral to the NSW Rural Fire Service will required as a condition of any future Gateway Determination.

*9. Should avoid Biophysical Strategic Agricultural Land*

*Reference should be made to BSAL mapping which identifies the existence of any BSAL at the site of potential development.*

The subject site is not biophysical strategic agricultural land.

*10. Has access to a sustainable water supply*

*The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof water catchment or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000. Department of Primary Industries – Water 'How much water do I need for my rural property' provides one methodology to calculate a required supply.*

The proposed water supply has been discussed above.

## NEXT STEP

If Council supports the staff recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPIE seeking a Gateway Determination.

## Community Plan implications

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

## Strategic implications

### Council Strategies

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

### Council Policies

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

### Legislation

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

## Financial implications

Nil.

## Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal and advise the proponent accordingly.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

14 December 2020

*Attachments:* 1. Planning Proposal. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.9 Planning Proposal 313 Magpie Lane, Galambine Lot 1 DP 174385 and Lot 1 DP 1003242, rezone to R5 Large Lot Residential and change the minimum lot size to 2 hectares

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, LAN900117

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal 313 Magpie Lane, Galambine Lot 1 DP 174385 and Lot 1 DP 1003242, rezone to R5 Large Lot Residential and change the minimum lot size to 2 hectares; and**
2. **not support the Planning Proposal as Council has a sufficient supply of land currently zoned and further land identified for R5 Large Lot Residential with a minimum area of 2 hectares zoned lots.**

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### Executive summary

Council has received a Planning Proposal to rezone 313 Magpie Lane, Galambine, Lot 1 DP 174385 and Lot 1 DP 1003242 from RU4 Primary Production Small Lots to R5 Large Lot Residential and to reduce the minimum lot size from 20 hectares to a 2 hectare minimum lot size. The proposed rezoning is to facilitate a 31 lot subdivision of lots ranging in size from 2 hectares to 3.96 hectares.

The subject site is located on the corner of Magpie Lane and Guntawang Road, the combined area of the two lots measures 74.46 hectares. The site is currently zoned RU4 Primary Production with a minimum lot size of 20 hectares.

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

The key consideration is whether the current supply of land zoned R5 Large Lot Residential in the Gulgong catchment is sufficient and the need for an additional supply can be justified as proposed. Given the current supply of land and distance from an urban settlement, the Planning Proposal is not recommended to proceed. The current supply and demand is discussed in detail in the body of the report.

The proposal was considered against the 2 hectare criteria within Part C of Council's Comprehensive Land Use Strategy (CLUS). The criteria was developed to assist in identifying sites adjoining the urban areas. Accordingly, some of the criteria are not relevant or the site inappropriately satisfies the criteria. As stated in Part B of Council's Comprehensive Land Use Strategy (CLUS), the preference is to locate rural lifestyle lots at the urban edge close to services and to minimise travel distance.

## Disclosure of Interest

Nil.

## Detailed report

### **Planning Proposals**

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

### **The Gateway Process**

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE's A Guide to Preparing Local Environmental Plans.

### **Gateway Timeline**

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	June 2020, amended lodged October 2020.
Staff Undertake Initial Assessment	✓	June – October 2020.
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 17 February 2021 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

## PROPOSED AND INTENDED OUTCOMES

The Planning Proposal seeks to rezone the subject site to R5 Large Lot Residential and reduce the minimum lot size to 2 hectares to facilitate a 31 lot subdivision.

## EXPLANATION OF PROVISIONS

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

1. Amending the zone indicated on Land Zoning Map – Sheet LZN\_005 from RU4 Primary Production Small Lots to R5 Large Lot Residential.



2. Amending the minimum lot size indicated on the Lot Size Map – Sheet LSZ\_005 from (AB3) 20 hectares to (Z) 2 hectares.

#### IDENTIFIED SUPPLY OF RURAL LIFESTYLE LOTS

##### ***Mid-Western Regional Comprehensive Land Use Strategy 2010***

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

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

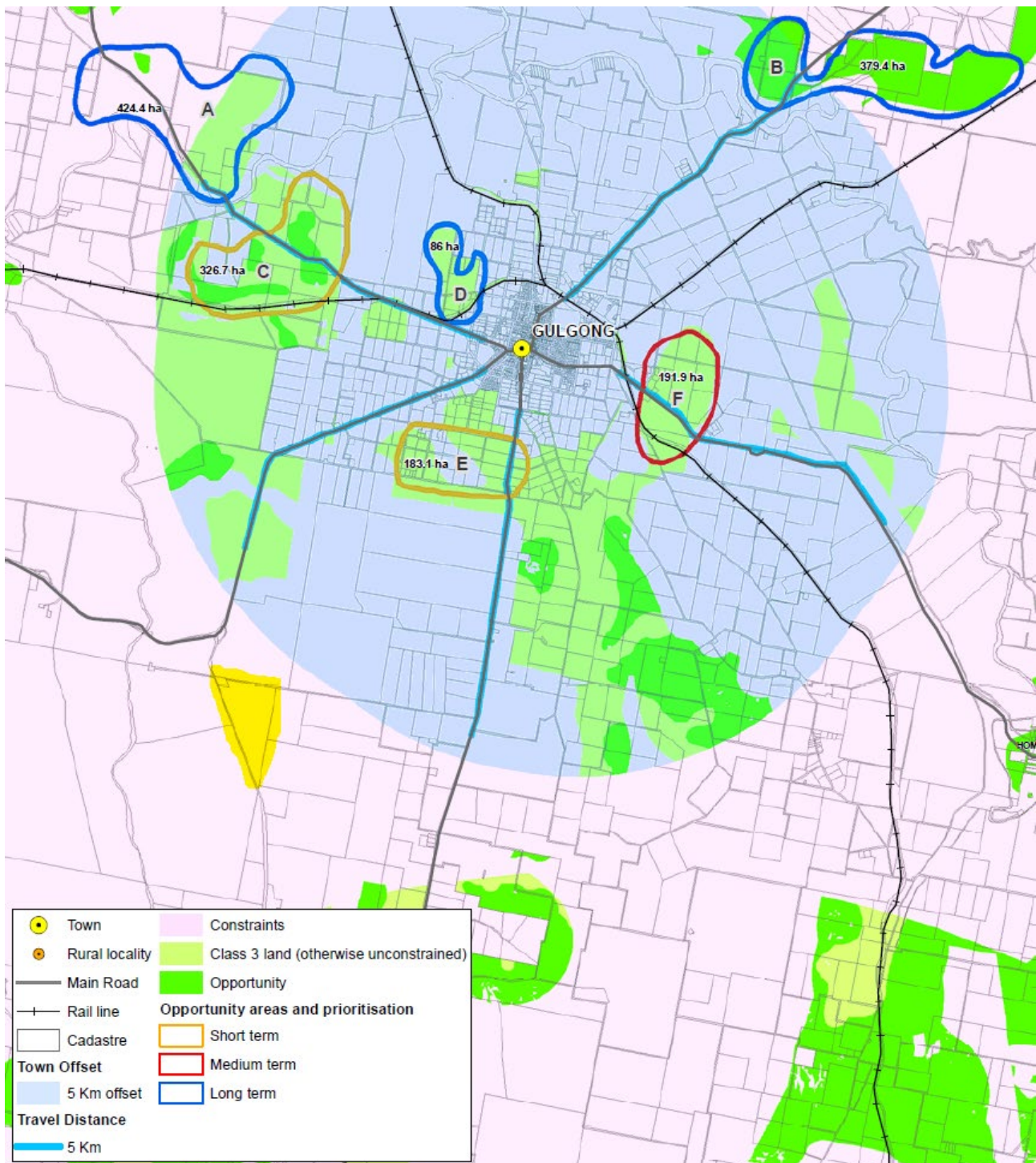
The CLUS identifies opportunities for the delivery of rural lifestyle lots with a minimum lot size of 12 hectares. Part B of the CLUS details the land constraints assessment that developed Constraints and Opportunities mapping. This mapping assisted in identifying areas for future development opportunities.

The Constraints and Opportunities mapping identifies 'opportunities' in green. The subject site (yellow) is not located within an opportunity area for the Gulgong catchment as detailed on the map below which is an excerpt of Figure 4-6 Constraints and Opportunities – North within CLUS Part C.



*Excerpt of Figure 4-6 Constraints and Opportunities – North, CLUS Part C (subject site identified in yellow)*

In addition to the above, Council identified 12 hectare rural lifestyle opportunities around the urban centres. These opportunities are located within the 5 kilometres offset of Gulgong, Kandos and Rylstone and within the 15 kilometres offset around Mudgee. The subject site is not located within the identified opportunity areas or is not identified as either 'Class 3 land (otherwise uncontained)' or as an 'Opportunity', as detailed on the map below. Council identified a radius to assist in the location of opportunities. This hard-line radius assists in minimising travel distance and protects agricultural land.



Excerpt of Figure 4-4 Rural Lifestyle Opportunities – 5km offset area surrounding Gulgong, CLUS Part C (subject site identified in yellow)

In addition to identifying rural lifestyle lots with a minimum area of 12 hectares, Council also identifies rural lifestyle opportunities with a minimum of 2 hectares. In the case of Gulgong these opportunities are identified adjoining the Gulgong urban area. Figure 3-2 Gulgong Town Structure Plan identifies these opportunities in beige as provided below. The subject site is not located within the identified opportunity areas, it is located beyond the Gulgong town structure plan area.

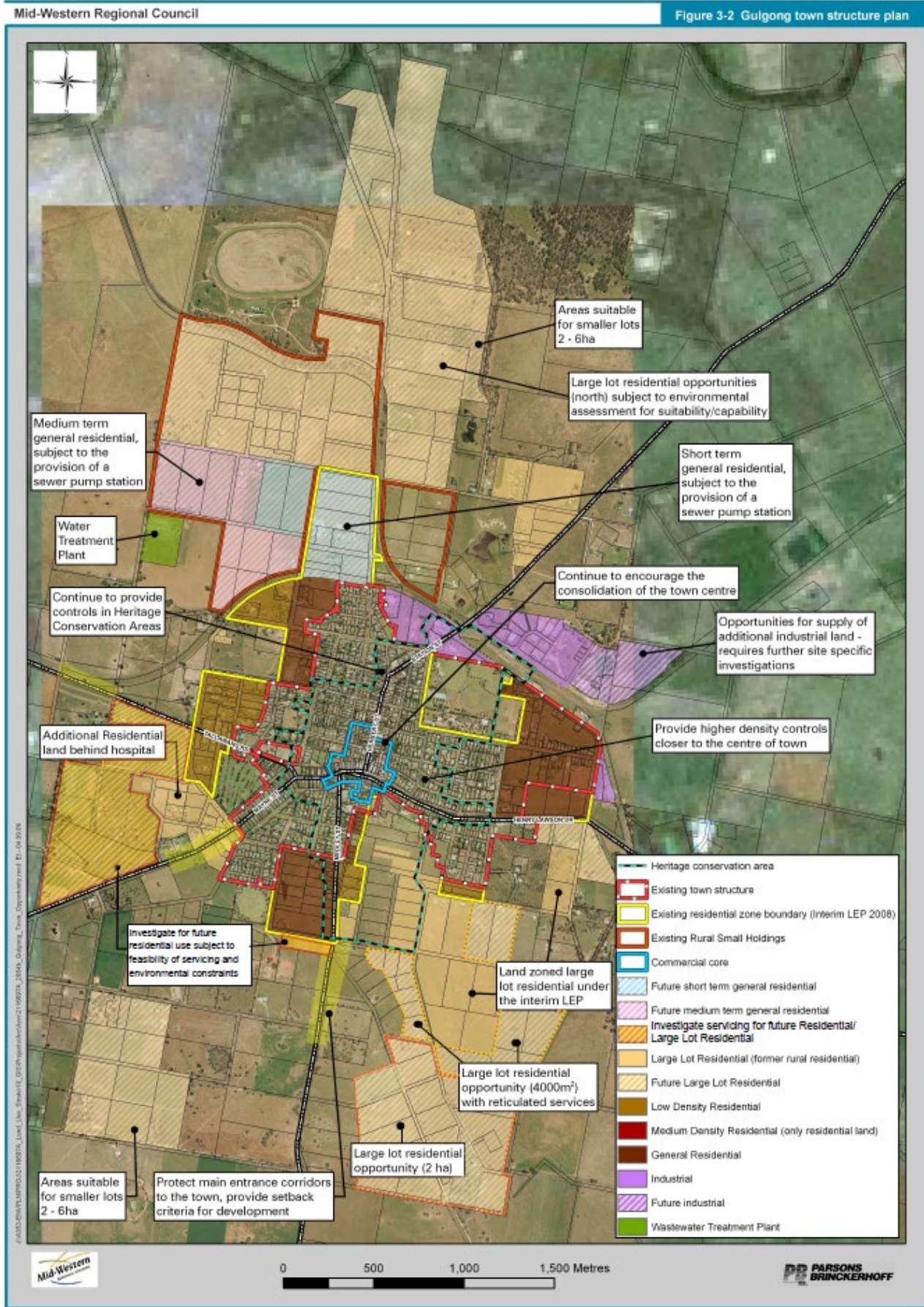


Figure 3-2 Gulgong Town Structure Plan CLUS Part C

Criteria was developed for the consideration of land for rural lifestyle opportunities to be zoned R5 Large Lot Residential with a 2 hectare minimum. The criteria in an Addendum to Part C of the CLUS. The criteria is provided below and a staff comment provided:

*The land:*

*1. Can be managed to avoid land use conflict*

*Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.*

The submitted Planning Proposal does not address how land use conflict will be managed between land zoned Large Lot Residential and RU4 Primary Production on the adjoining lots. However, the size of the site is large enough to accommodate buffers to adjoining agricultural pursuits, this would result in a reduced lot yield.

*2. Is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.*

The Planning Proposal did not consider potential flooding.

*3. Can be connected to the existing road network by sealed road access*

*The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.*

Yes, the development could connect to Magpie Lane, an existing sealed road.

*4. Is not visually intrusive*

*There is no impact on the visual amenity or sensitive corridors identified in the CLUS on the Mudgee Town Structure Plan.*

Due to the sites location such a distance from the sensitive corridors located on the Gulgong urban edge, visual impact is not of a concern on these corridors, however the future development of lots of the site will be visible from other vantage points.

*5. Will not undermine future residential land opportunities*

*It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.*

Not relevant, due to the sites location such a distance from the established urban area where residential land is located.

*6. Will not adversely impact on the groundwater system*

*Mudgee is fully within an area identified by the NSW Department of Primary Industries - Water as being significant in terms of groundwater vulnerability. Any development, and in particular unserviced development, needs to demonstrate that it will not adversely impact on the groundwater system.*

The subject site is partially groundwater vulnerable. An onsite effluent management study was provided with the Planning Proposal. The study demonstrates how potential future onsite management systems could be accommodated.

*7. Can be justified in terms of supply and demand*

*Reference should be made to the Urban Release Strategy in terms of the likely anticipated demand (excluding land zoned but having a 2,000-4,000 square metre option subject to servicing).*

No, as discussed above there is a sufficient supply currently zoned and further identified in the Gulgong catchment.

*8. Can be managed to reduce bushfire hazard  
Bushfire hazards in the area can be appropriately managed or reduced.*

The Planning Proposal states the subject site is not bushfire prone.

*9. Should avoid Biophysical Strategic Agricultural Land*

*Reference should be made to BSAL mapping which identifies the existence of any BSAL at the site of potential development.*

The subject site is not biophysical strategic agricultural land. Very limited land within the Region is identified as BSAL, however the site is currently zoned RU4 Primary Production Small Lots.

*10. Has access to a sustainable water supply*

*The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof water catchment or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000. Department of Primary Industries – Water 'How much water do I need for my rural property' provides one methodology to calculate a required supply.*

The Planning Proposal states roof catchment will provide potable water and a bore scheme will be established for a non-potable water supply.

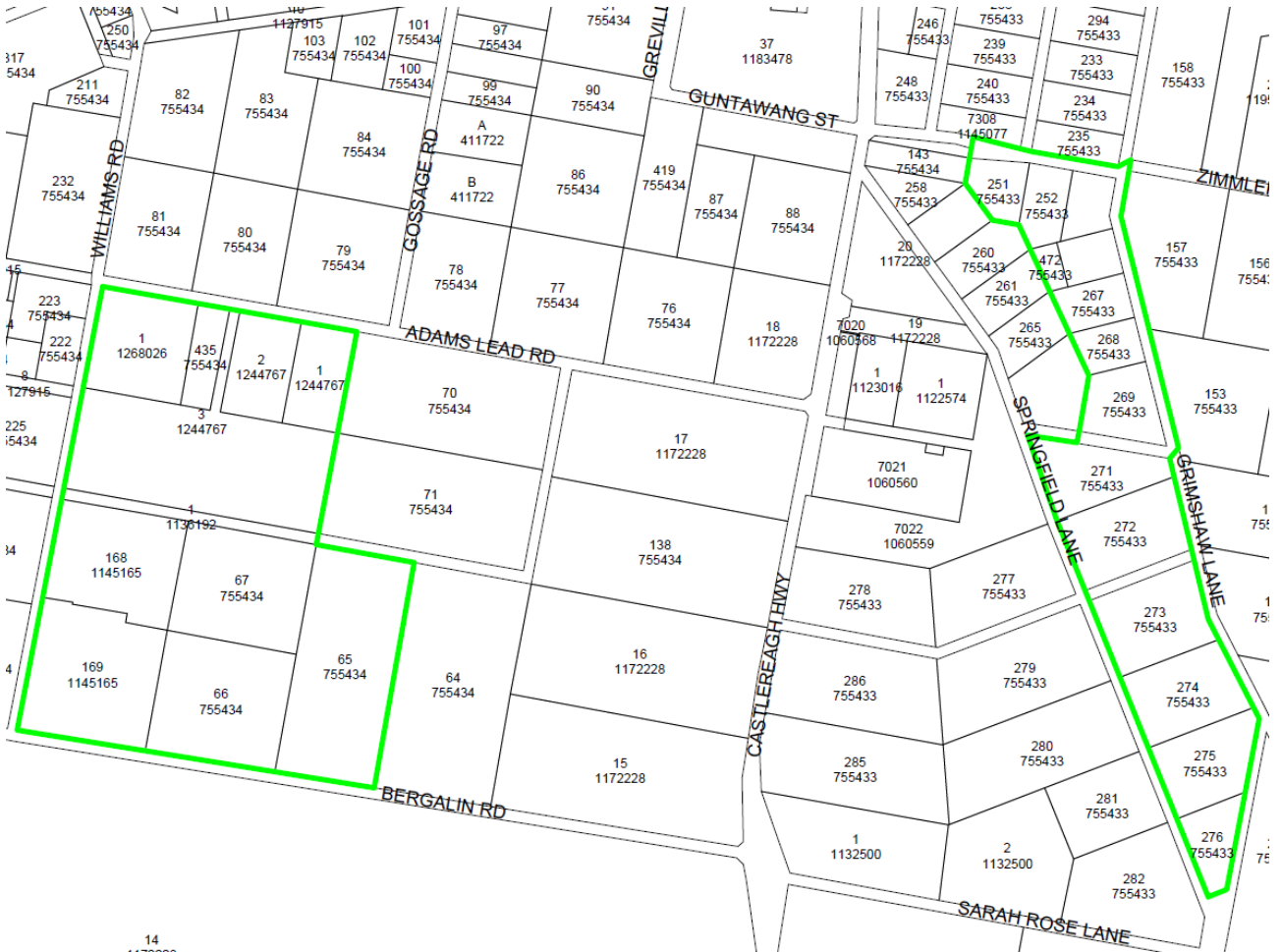
## **CURRENT SUPPLY OF LAND ZONED R5 LARGE LOT RESIDENTIAL AND RU4 PRIMARY PRODUCTION SMALL LOTS**

The below map depicts in green, land in the Gulgong catchment currently zoned R5 Large Lot Residential with a minimum of 2 hectares under the Mid-Western Regional Local Environmental Plan 2012. This land is currently zoned, however not subject to a development application for subdivision. This area represents an approximate 18 year supply.

It should be noted that there is other land already zoned R5 Large Lot Residential with a minimum of 2 hectares. These lots have not been included as they are already at the 2 hectare minimum as they have already been developed. These lots include

In addition to the current supply, the Figure 3-2 Gulgong Town Structure Plan of the CLUS identifies an additional supply of land zoned R5 Large Lot Residential to meet the strategic land use planning horizon. Accordingly, the Planning Proposal in its location and providing an oversupply is not supported.

There is 15,188.14 hectares of land zoned RU4 Primary Production Small Lots within the Region. The Planning Proposal seeks to rezone the site from RU4 Primary Production to R5 Large Lot Residential, this will result in a loss of 74.46 hectares. In this case, a loss of this land zoned RU4 Primary Production is not acceptable as Council has already identified other sites that are not currently zoned RU4 Primary Production Small Lots.



Current land supply of R5 Large Lot Residential with a minimum of 2 hectares in Gulgong

**DEMAND**

**Mudgee and Gulgong Urban Release Strategy 2014**

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

**NEXT STEP**

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

**Community Plan implications**

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

## Strategic implications

### **Council Strategies**

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

### **Council Policies**

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

### **Legislation**

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

## Financial implications

Nil.

## Associated Risks

Nil.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

4 February 2021

*Attachments:* 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.10 Mudgee Health Precinct Master Plan

REPORT BY THE SENIOR PLANNER  
 TO 17 FEBRUARY 2021 ORDINARY MEETING  
 GOV400088, PUB600024

### RECOMMENDATION

**That Council:**

1. **receive the report by the Senior Planner on the Mudgee Health Precinct Master Plan;**
2. **consider the submission received from the Mudgee Health Council; and**
3. **adopt the Mudgee Health Precinct Master Plan as exhibited.**

### Executive summary

At Council’s 9 December 2020 meeting, Council endorsed the draft Mudgee Health Precinct Master Plan to be placed on public exhibition for a period of 28 days. During the public exhibition period, one (1) submission was received from the Mudgee Health Council. The purpose of this report is to consider the submission received and to adopt the Mudgee Health Precinct Master Plan.

### Disclosure of Interest

Nil.

### Detailed report

The draft Mudgee Health Precinct Master Plan was placed on public exhibition for a period of 288 days following Council’s 9 December 2020 meeting. During the public exhibition period, one (1) submission was received from the Mudgee Health Council providing comments for Council consideration. A copy of the submission is included in Attachment 1.

The submission received has been provided to all key stakeholders associated with the Mudgee Health Precinct Master Plan for consideration. No further changes to the Master Plan were recommended by stakeholders as a result of the submission received.

It is therefore recommended that Council adopt the Mudgee Health Precinct Master Plan as exhibited and included in Attachment 2.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Work with key partners and the community to lobby for effective health services in our Region



## Strategic implications

### Council Strategies

The Master Plan strategies and actions align with a number of Council strategies in the Community Plan, including:

- Strategy 1.1: Support the attraction and retention of a diverse range of business and industries;
- Strategy 1.2 above;
- Strategy 1.3: Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles;
- Strategy 2.3: Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning;
- Strategy 3.1: Provide infrastructure and services to cater for the current and future needs of our community;
- Strategy 2.5: Provide a water and sewer network that balances asset conditions with available resources and community needs;
- Strategy 1.2: Encourage the development of a skilled and flexible workforce to satisfy local industry and business requirements;
- Strategy 2.3 – Support the expansion of essential infrastructure and services to match business and industry development in the region;
- Strategy 2.4 – Develop tools that simplify development processes and encourage high quality commercial and industrial development;
- Strategy 3.1 - Support projects that create new jobs on the Region and help to build a diverse and multi-skilled workforce;
- Strategy 3.2 – Build strong linkages with institutions providing education, training and employment pathways in the Region;
- Strategy 3.1 – Develop and enhance walking and cycling networks across the Region; and,
- Strategy 3.2 - Support viable public transport options across the Region.

## Financial implications

Council committed funding towards the preparation of the Mudgee Health Precinct Master Plan. If Council wishes to deliver the supporting actions identified within the Master Plan, it will need to allocate appropriate resources and budget at the appropriate stage and time.

## Associated Risks

There are no known risks associated or identified at the present time.

KAYLA ROBSON  
SENIOR PLANNER

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

27 January 2021

*Attachments:* 1. Submission - Mudgee Health Council. (separately attached)  
2. Mudgee Health Precinct Master Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.11 Acceptance of Grant Funding from NSW Government - The Festival of Place - Summer Fund

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA600002

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager of Economic Development on the Acceptance of Grant Funding from NSW Government - The Festival of Place - Summer Fund;**
2. **accept \$10,000 in grant funding from the NSW Government, The Festival of Place – Summer Fund;**
3. **amend the 2020/21 Budget for the Fermenta event to include additional grant funding received of \$10,000 and increase expenditure by \$10,000; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

### Executive summary

In December 2020, Council applied for \$10,000 in grant funding from the NSW Government, The Festival of Place – Summer Fund Program to contribute towards the entertainment costs of artists performing at the Fermenta Festival to be held in Kandos and Rylstone on 13 March 2021.

The purpose of this report is to confirm acceptance of grant funding towards the Fermenta event, authorise the General Manager to sign the funding agreement, amend Council's Budget for 2020-21, by increasing grant funding by \$10,000 and allocating an additional \$10,000 expenditure towards the Fermenta event.

### Disclosure of Interest

Nil

### Detailed report

The inaugural 'Fermenta' (planned for Saturday 13 March 2021) will see a broad appeal one day event celebrating the art of fermentation hosted in the towns of Kandos and Rylstone. It is aimed to complement the local business industry and the appeal of the Mudgee Region as a destination for high quality fermented produce, food, drinks and wine. Locals and visitors will be treated to educational classes, how-to workshops and tastings to learn about the fermenting process and the potential benefits of fermented food and drink.

The event concludes with a twilight picnic held on the banks of the Cudgegong River in Rylstone, where ticket holders will receive a hamper of local produce, and relax and unwind with local and other regional music acts.

The Festival of Place – Summer Fund Program is a funding program from the NSW Government to support community well-being and economic recovery in and around local town centres. The program includes a series of events across NSW. The Fermenta Festival was deemed an

appropriate event to receive funding, with money to go towards high quality entertainment for attendees.

It is recommended Council accept the grant funding towards the Fermenta event, authorise the General Manager to sign the funding agreement, amend Council’s Budget for 2020-21, by increasing grant funding by \$10,000 and allocating an additional \$10,000 expenditure towards the Fermenta event.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Council’s Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including undertaking events and activities that drive economic support for the region.

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

### Financial implications

Receipt of grant funding will negatively impact Council’s Own Source Revenue ratio.

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

### Associated Risks

Nil

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

2 February 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.12 Acceptance of Grant Funding from NSW Government - Local Sport Defibrillator Program

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA60002

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding from NSW Government - Local Sport Defibrillator Program;**
2. **accept \$2,600 in grant funding from the NSW Government, Local Sport Defibrillator Program;**
3. **amend the 2020/21 Active Parks Budget to set a expenditure budget of \$6,000, including grant funding of \$2,600, and Council funding from unrestricted cash of \$3,400; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

### Executive summary

In December 2020, Council applied for \$2,600 in grant funding from the NSW Government, Local Sport Defibrillator Program, to co-fund the purchase and installation of defibrillators at the two new amenities buildings at Glen Willow Regional Sports Complex.

The purpose of this report is to confirm acceptance of grant funding towards the new defibrillators, authorise the General Manager to sign the funding agreement, and amend Council's Budget for 2020-21.

### Disclosure of Interest

Nil

### Detailed report

Council applied for \$2,600 in grant funding through the NSW Government Local Sport Defibrillator Grant Program for the Glen Willow Regional Sporting Complex Automated External Defibrillator (AED) project which will see the installation of an AED unit in the new Rugby Union and Junior Rugby League amenities buildings at the Glen Willow Regional Sporting Complex. The project was identified to support the expansion of the Glen Willow Regional Sporting Complex Stage 2 works. Council has previously secured grant funding through the Local Sport Defibrillator Grant Program for the installation of AEDs at various existing Glen Willow facilities.

It is recommended that Council endorse the proposed budget amendment/allocation as outlined, and authorise the General Manager to accept funding from NSW Government Local Sport Defibrillator Grant Program and sign the funding agreement and other relevant documentation.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Strategic implications

### Council Strategies

Council's Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including providing infrastructure and services to cater for current and future needs of the community.

### Council Policies

Not Applicable

### Legislation

Not Applicable

## Financial implications

This project will negatively impacting the operating performance ratio and own source revenue for Council.

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

## Associated Risks

Nil

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

2 February 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.13 Acceptance of Grant Funding for NSW Government Bushfire Local Economic Recovery Fund

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA600044

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding for NSW Government Bushfire Local Economic Recovery Fund;**
2. **accept \$859,700 in grant funding from the Bushfire Local Economic Recovery Fund for the following projects, if successful:**
  - **\$247,000 towards shared pathways extending into and around Glen Willow and the Putta Bucca Wetlands area;**
  - **\$612,700 towards Putta Bucca Wetlands Infrastructure;**
3. **amend the 2020/21 Budget and 2017/21 Delivery Program as follows:**
  - **in 2020/21 for shared pathways extending into and around Glen Willow and the Putta Bucca Wetlands area, increase expenditure budget by \$247,000 to be fully funded by grant funding;**
  - **in 2021/22 for Putta Bucca Wetlands Infrastructure, set an expenditure budget of \$612,700 to be fully funded by grant funding; and**
4. **authorise the Mayor or General Manager to finalise and sign the funding agreement with the NSW Government for NSW Bushfire Local Economic Recovery Fund if, the funding application is successful.**

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### Executive summary

In December 2020, Council applied for funding from the Bushfire Local Economic Recovery Fund, which supports projects that retain and create new jobs in regional areas, build resilience and increase preparedness for future bushfire seasons. Projects funded must demonstrate that they support social and economic recovery. Council applied for \$859,700 in grant funding for the Putta Bucca Wetlands Tourism and Community Infrastructure Development project which met the criteria of the grant fund.

The purpose of this report is to authorise the Mayor or General Manager to accept funding from NSW Government Bushfire Local Economic Recovery Fund and sign the funding agreement and other relevant documentation, should Council be successful in obtaining the grant funding applied for.

## Disclosure of Interest

Nil

### Detailed report

Council applied for \$859,700 in grant funding through the Bushfire Local Economic Recovery Fund for the Putta Bucca Wetlands Tourism and Community Infrastructure Development project which will see the construction of community and tourism infrastructure at Putta Bucca Wetlands including picnic shelters, a boardwalk, and playground. Signage, nesting boxes and augmented hollows will be installed. Wetland weed control will occur along with improvements to wetland walking tracks, and extension to the facility carpark.

The project will additionally fund final sections of the shared pathway to connect Mudgee township and Glen Willow, to the Wetlands and surrounds.

The project was identified from Council's Towards 2030 Community Plan and other community engagement initiatives, as an opportunity for investment by Mid-Western Regional Council.

The Bushfire Local Economic Recovery Fund has a number of eligibility requirements and a stringent assessment criteria to be met by proposed projects. This project was identified as meeting the criteria and therefore nominated for funding by this fund.

It is recommended that Council endorse the proposed budget amendments as outlined and authorise the Mayor or General Manager to accept funding from NSW Government Bushfire Local Economic Recovery Fund and sign the funding agreement and other relevant documentation should Council be successful in obtaining the grant funding applied for.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

## Strategic implications

### **Council Strategies**

Council's Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including providing infrastructure and services to cater for current and future needs of the community

### **Council Policies**

Not Applicable

### **Legislation**

Not Applicable

## Financial implications

The grant funding will bring forward expenditure planned for future years at Putta Bucca Wetlands, however this will reduce Council's own investment through the use of grant funding.

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

## Associated Risks

Nil

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

15 December 2020

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 8.14 Delivery Program 2017/21 Six Monthly Progress Report

REPORT BY THE DIRECTOR DEVELOPMENT  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, COR400116

### RECOMMENDATION

**That Council receive the report by the on the Delivery Program 2017/21 Six Monthly Progress Report.**

### Executive summary

Council is required to report on its progress against the adopted Delivery Program at least every six months. This report presents progress against the Delivery Program 2017/21 for the six months to 31 December 2020.

### Disclosure of Interest

Nil.

### Detailed report

Council adopted the 2017/21 Delivery Program on 21 June 2017.

Section 404 of the Local Government Act 1993 requires the General Manager to ensure progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

The 2017/21 Delivery Program forms part of Council's Integrated Planning and Reporting documentation.

#### Council Policies

Not applicable.

#### Legislation

Local Government Act 1993

### Financial implications

Not applicable.

## Associated Risks

Not applicable.

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

3 February 2021

*Attachments:* 1. Delivery Program - Six Monthly Progress Report Feb 2021. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.15 Land & Housing Supply Monitor 1 July 2020 - 31 December 2020

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, LAN900042

### PRECOMMENDATION

**That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2020 - 31 December 2020.**

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### Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process. This Monitor is presented to Council every 6 months and provides the latest development activity data for the preceding six month period. In addition, the attached Monitor details land supply within the specific Urban Release Areas, this information has not previously been provided. The Monitor is attached to this report.

### Disclosure of Interest

Nil.

### Detailed report

The following is detailed in the attached Monitor:

- Recent development activity for the most recent six month period ending 31 December 2020.
- Land supply within Urban Release Areas, detailing how many years supply this represents.
- Current population growth and forecast.

The Monitor focuses on the R1 General Residential and R2 Low Density Residential zonings in Mudgee as this is the area experiencing the greatest growth in the region. Over time this Monitor will be expanded to include other land supply around the region.

It is important for Council to maintain this Monitor to ensure an adequate land supply is maintained. Further, the Monitor assists in the consideration of land zoning decisions and providing advice to community members in relation to rezoning enquiries.

### Community Plan implications

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

## Strategic implications

### **Council Strategies**

The preparation of this report and Monitor is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

### **Council Policies**

Not applicable.

### **Legislation**

Not applicable.

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

SARAH ARMSTRONG  
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

30 November 2020

*Attachments:* 1. Land and Housing Supply Monitor.

### APPROVED FOR SUBMISSION:

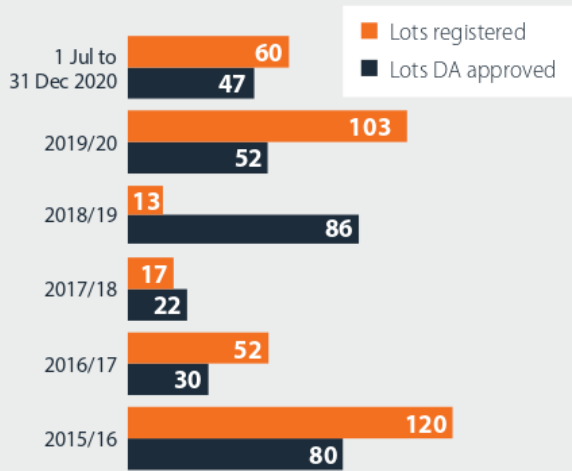
BRAD CAM  
GENERAL MANAGER

# LAND AND HOUSING SUPPLY MONITOR

## 1. Recent development activity across the Region

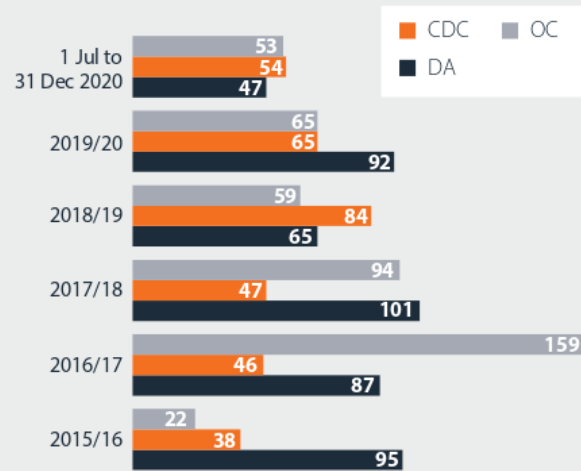
### Residential lots approved and released

(including land zoned R1, R2, and R5 with minimum of 2 hectares)



### Dwellings and medium density housing

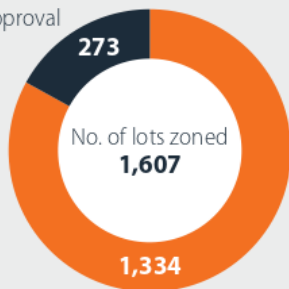
Development Applications, Complying Development Applications and Occupation Certificates



## 2. Land supply within Mudgee urban release areas

### R1 (450–1999m<sup>2</sup>)

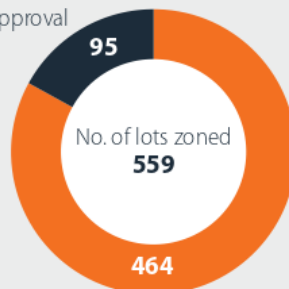
Lots with subdivision approval



Lots without subdivision approval

### R2 (2000m<sup>2</sup>)

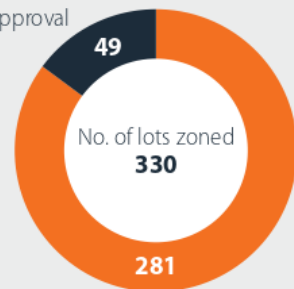
Lots with subdivision approval



Lots without subdivision approval

### R2 (4000m<sup>2</sup>)

Lots with subdivision approval



Lots without subdivision approval

### Years of land supply

(Years supply is based on the average number of lots registered per year over the past five years)



\* Note: Minimal development in URS areas to date

Minimum target = 20 years

### 3. Population growth and forecast



## 8.16 Monthly Development Applications Processing and Determined

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

### RECOMMENDATION

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

### Executive summary

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

### Disclosure of Interest

Nil

### Detailed report

Included in this report is an update for the month of January 2021 Development Applications determined and Development Applications processing. The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information
- Median and average processing times for development applications
- A list of determined development applications
- Currently processing development applications and heritage applications.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

01 February 2021

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

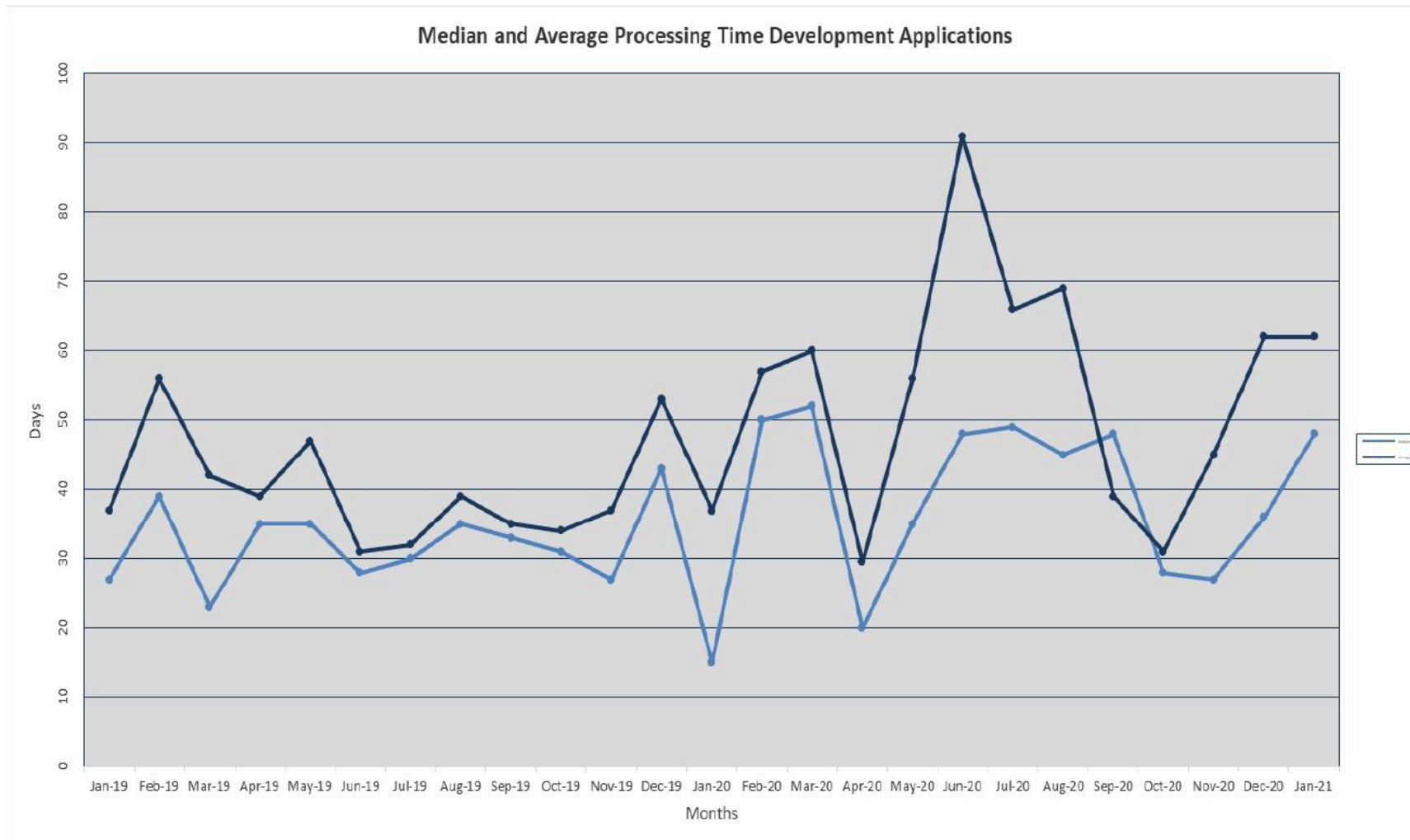
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



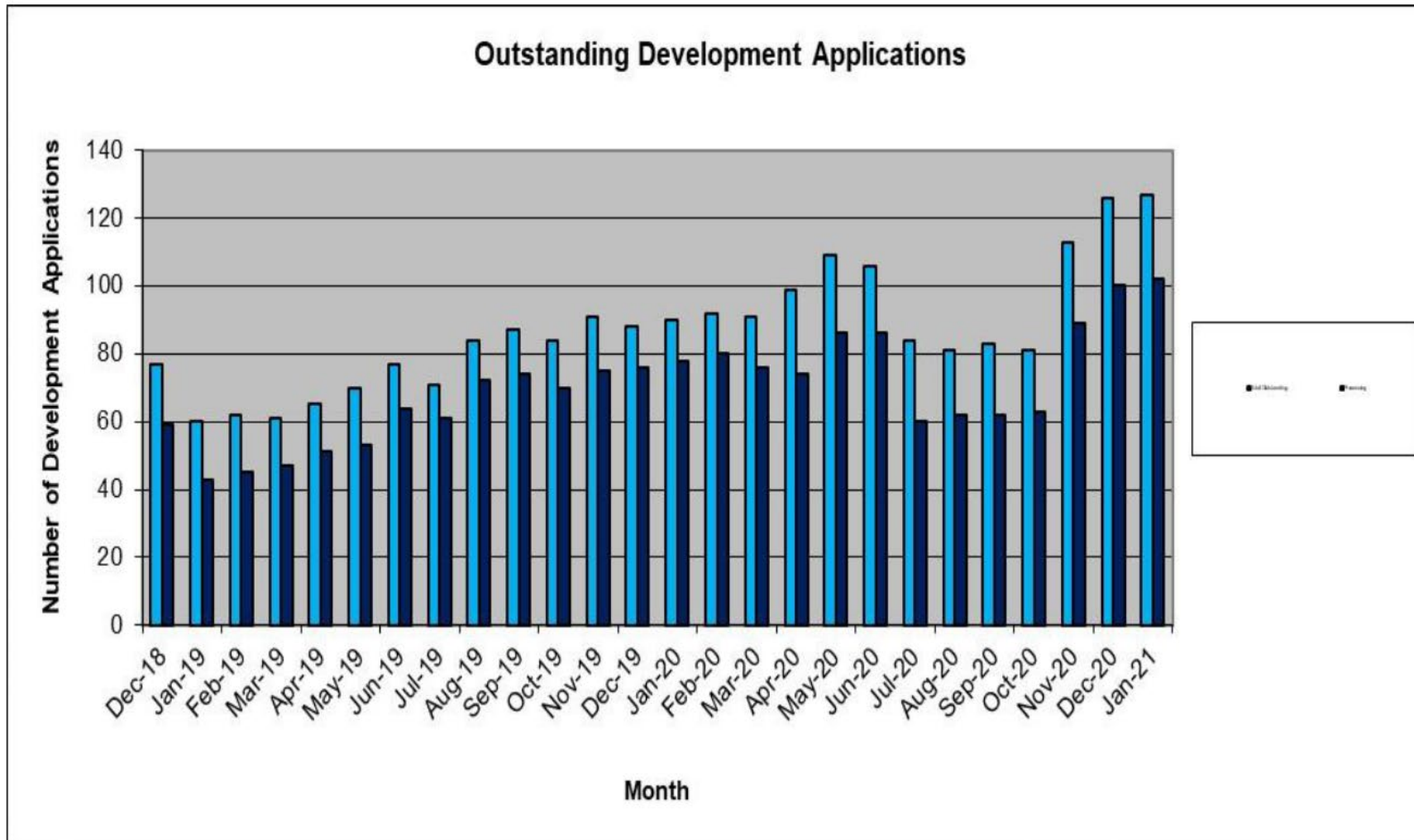
## Monthly Development Application Processing Report – January 2021

This report covers the period for the month of January 2021. Graph 1 indicates the processing times up to 31, January 2021 with the month of January having an average of 62 days and a median time of 48 days.



## Monthly Development Application Processing Report – January 2021

Graph 2 indicates the total number of outstanding applications, the number currently being processed and the number on “stop clock”.



## Monthly Development Application Processing Report – January 2021

The Planning and Development Department determined 22 Development Applications either by Council or under delegation during January 2021.

### Development Applications Determined – January 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0166/2020	Dual Occupancy	9	Mulholland Court	MUDGEE
DA0208/2020	Dwelling House	150	Wyaldra Lane	COOKS GAP
DA0252/2020	Secondary Dwelling	1	Rayner Street	MUDGEE
DA0069/2021	Dwelling House	56	Wollar Road	BUDGEE BUDGEE
DA0072/2021	Dwelling House	11	Clifton Avenue	MUDGEE
DA0117/2021	Dual Occupancy	1822	Castlereagh Highway	CUDGEGONG
DA0122/2021	Boundary Adjustment	80	Carwell Street	RYLSTONE
DA0149/2021	Tourist and Visitor Accommodation	32	Hadabob Road	FROG ROCK
DA0152/2021	Residential Shed	38	Spring Road	MUDGEE
DA0153/2021	Commercial Alterations/Additions	84	Mortimer Street	MUDGEE
DA0156/2021	Residential Shed	5	Cassin Lane	MUDGEE
DA0158/2021	Residential Shed	123	Gladstone Street	MUDGEE
DA0163/2021	Dwelling House	10	Cook Place	MUDGEE
DA0164/2021	Dwelling House	9	Miller Crescent	MUDGEE
DA0167/2021	Residential Shed	3	Wentworth Avenue	MUDGEE
DA0169/2021	Farm Stay Accommodation	344	Castlereagh Highway	BURRUNDULLA
DA0179/2021	Dual Occupancy	17	Buckaroo Road	BUCKAROO
DA0184/2021	Signage	134	Mayne Street	GULGONG
DA0187/2021	Moveable Dwelling	38	Panorama Court	RYLSTONE
DA0192/2021	Dwelling House	3	Clare Court	MUDGEE
DA0206/2021	Alterations & Additions	5	Grant Street	MUDGEE
DA0208/2021	Residential Shed	209	Pipeclay Lane	BUDGEE BUDGEE

\*NOTE – no DCP Variations to the abovementioned determined Development Applications.

## Monthly Development Application Processing Report – January 2021

### Development Applications currently being processed – January 2021

App/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEE
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG
DA0277/2019	Dwelling House	280	Gardiners Road	TWO MILE FLAT
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0225/2020	Subdivision - Torrens Title	402	Castlereagh Highway	MENAH
DA0274/2020	Camping Ground	701	Coricudgy Road	KELGOOLA
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0025/2021	Caravan Park	196	Rocky Waterhole Road	MOUNT FROME
DA0043/2021	Eco-Tourist Facility	1135	Campbells Creek Road	WINDEYER
DA0053/2021	Change of use - Fabrication Workshop	22	Industrial Avenue	MUDGEE
DA0085/2021	Alterations & Additions	16	Gladstone Street	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0099/2021	Home Industry	713	Black Springs Road	BUDGEE BUDGE
DA0100/2021	Community Facility	35	Ilford Hall Road	ILFORD
DA0102/2021	Boundary Adjustment	21	Robertson Street	MUDGEE
DA0103/2021	Dwelling House	153	Bruce Road	MUDGEE
DA0108/2021	Dwelling House	1063	Crudine Road	CRUDINE
DA0109/2021	Dwelling House	49	Saleyards Lane	MUDGEE
DA0111/2021	Dwelling House	47	Saleyards Lane	MUDGEE
DA0112/2021	Dwelling House	3	Croake Way	MUDGEE
DA0114/2021	Motel	21	Horatio Street	MUDGEE
DA0119/2021	Secondary Dwelling	1991	Lower Piambong Road	PIAMBONG

## Monthly Development Application Processing Report – January 2021

DA0120/2021	Multi Dwelling Housing	29	Ilford Road	RYLSTONE
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE
DA0126/2021	Dwelling House	111	Mount Pleasant Lane	BUCKAROO
DA0127/2021	Residential Shed	2	Piper Street	RYLSTONE
DA0128/2021	Dual Occupancy	135	Strikes Lane	EURUNDEREE
DA0129/2021	Dwelling House	338	Black Springs Road	EURUNDEREE
DA0132/2021	Dwelling House	591	Wollar Road	CROSS ROADS
DA0133/2021	Dwelling House	8	Mullholland Court	MUDGEE
DA0136/2021	Subdivision - Torrens Title	64	Rocky Glen Lane	BOTOBOLAR
DA0140/2021	Residential Shed	12	Lovett Court	SPRING FLAT
DA0141/2021	Dwelling House	329	New Olivers Road	RUNNING STREAM
DA0147/2021	Subdivision - Torrens Title	13	Belmore Street	GULGONG
DA0150/2021	Boundary Adjustment	5817	Ilford Sofala Road	SOFALA
DA0151/2021	Boundary Adjustment	5964	Castlereagh Highway	RUNNING STREAM
DA0154/2021	Carport	10	Darren Drive	MUDGEE
DA0155/2021	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0157/2021	Farm Stay Accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0160/2021	Subdivision - Torrens Title	473	Burrundulla Road	BURRUNDULLA
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0165/2021	Dual Occupancy	8	Stan Boal Court	MUDGEE
DA0166/2021	Water Storage Facility	51	Oaklands Road	MOUNT FROME
DA0171/2021	Pergola	50	Gladstone Street	MUDGEE
DA0172/2021	Carport	63	Church Street	MUDGEE
DA0174/2021	Dwelling House	22	Xavier Court	MUDGEE
DA0178/2021	Dwelling House	55	Bymes Lane	BURRUNDULLA
DA0185/2021	Dwelling House	487	Black Springs Road	BUDGEE BUDGE
DA0186/2021	Tourist and Visitor Accommodation	109	Tinja Lane	EURUNDEREE
DA0189/2021	Subdivision - Torrens Title	283	Erdugere Lane	ERUDGERE
DA0190/2021	Secondary Dwelling	22	Burrundulla Avenue	MUDGEE
DA0191/2021	Subdivision - Torrens Title	209	Robertson Road	SPRING FLAT
DA0193/2021	Air Transport Facility	4	Aerodrome Road	RYLSTONE
DA0195/2021	Dwelling House	931	Castlereagh Highway	MULLAMUDDY
DA0196/2021	Industrial Building	10	Industrial Avenue	MUDGEE
DA0199/2021	Change of use to Serviced Apartments	1	Sydney Road	MUDGEE

## Monthly Development Application Processing Report – January 2021

DA0202/2021	Dwelling House	485	Cypress Drive	YARRAWONGA
DA0204/2021	Function Centre	345	Spring Flat Road	SPRING FLAT
DA0205/2021	Dwelling House	60	Dangar Street	KANDOS
DA0207/2021	Dwelling House	206	Lesters Lane	PIAMBONG
DA0209/2021	Dual Occupancy	1212	Spring Creek Road	YARRAWONGA
DA0210/2021	Dwelling House	1	Lovett Court	SPRING FLAT
DA0211/2021	Eco-Tourist Facility	1245	Coxs Creek Road	COXS CREEK
DA0212/2021	Pergola	5	Durack Court	MUDGEE
DA0214/2021	Alterations & Additions	29	Robert Hoddle Grove	BOMBIRA
DA0217/2021	Dwelling House	12	Lovett Court	SPRING FLAT
DA0218/2021	Change of use - Shed to Serviced Apartment	463	Queens Pinch Road	SPRING FLAT
DA0219/2021	Dwelling House	5	Mullholland Court	MUDGEE
DA0220/2021	Subdivision - Torrens Title	107	Bellevue Road	MUDGEE
DA0221/2021	Dwelling House	74	Carwell Street	RYLSTONE
DA0222/2021	Dwelling House	20	Kilkenny Avenue	MUDGEE
DA0223/2021	Residential Shed	19	Charles Lester Place	MUDGEE
DA0225/2021	Camping Ground	1372	Hill End Road	GRATTAI
DA0228/2021	Residential Shed	14	Hone Creek Drive	CAERLEON
DA0229/2021	Dual Occupancy	90	Sawpit Road	MUDGEE
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE
DA0232/2021	Tourist and Visitor Accommodation	2976	Goolma Road	GOOLMA
DA0234/2021	Alterations & Additions	7	Fitzgerald Street	RYLSTONE
DA0235/2021	Dual Occupancy	769	Black Springs Road	BUDGEE BUDGEE
DA0236/2021	Dual Occupancy	14	Saleyards Lane	MUDGEE
DA0237/2021	Residential Shed	140	Lesters Lane	PIAMBONG
DA0238/2021	Dual Occupancy	24	Saleyards Lane	MUDGEE
DA0239/2021	Dwelling House	1403	Blue Springs Road	BUNGABA
DA0240/2021	Residential Shed	7	Steel Drive	SPRING FLAT
DA0241/2021	Residential Shed	112	School Lane	BUDGEE BUDGEE
DA0242/2021	Secondary Dwelling	2787	Henry Lawson Drive	GULGONG
DA0243/2021	Alterations & Additions	33	Coolcalwin Street	OLINDA

## Monthly Development Application Processing Report – January 2021

### Heritage Development Applications currently being processed – January 2021.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0254/2019	Dual Occupancy	100	Inglis Street	MUDGEE
DA0300/2019	Demolition	80	Madeira Road	MUDGEE
DA0118/2020	Change of use - Retail to Beautician	26	Market Street	MUDGEE
DA0032/2021	Multi Dwelling Housing	68	Mortimer Street	MUDGEE
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	Information and Education Facility	49	White Street	GULGONG
DA0162/2021	Dual Occupancy	62	Medley Street	GULGONG
DA0168/2021	Demolition	61	Horatio Street	MUDGEE
DA0173/2021	Residential Shed	8	Bowman Street	GULGONG
DA0188/2021	Multi Dwelling Housing	47	Lewis Street	MUDGEE
DA0194/2021	Carport	14	Wenonah Street	GULGONG
DA0197/2021	Alterations & Additions Change of use - Residential Flat Building to Serviced	35	Louee Street	RYLSTONE
DA0198/2021	Apartments	110	Church Street	MUDGEE
DA0200/2021	Commercial Alterations/Additions	82	Market Street	MUDGEE
DA0201/2021	Change of use to Bakery	131	Church Street	MUDGEE
DA0203/2021	Serviced Apartment	38	Perry Street	MUDGEE
DA0213/2021	Alterations & Additions	50	Nicholson Street	MUDGEE
DA0215/2021	Residential Shed	42	Court Street	MUDGEE
DA0216/2021	Residential Shed	31	Denison Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0226/2021	Serviced Apartment	92	Douro Street	MUDGEE
DA0227/2021	Alterations & Additions	74	Douro Street	MUDGEE
DA0230/2021	Alterations & Additions	6	Court Street	MUDGEE
DA0233/2021	Residential Shed	42	Denison Street	MUDGEE

## 8.17 Acceptance of Grant Funding from Commonwealth Government Local Roads and Community Infrastructure Program - Phase 2.

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA600044

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding from Commonwealth Government Local Roads and Community Infrastructure Program - Phase 2;**
2. **accept \$1,681,057 in grant funding from the Local Roads and Community Infrastructure Program – Phase 2;**
3. **amend the 2020/21 budget to allocate expenditure of \$840,500 on the road extensions between Putta Bucca and Glen Willow, funded from federal grant funding;**
4. **amend the 2021/22 budget to allocate expenditure of \$840,557 on the road extensions between Putta Bucca and Glen Willow, funded from federal grant funding; and**
5. **authorise the Mayor or General Manager to finalise and sign the funding agreement with the Commonwealth Government for the Local Roads and Community Infrastructure Fund.**

### Executive summary

In December 2020, Council was notified in writing of an offer to accept \$1,681,057 in Federal Government funding under the Local Roads and Community Infrastructure Program (LRCI) Phase 2. The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities

The purpose of this report is to accept grant funding from Federal Government's Local Roads and Community Infrastructure Program of \$1,681,057, amend Council's Budget for 2020/21 and 2021/22, and authorise the Mayor or General Manager to finalise and sign the funding agreement.

### Disclosure of Interest

Nil.

### Detailed report

Local Roads and Community Infrastructure Program (LRCI) is a Federal Government initiative to stimulate funds flowing into the local economy. The offer of \$1,681,057 of funding will assist



Council in delivering a range of projects that improve the local community. There is a number of criteria to be met for projects to be eligible under this funding. This criteria includes that projects must be completed by 30 June 2022 which limits the scale of projects that may be included in this program. Further, projects must be associated with either road infrastructure or community infrastructure.

It is recommended, that Council confirm acceptance of the grant funding of \$1,681,057 and allocate the funding to the first portion of works on the connecting road through Glen Willow to Putta Bucca which will be completed within the required timeframe.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

### Strategic implications

#### Council Strategies

Council's Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including providing infrastructure and services to cater for current and future needs of the community.

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

### Financial implications

A budget variation is recommended to allocate the income and expenditure over 2 financial years, with the works to be funded from the federal grant. It should be noted that the bridge and some minor works will need to be funded through future grant funding opportunities, or alternate funding sources. A report will be brought back to Council with the proposal to fund the remaining works estimated at \$3.84 million.

<b>Budget Year</b>	<b>Operating Performance Ratio</b>	<b>Own Source Revenue</b>	<b>Building &amp; Infrastructure Renewal</b>
<b>2020/21</b>	-	X	-
<b>Future Years</b>	-	-	X

### Associated Risks

Nil.

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

9 February 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 9: Finance

---

### 9.1 Quarterly Budget Review Statement December 2020

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, FIN300240

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement December 2020;**
2. **amend the 2020/21 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

---

#### Executive summary

This report, with its incorporated attachment, makes up the December 2020 Quarterly Budget Review Statement of the 2020/21 Operational Plan. Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

#### Disclosure of Interest

Nil.

#### Detailed report

The Quarterly Budget Review Statement presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of Council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

#### Certification

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

*It is my opinion that the attached Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2021 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2020/21 financial year.*

## Community Plan implications

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

## Strategic implications

### Council Strategies

The recommendation if approved will amend the 2020/21 Budget. In accordance with the Delivery Program 2017/21 a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

### Council Policies

Not applicable.

### Legislation

Clause 203 of the Local Government (General) Regulation 2005 requires that:

(1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the Council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

(2) A budget review statement must include or be accompanied by:

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

(3) A budget statement must also include any information required by the Code to be included in such a statement.

## Financial implications

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

## Associated Risks

Approval of the budget variations proposed in this report are required in order to meet some project deadlines.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

11 January 2021

*Attachments:* 1. Quarterly Budget Review Statement December 2021. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.2 Classification of Land - Lot 1 DP739918 at 70 - 76 Court Street Mudgee

REPORT BY THE PROPERTY OFFICER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, P1122711

### RECOMMENDATION

#### That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 1 DP739918 at 70 - 76 Court Street Mudgee; and
2. classify Allotment 1 DP739918 at 70 - 76 Court Street Mudgee as *Operational Land* in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

### Executive summary

This report seeks to formalise the classification of Allotment 1 DP739918 at 70 – 76 Court Street, Mudgee as *Operational* land. Council entered into an agreement with Technical and Further Education (TAFE) to acquire Allotment 1 DP739918 at 70 -76 Court Street Mudgee for use by not-for-profit and community organisations as storage space, rehearsal space and classrooms for various activities including workshops and meetings, and by non-government organisations for the provision of emergency and crisis accommodation.

### Disclosure of Interest

Nil.

### Detailed report

As part of the process of classification of the land, Council resolved on 9 December 2020 to advertise its intent to classify Allotment 1 DP739918 at 70 - 76 Court Street Mudgee as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 11 December 2020. Written submissions were called for with the closing date for submissions being 8 January 2021. No submissions were received.

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

### Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Not applicable

### **Legislation**

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

## Financial implications

Not applicable

## Associated Risks

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

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

13 January 2021

*Attachments:* 1. Advertisement for classification of land Allotment 1 DP739918 old TAFE site.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

- Classify as Operational Land, the former Technical And Further Education (TAFE) site being Lot 1 DP739918 at 70 -76 Court Street for use by Not-for-profit and community organisations as storage space, rehearsal space and classrooms for various activities including workshops and meetings, and by non-government organisations for the provision of emergency and crisis accommodation.



A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classifications. Submissions should be directed to the Property Department and will be accepted until Friday, **8 January 2021**.

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



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

REPORT BY THE PROPERTY SUPPORT OFFICER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, R0790141 P20790 P20791 P25906

### RECOMMENDATION

#### That Council:

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

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### Executive summary

A new subdivision off Fairydale Lane in the town of Mudgee includes three new streets. Addressing requirements for the new subdivision will necessitate the naming of these new street.

### Disclosure of Interest

Nil.

### Detailed report

Council, being the Roads authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose names for these new streets.

Council wrote to the developers, property owners and neighbours of the subdivision on 9<sup>th</sup> December 2020 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 4 December 2020 Mudgee Guardian. Submissions closed on 1 January 2021 and no responses were received during this period.

One previously approved name for a new street in the Bombira Estate subdivision became available due to changes to that subdivision plan. This name was approved by Council as were two other names which were listed in Council's pre-approved names list. These names are:

- Goodlet
- Dunnachie
- McEwan

The Geographical Names Board previously approved Goodlet on 3 February 2015, Dunnachie on 29 March 2018 and McEwan on 17 January 2013. Council approved of Goodlet at their 18 February 2015 meeting, Dunnachie at their 16 March 2016 meeting and McEwan at their 3 August 1993 meeting.

The recommended name of Goodlet relates to the father of a Mudgee resident of over 30 years, William George Goodlet was employed as part of a Government Jobs scheme and came to Mudgee to help build the Weir in Lawson Park in the 1920s. His memories of the area led to his son moving to the area himself.

The recommended name of Dunnachie relates to John Dunnachie (1943-2011) who, with his wife Margaret, chose Mudgee as the location for his semi-retirement to be close to the wineries and because of his love of rural life. John was a long time participant of the Mudgee Field Days and a third generation master Cooper. John also worked on restoring and repairing sloop buckets, water and storage barrels for the HMB Endeavour at the National Maritime Museum in Sydney. He also handcrafted spittoons for Steins Wines, barrels for DiLusso Winery and Mudgee Winery, wine barrels for Farmers Daughter Wines, tubs, buckets, barrels, casks & butter churns for Elizabeth Farm in Parramatta and Hyde Park Barracks in Sydney, and wine barrel tables for hotels in Rylstone and Mudgee. His craftsmanship was highly sought after and many residents and visitors own a piece of his work.

The recommended name of McEwan relates to Rev. Alexander McEwan (1829-1883) who was the first permanent minister in Mudgee, serving at St Paul's Presbyterian church in Mortimer Street from 1858 to 1883 with a parish that extended from Hill End to south of Coonabarabran.

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the roads with the right to name them. The naming of these new streets will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months' notice of the proposed name."

In accordance with Council's Road, Bridge and Place Naming Policy, the names that Council endorses for these streets will be:

1. Advertised in the Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer rescue Association Inc., and, in the case of a classified road – Roads and Maritime Services, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

## Community Plan implications

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

## Strategic implications

**Council Strategies**

Not applicable.

**Council Policies**

Road, Bridge and Place Naming Policy.

**Legislation**

The Roads Act, 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

Financial implications

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

Associated Risks

Nil.

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

13 January 2021

- Attachments:*
1. GNB Letter approving Goodlet.
  2. GNB Letter approving Dunnachie.
  3. GNB Letter approving McEwan.
  4. Submission.
  5. Submission.
  6. Submission.
  7. Map.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Your Reference: CA:R0790141 R0790041  
Our Reference:  
Contact Officer: Rhet Humphrys  
Telephone No: 02 6332 8363  
Email: [rhet.humphrys@lpi.nsw.gov.au](mailto:rhet.humphrys@lpi.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 28<sup>th</sup> November 2014, which proposed the following public road names:

**LUCAS, CANT, SINGH, OAKDEN, CANDOS, KEARINS, WALSH, WURTH,  
GOODLET, BUGG**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and I would raise the following objections:

**CANDOS** - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a **KANDOS TIP ROAD** located in Kandos.

**WALSH** - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a **WALSH ROAD** located in Budgee Budgee.

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

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat  
3<sup>rd</sup> February 2015

## Carolyn Atkins

---

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

Dear Carolyn

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

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

Regards  
Susan

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



This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department of Finance, Services & Innovation. This email message has been swept by MIMESweeper for the presence of computer viruses.

Please consider the environment before printing this email



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

Attention: Carolyn Atkins

17<sup>th</sup> January 2013

cc: Secretary of the Geographical  
Names Board of NSW

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

Dear Madam,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours Faithfully

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

Mudgee NSW 2850.

26/9/2014.



General Manager,

Mid-Western Regional Council,

PO Box 156,

Mudgee NSW 2850.

Nomination for Street Name – Mudgee.

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

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

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

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

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

History.

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

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

Eric K. Goodlet.





Margaret Dunnachie

**TO WHOM IT MAY CONCERN**

**SUBJECT:**

Naming of Reserve/Park

**LOCATION:**

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

Dear Sir/Madam,

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

**“JOHN DUNNACHIE RESERVE”**

**Profile:**

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

**TESTIMONIALS!**

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

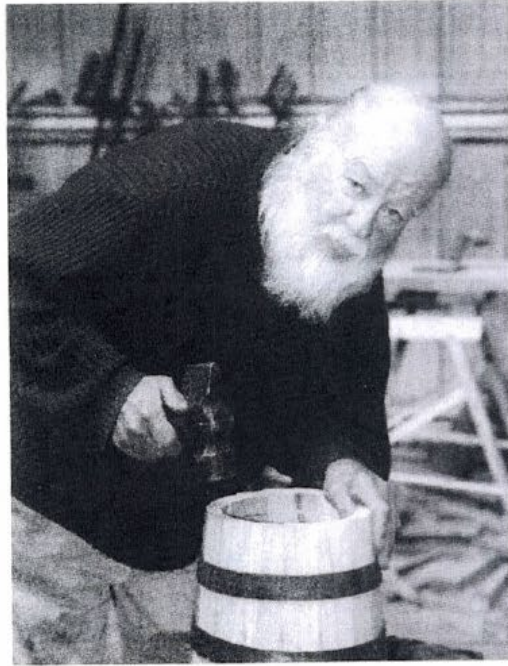
**Mr. Scott Cam** - His opinions upon visiting the site at the Mudgee Small Farm Field Days.

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

Yours sincerely

**THANK YOU VERY MUCH**





# THE MASTER COOPER

By Viktoria Darab

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

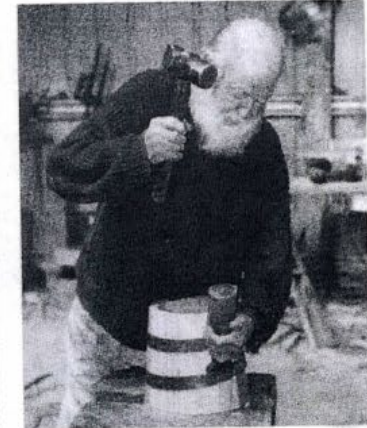
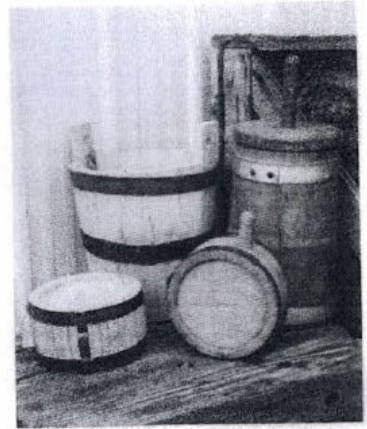
The barrel maker's trade, or coopering as it is known, has its roots in Roman times, however the Gauls claim to be the first coopers. The coopers' guilds in the early Middle Ages in France and England were large and powerful, receiving a royal charter in the 1500s. Barrels were ideal for Great Britain's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

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

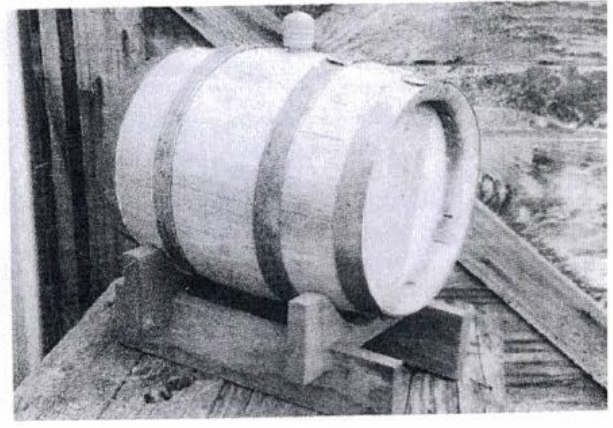
Work on a barrel would begin by the cooper selecting flat planks called blanks, to make staves. Tight work mainly required white oak. Slack work used red oak, chestnut and yellow pine. Rough staves were cut and air dried outside for at least two years. The rough staves were then shaped, bent, fitted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

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

ARTISAN PROFILE



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





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

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

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

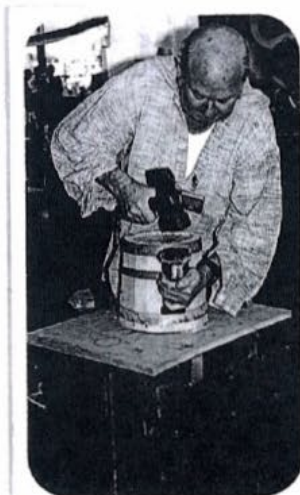
According to John, "Coopering is a rare trade because a lot of wooden barrels have been replaced by stainless steel for lower maintenance. The maintenance on the oak wine barrels involves shaving out the cream of tartar buildup, which would interfere with the oaking process over time. This process would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

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

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

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

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



### Classic & Wooden Boat Festival

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

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

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

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



## MUDGEE FIELD DAYS

### Obituary

#### John Dunnachie 1943-2011

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

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

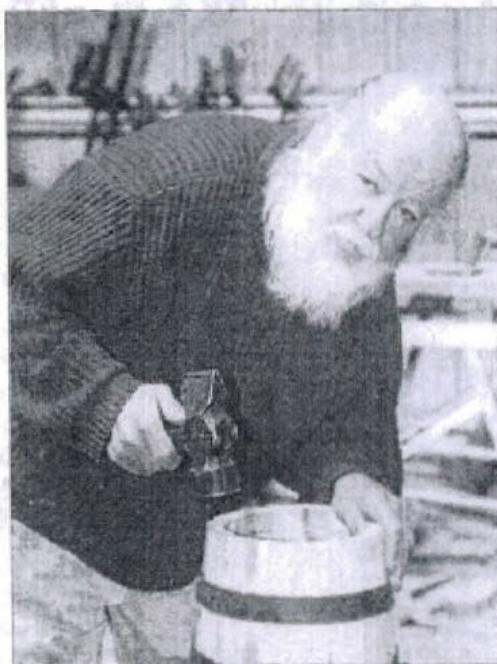
Friend, Scott McGregor, said of Mr Dunnachie:

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

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

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

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



something most desirable.

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

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

## Talk

By KIM  
CHAPPELL

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

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

Organised by Milkwood Permaculture, of Mudgee, the talks are designed to give day attendees a "short look at the topics on

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

Speakers will include Georgiadis of SBS sh

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

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

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

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

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



The Reverend A. McEwen.

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Submitted by Mudgee Historical Society



## 9.4 Naming of a Park at 6 Joseph Place Bombira

REPORT BY THE PROPERTY SUPPORT OFFICER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, PAR300020 P26088

### RECOMMENDATION

#### That Council:

1. **receive the report by the Property Support Officer on the naming of a park at 6 Joseph Place Bombira; and**
2. **support the name of Bucholtz Park.**

---

### Executive summary

Council has seen the need to name the reserve located at 6 Joseph Place in the locality of Bombira.

### Disclosure of Interest

Nil.

### Detailed report

As part of the next stage of the Bombira Estate subdivision a park with playing equipment is being located on the reserve on Lot 416 DP 1259751.

Council wrote to the developers, property owners and neighbours of the subdivision on 10<sup>th</sup> December 2020 requesting their naming submissions. Public consultation was also invited in an advertisement placed in the 11<sup>th</sup> December 2020 Mudgee Guardian. Submissions closed on 8 January 2021 and no responses were received during this period.

A previously approved name for a new street in the Bombira Estate subdivision became available due to changes to the subdivision plan. This name was approved by Council and can be used for this park name.

- Bucholtz Park

The Geographical Names Board is the naming authority for place names.

Council's decision at this meeting will be submitted as our recommendation to the GNB for their next meeting along with our application to name the Park. The Geographical Names Board will then meet the cost of advertising in relation to this matter before making a final decision on the name for the Park. The GNB will also meet the costs of a Gazettal for the final park name.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages

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Strategy     Respect and enhance the historic character of our Region and heritage value of our towns

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## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Road, Bridge and Place Naming Policy.

### **Legislation**

Geographical Names Act, 1996.

Geographical Names Board of NSW Policy – Place Naming, 2019.

## Financial implications

Cost of 1 sign at a total approximate cost of \$360. This cost is included in the 2020/2021 Operational Plan.

## Associated Risks

Nil.

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

14 January 2021

*Attachments:* 1. Submission.  
2. Submission.  
3. Submission.  
4. Map.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**From:** [REDACTED]  
**To:** [Council](#)  
**Subject:** Naming a Street, road, bridge, park, sub-division? in honour of our Ancestors  
**Date:** Friday, 28 March 2014 5:01:06 PM  
**Attachments:** [REDACTED]

---

The General Manager

Mudgee Council

Dear Sir/ Madam,

Following a most enjoyable Family reunion at the old Eurunderee School on the weekend and a phone discussion with Carolyn Atkins, Properties office,

I would like to make application to the Mudgee Council to have street, road, bridge, park, sub-division, lake...

or some other local "land mark" named in honour of our ancestors.

Our family has a long association with the Mudgee District, many of the local families; and in particular the Euruderee and Pipe Clay creek area.

Frederick Buchholz was the Chairman of the Committee instrumental in the establishment of the School at Eurunderee.

THE vineyards and winery "Fredericksberg" established by Frederick J Buchholz in 1859 and further developed by his eldest son

Frederick Anthony Bucholtz (an "Australized" spelling of the surname), were the first established in the Mudgee district and at their peak

boasted the largest vineyards in the Southern Hemisphere.

Frederick Buchholz had a close association with the Roth family's "Rothview" winery which later became "Craigmoor" Winery.

The Bucholtz "Fredericksberg" winery successfully exhibited wines at International exhibitions in Paris, Calcutta, London, Sydney and Melbourne.

Table grapes from Fredericksberg were sent by steam ship to England for the Colonial and Indian Exhibition and are reputed to have been served the table of Queen Victoria.

Fredericksberg Winery was later sold and became known as "Westcourt" Winery.

The family then moved to "Willow Tree" at Wilbetree.

Henry Lawson based his stories "Buckholt's Gate" and "Roll Up At Talbragar" on events surrounding the family at Eurunderee.

Frederick A Bucholtz' brother Lance Corporal James Bucholtz was one of the first Mudgee Volunteers who served with the First Australian Light Horse in the Transvaal.

He was later chosen to attend the Coronation of King Edward VII at Westminster Abbey in 1902.

There are a number of items of interest relating to the Family's history in the Mudgee Museum and the Gulgong Museum.

Local Historian, the late Norman McVicker was a regular contributor to the Mudgee Guardian with his regular Wallaby Track series.

I have attached a more detailed account of the family's Mudgee history.

I have access to some very extensive documentation relating to the Bucholtz family history both in Australia and in Isernhagen, Germany.

I have been inspired in my research by my eighty seven year old Aunt Lavina; who has spent some forty years researching what has become a most fascinating Family History.

Our family has been in Australia now for one hundred and sixty one years... (Eight generations!).

All due to the adventurous spirit of Heinrich Johann Frederick Buchholz... "Fred" to his friends here in the Eurunderee valley.

In anticipation of your reply and further discussions,

Yours Sincerely,

Graeme Bucholtz

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## BUCHOLTZ FAMILY REUNION VISIT TO EURUNDEREE SCHOOL

On the weekend 22nd and 23rd March, some twenty four members of the Bucholtz family, spanning four generations gathered in Mudgee.

The Bucholtz family have been in Australia for eight generations. Matriarch of the family, Mrs Lavina McKinney has spent some forty years researching the family's history. She was very much supported and encouraged by local historian Norman McVicker who was a regular contributor to the Mudgee Guardian's "Wallaby Track".

Lavina also inspired her nephew Graeme Bucholtz and his wife Suzanne, to twice travel to Hanover, Germany to further investigate the family's history; and discover a number of farms and Hanoverian Horse breeding stables and grand traditional Oak beamed homes of the family as far back as 1635.

On Sunday they were welcomed by the committee to the old Eurunderee Provisional School which has held a long association with the Bucholtz family.

In 1875, Louisa Lawson set about the task of trying to establish a Provisional school at Eurunderee.

In 1876, Heinrich Johann Frederick Buchholz (who became known as "Fred") was the chairman of a meeting held to partition the Government of the Colony of NSW for the establishment of the bark School. Three of his five sons and three of his four daughters were among the first students to be enrolled at the Eurunderee school and shared school days with Henry Lawson. In 1877, again under the chairmanship of Frederick, the committee obtained a timber slab school constructed by Henry Lawson's father Peter Lawson.

Henry Lawson was later to publish "Buckholt's Gate" and "Roll Up At Talbragar", stories set amongst the vineyards along the Pipe Clay Creek at Eurunderee.

Mr Buchholz was born in Isemhagen (Germany). He was a physician, a fine horseman, trained Lippenzener (dancing) horses and served as an Aide de Camp to the King of Austria in Vienna before sailing to America 1848 to join the Californian gold rush and grow tobacco in Virginia.

In 1853 he sailed via Honolulu on board an open ship, the "William Darcy Brown", carrying only eight passengers to Sydney. He made his way to Mudgee and was involved in searching for gold and farming. He purchased land at Eurunderee for vine growing in 1859. He became a British subject in the same year. He married Maree Feronika Huth in 1858 and together they had nine children. Feronika's sister, Lavina, married John Gottlieb Wurth in 1864. Her other sister, Louisa, married John Muller on Christmas Day 1867.

The Bucholtz family had very strong relationships with the Huth, Muller, Wurth, Millett, Roth, Kurtz, Tierney and Rheinberger families. These old pioneers were very much involved in the establishment and development of the Mudgee Wine industry.

Frederick established the “Fredericksberg” winery and vineyard which later became the “Westcourt” Winery.

Born at Puccabuocca, by age 16, his son Frederick Anthony Bucholtz was working at Fredericksberg with his father. He went on to develop the vineyard and successfully exhibit prize winning wines at International Exhibitions in, Paris (1878, 1881), London(1886), Calcutta(1883,1884) Sydney(1879) and Melbourne(1880,1881). The farm also produced jams and fruit. Wines, apples and “the finest examples of Australian table grapes ever landed” were transported to England by steam ship, packed in cork charcoal for the Colonial and Indian Exhibition in 1886.

Frederick Anthony married Fannie Millett (Daughter of Walter Millett) in 1891. He served as an Alderman on the Cudgegong Municipal Council, and Mudgee Hospital and Agricultural Show committees.

Frederick Anthony's brother, Lance Corporal James Bucholtz, in 1899 left home to serve with the 1st Australian Light Horse in South Africa during the Boer War. He survived a shocking massacre which claimed the lives of most of his platoon in 1900. He is mentioned in Banjo Patterson's War Correspondences and was later to attend the Coronation of King Edward VII at Westminster Abbey in 1902.

Frederick's sons Frederick, Ferdinand and Roland Bucholtz served with the Australian Light Horse and AIF in WW1. Roland is believed to have also served during WW2. Frederick's grandson Mervyn Bucholtz (Lavina's brother) served with the AIF during WW2.

Lavina's father, Norman Bucholtz married Mudgee girl, Clara Betts of Tilecotte Farm, and moved to Lithgow in 1918.

Following very a enjoyable visit to the Eurunderee School, hosted by the Committee, the family were warmly welcomed by Mr Malcolm Roth, an ex-student of the Eurunderee School, to the Westcourt (formerly Fredericksberg) Winery. Mr Roth took time to explain current vigneron, winemaking procedures and the fascinating history associated with the Westcourt Winery.

This year's reunion in Mudgee was a great opportunity to renew the Bucholtz family's association with the other pioneering families of the Mudgee district and will be the first of many in the years to come!

Graeme Bucholtz

## Carolyn Atkins

---

**From:** Graeme and Suzanne Bucholtz  
**Sent:** Tuesday, 7 April 2020 5:34 PM  
**To:** Carolyn Atkins  
**Subject:** Bucholtz St name.

Caution: This email originated from outside the organisation.

Good afternoon Carolyn.

I am sorry that I missed your call today.

Thank you for your correspondence relating to BUCHOLTZ St in the Bombira estate.

I can fully understand that there are many procedures in place for the Pre-Approved Names List.

My contact today was to ask you to consider that my Aunt Lavina McKinney (Bucholtz) is now ninety three years old and the grand matriarch of our branch of the Bucholtz family.

It is due to her comprehensive research over the years that I have been able to trace our family history and heritage in Germany, America, the Colony of New South Wales, and the Mudgee district.

It would be just so wonderful for her to see our family honoured during her lifetime.

Our family has had a very close association with Eurunderee, the establishment of the Eurunderee School, Cudgegong Shire Council, the Mudgee Hospital Committee, the Committee of the Agricultural Society and a close association with Henry Lawson.

A number of Henry Lawsons stories includes members of our family.

One such story is entitled BUCHOLTZ GATE.

Fredericksberg wines (now known as Westcourt) were awarded prizes at a number of National and International Exhibitions during the 1870s and 1880s.

It would seem that at one time, Fredericksberg vineyard was the largest vineyard in the Southern Hemisphere (Mr Malcolm Roth).

Trooper James Bucholtz served with the First Australian Lighthorse regiment which saw

service in South Africa during the Boer War,

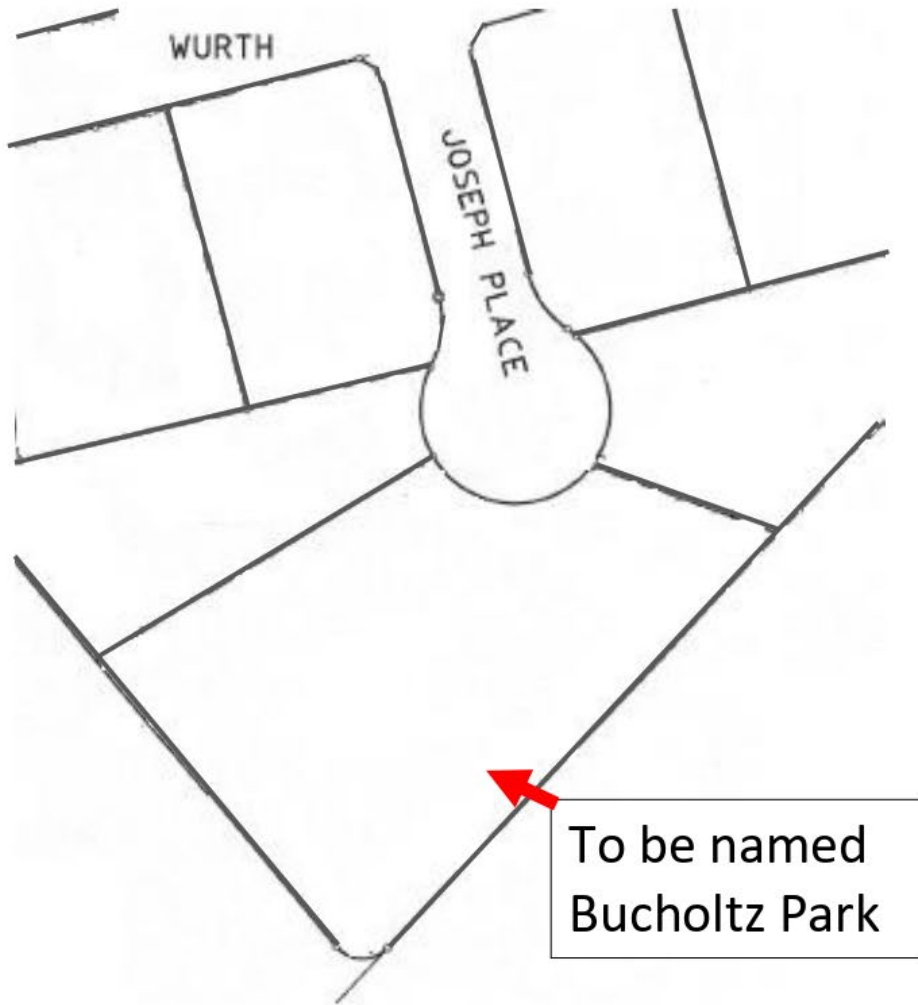
A number of members of our family also saw active service during both the First and Second World Wars

If a street or road is not available to be named in honour of the family, is it possible to extend the search to a bridge, a park, a road junction, a green space, or some other local landmark?

Again Carolyn, thank you for keeping us informed of the progress of this project to foster the link between the Bucholtz family and the Mudgee district.

Kind Regards,

Graeme Bucholtz.





## 9.5 Classification of Land - Lot 1 DP1252505 and Lot 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA for pedestrian access and future development.

REPORT BY THE PROPERTY OFFICER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, P0309411, F0650099

### RECOMMENDATION

#### That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 1 DP1252505 and Lot 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA ; and
2. classify Allotment 1 DP1252505 and Allotment 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA as *Operational Land* in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

### Executive summary

This report seeks to formalise the classification of Allotment 1 DP1252505 and Allotment 2 DP1252505 at 58 Pitts lane, PUTTA BUCCA. Council purchased Allotment 1 DP1252505 and Allotment 2 DP1252505 for pedestrian access and future development.

### Disclosure of Interest

Nil.

### Detailed report

As part of the process of classification of the land, Council resolved on 18 November 2020 to advertise its intent to classify Allotment 1 DP1252505 and Allotment 2 DP1252505 at 58 Pitts Lane, PUTTA BUCCA as *Operational* land in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of the advertisement is appended as Attachment 1.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 11 December 2020. Written submissions were called for with the closing date for submissions being 8 January 2021. No submissions were received.

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

### Community Plan implications

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

### **Council Strategies**

Community Plan – Towards 2030

Recreation Strategy 2013

Pedestrian Access and Mobility Plan 3 February 2016

### **Council Policies**

Not applicable

### **Legislation**

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

## Financial implications

Not applicable

## Associated Risks

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

Purchase of the land was completed on 1 December 2020.

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 January 2021

*Attachments:* 1. Classification Advertisement - in Mudgee Guardian on 11 December 2020.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Mid-Western Regional Council WEEKLY ADVERTISEMENTS



### Christmas Closure

Council Customer Service Centres, Libraries and Works Depots will close for the Christmas break from **12 noon Wednesday 23 December 2020, and reopen on Wednesday 6 January 2021.**

Mudgee, Gulgong and Kandos Waste Facilities and Recycling Shops will be closed Christmas Day, Boxing Day and New Year's Day. Kerbside waste, recycling and organics collection will continue as normal.

Mudgee, Gulgong and Kandos Pools will be closed Christmas Day. Pools will be open on Boxing Day and New Year's Day from 10am.

**The staff at Mid-Western Regional Council wish you a safe and happy Christmas and New Year.**

### New Street / Road Names

At their 18 November 2020 Council Meeting, Mid-Western Regional Council formally approved the following:

- naming of the bridge over Cudgegong River on Nullo Mountain Road in the locality of Olinda. This bridge has been named Eames Bridge; and
- naming of a new street in a subdivision off Wurth Drive in the locality of Bombira. The new street has been named Nelthorpe Street.

The Council reports relating to these new road names can be viewed on Council's website.

Should you have any queries or wish to discuss the above matter, please contact Council's Revenue and Property Department on (02) 6378 2850 or 1300 765002.

### Proposed Road Closing Under Section 38B Roads Act 1993

In pursuance of the provisions of the Roads Act 1993, notice is hereby given that Mid-Western Regional Council proposes to close the council public road listed in Schedule 1.

#### Schedule 1:

- Part Blacksprings Road and Lowes Peak Road, Mudgee as depicted in red below.

Upon closure of the road, Council intends to give the land as compensation under s.44 of the

provisions of the *Government Information (Public Access) Act 2009*, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Mid-

**2021 CHARITY SHIELD**  
Saturday 27 February  
GLEN WILLOW STADIUM, MUDGEE

**DRAGONS RABBITS**  
CLARITY SHIELD

TICKETS ON SALE THROUGH **123TIX.COM.AU**

### Proposed Classification of Land

In pursuance of section 34 of the Local Government Act, 1993, Council proposes to: Department: and will be accepted until Friday, **8 January 2021.**

- classify as Operational Land, the allotments marked by a red boundary being Lot 1 DP1252505 and Lot 2 DP1252505 at 58 Pit's lane, PUTTA BUCCA for pedestrian access and future development.



## 9.6 Monthly Statement of Investments as at 31 December 2020

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by the on the Monthly Statement of Investments as at 31 December 2020; and**
2. **note the certification of the Responsible Accounting Officer.**

### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Disclosure of Interest

Nil.

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 December 2020.

#### Breach of policy limits

Ratings agency Standard and Poor's on 7 September issued a ratings downgrade to the long term rating of AMP Bank Ltd from BBB+ to BBB. The downgrade resulted in the institution limit set for AMP reduced from 10% to 5%, which placed AMP investments over the Investments Policy limit. In accordance with the policy an immediate freeze was imposed on the acquisition of new investments with this institution.

During December 2020 Council redeemed \$3.5 million upon maturity of AMP deposits. This has reduced Council's portfolio amount with AMP to \$2,000,000, which is 2% of the total investments. Therefore as at 31 December 2020 all investments are now within policy limits.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not applicable.

### **Council Policies**

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

### **Legislation**

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act and the regulations

### Financial implications

Not applicable

### Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

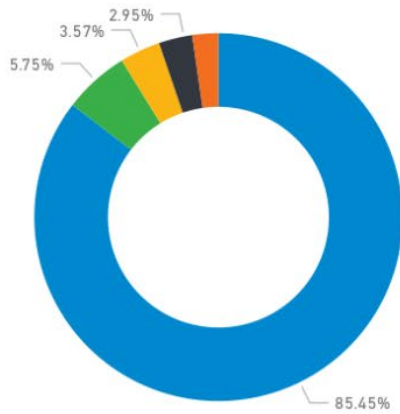
1 February 2021

*Attachments:* 1. Investment Report 31 December 2020.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Investments by Type

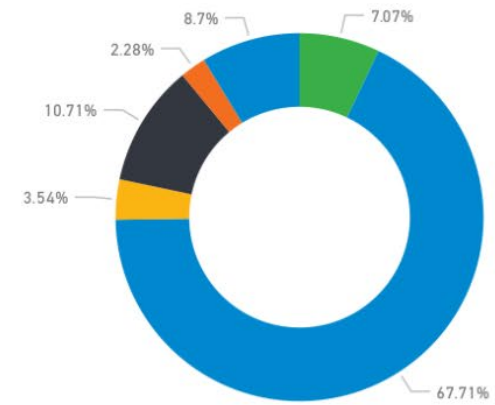


## Mid-Western Regional Council Cash and Investments as at 31 December 2020

Total Investment Portfolio

# 99.00M

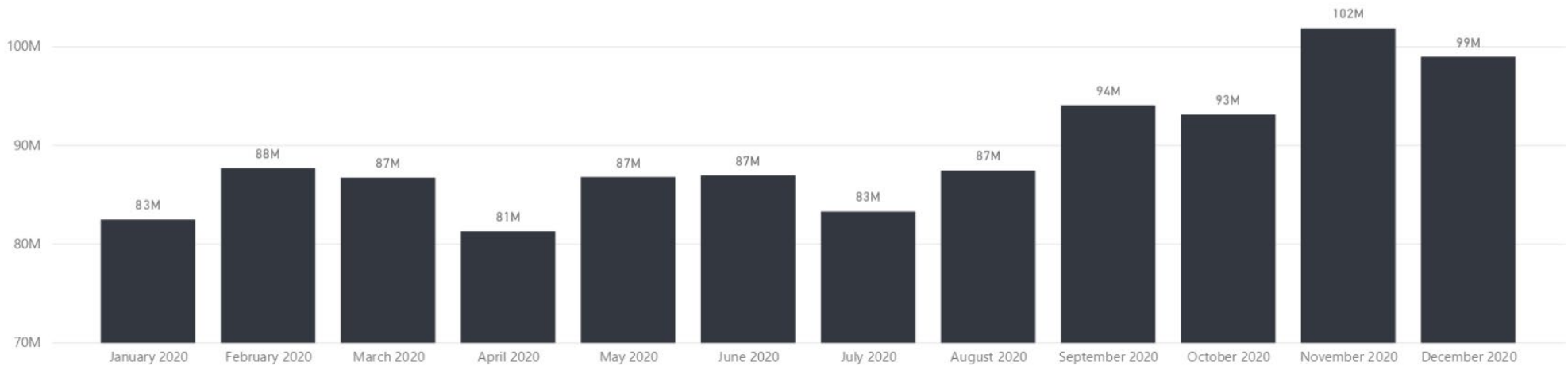
Investments by Long Term Rating

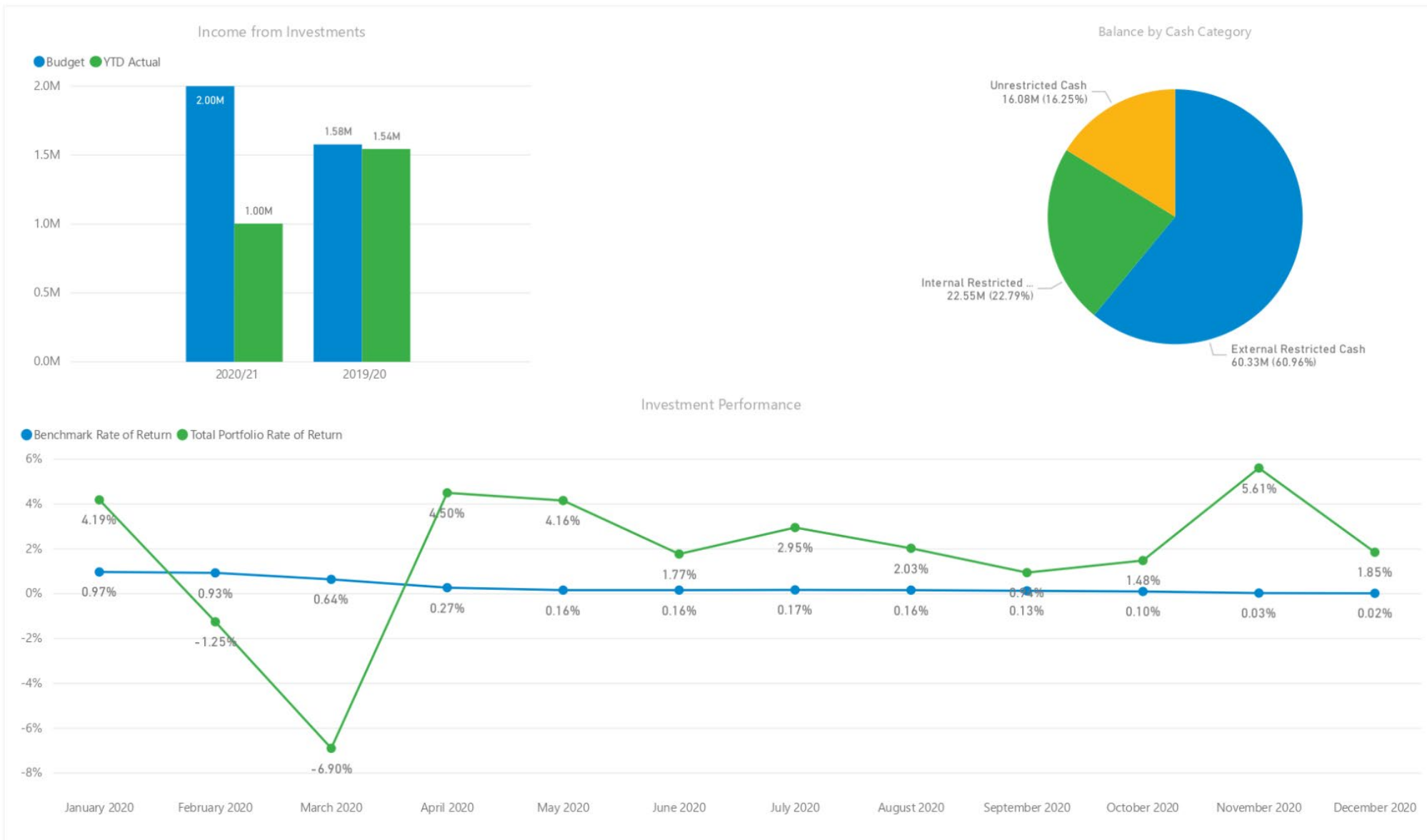


● Term Deposit 
 ● TCorp - MTG Fund 
 ● At Call 
 ● TCorp - LTG Fund 
 ● TCorp - Cash Fund

● A+ to A- 
 ● AAA to AA- 
 ● BBB 
 ● BBB+ 
 ● Tcorp Hour-Glass Cash 
 ● TCorp Hour-Glas...

Portfolio Balance at End of Month





**At Call Fund and Managed Funds**

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	3,532,411.97
TCorp - Cash Fund	0.50%	1	2,258,220.95
TCorp - Long Term Growth Fund	0.50%	5	2,916,099.95
TCorp - Medium Term Growth Fund	0.50%	5	5,697,562.04
<b>Total</b>			<b>14,404,294.91</b>

**Current Term Deposits**

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	342	2,000,000
Bank Of Queensland	1.65%	314	2,500,000
Bank Of Queensland	1.60%	412	1,500,000
Bank Of Queensland	1.45%	426	1,000,000
Bank Of Queensland	0.90%	636	1,500,000
CBA	0.70%	286	1,500,000
CBA	0.68%	328	1,800,000
CBA	0.55%	293	1,200,000
CBA	0.53%	384	2,000,000
CBA	0.53%	398	2,000,000
CBA	0.53%	440	2,000,000
Defence Bank	1.80%	76	1,500,000
ING	2.77%	48	1,000,000
ING	1.13%	496	1,500,000
Macquarie	1.45%	62	1,500,000
Macquarie	1.45%	83	2,000,000
Macquarie	1.40%	790	1,000,000
MyState Bank	1.65%	90	1,500,000
MyState Bank	0.75%	300	2,600,000
NAB	1.10%	111	1,000,000
NAB	1.00%	188	1,800,000
NAB	0.85%	202	2,200,000
NAB	0.81%	195	1,500,000
NAB	0.80%	230	1,500,000
NAB	0.87%	594	2,000,000
NAB	0.81%	237	2,000,000
NAB	0.75%	265	2,500,000
NAB	0.75%	272	1,000,000
NAB	0.79%	622	1,500,000
NAB	0.70%	650	1,000,000
NAB	0.61%	356	1,500,000
NAB	0.57%	447	2,000,000
St George	2.61%	118	2,500,000
St George	1.60%	6	1,000,000
St George	1.65%	6	1,500,000
St George	1.58%	20	1,000,000
St George	1.58%	27	2,000,000
St George	1.50%	34	1,500,000
St George	1.11%	104	1,500,000
St George	1.15%	132	1,500,000
St George	1.15%	160	2,000,000
St George	1.15%	174	3,000,000
St George	1.12%	146	2,000,000
St George	0.60%	370	1,500,000
St George	0.60%	384	1,500,000
Westpac	1.54%	216	1,500,000



Institution	Yield	Term to Maturity	Principal Amount
Westpac	1.55%	55	1,500,000
Westpac	0.85%	582	2,000,000
Westpac	0.80%	244	1,000,000
Westpac	0.80%	258	1,500,000
Westpac	0.62%	342	1,500,000
<b>Total</b>			<b>84,600,000</b>

Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	28,904,295	29%	29%	20%	OK
Between 3 months and 1 year	46,100,000	47%	76%	40%	OK
Between 1 year and 2 years	23,000,000	23%	99%	50%	OK
Between 2 years and 4 years	1,000,000	1%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
<b>Total</b>	<b>99,004,295</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
<b>AA-</b>	<b>CBA</b>	40%	OK	11%	10,500,000
	<b>NAB</b>	40%	OK	25%	25,032,412
	<b>St George</b>	40%	OK	23%	22,500,000
	<b>Westpac</b>	40%	OK	9%	9,000,000
<b>A+</b>	<b>Macquarie</b>	20%	OK	5%	4,500,000
<b>A</b>	<b>ING</b>	20%	OK	3%	2,500,000
	<b>Bank Of Queensland</b>	10%	OK	7%	6,500,000
<b>BBB+</b>	<b>MyState Bank</b>	10%	OK	4%	4,100,000
	<b>AMP</b>	5%	OK	2%	2,000,000
<b>BBB</b>	<b>Defence Bank</b>	5%	OK	2%	1,500,000
	<b>TCorp - Cash Fund</b>	30%	OK	2%	2,258,221
<b>TCorp Hour-Glass Cash</b>	<b>TCorp - Long Term Growth</b>				
	<b>TCorp - Medium Term Growth Fund</b>	15%	OK	3%	2,916,100
<b>TCorp Hour-Glass Growth</b>	<b>TCorp - Medium Term Growth Fund</b>	15%	OK	6%	5,697,562
	<b>Grand Total</b>			<b>100%</b>	<b>99,004,295</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
<b>AAA to AA-</b>	<b>100%</b>	<b>OK</b>	68%	67,032,412
<b>A+ to A-</b>	<b>50%</b>	<b>OK</b>	7%	7,000,000
<b>BBB+</b>	<b>20%</b>	<b>OK</b>	11%	10,600,000
<b>BBB</b>	<b>10%</b>	<b>OK</b>	4%	3,500,000
<b>TCorp Hour-Glass Cash</b>	<b>30%</b>	<b>OK</b>	2%	2,258,221
<b>TCorp Hour-Glass Growth</b>	<b>15%</b>	<b>OK</b>	9%	8,613,662
<b>Grand Total</b>			<b>100%</b>	<b>99,004,295</b>

**Monthly Investment Portfolio Activity**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	9,432,750		3,532,412
TCorp - Cash Fund	2,257,847		2,258,221
TCorp - Long Term Growth Fund	2,901,191		2,916,100
TCorp - Medium Term Growth Fund	5,679,656		5,697,562
<b>Total</b>	<b>20,271,444</b>	<b>-</b>	<b>14,404,295</b>

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
AMP	1.70%	9/12/2020	1,500,000	25,430
AMP	1.70%	16/12/2020	2,000,000	31,951
Bank Of Queensland	1.55%	16/12/2020	1,500,000	20,957
AMP	1.55%	9/12/2020	2,000,000	15,458
AMP	0.75%	10/12/2020	1,500,000	31
AMP	0.75%	17/12/2020	2,000,000	41
<b>Total</b>			<b>10,500,000</b>	<b>93,867</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	0.53%	19/01/2022	2,000,000	11,994
CBA	0.53%	2/02/2022	2,000,000	12,401

## 9.7 Monthly Statement of Investments as at 31 January 2021

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, FIN300053

### RECOMMENDATION

#### That Council:

1. receive the report by the on the Monthly Statement of Investments as at 31 January 2021; and
2. note the certification of the Responsible Accounting Officer.

### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Disclosure of Interest

Nil.

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 January 2021.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

#### Legislation

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and

b) all investments have been made in accordance with the Act and the regulations

### Financial implications

Not applicable.

### Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

1 February 2021

*Attachments:* 1. Investment Report 31 January 2021.

### APPROVED FOR SUBMISSION:

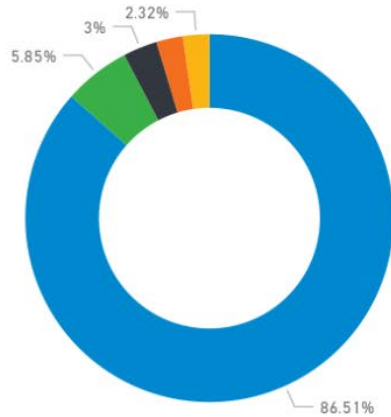
BRAD CAM  
GENERAL MANAGER

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

Total Investment Portfolio

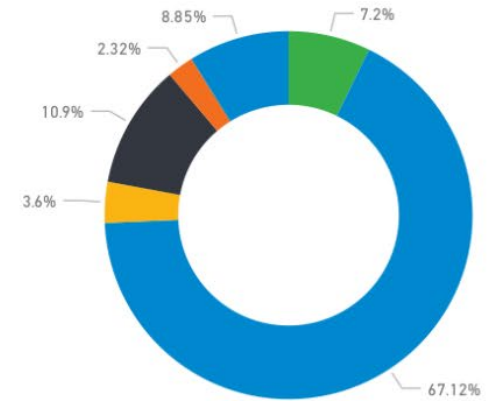
**97.22M**

Investments by Type



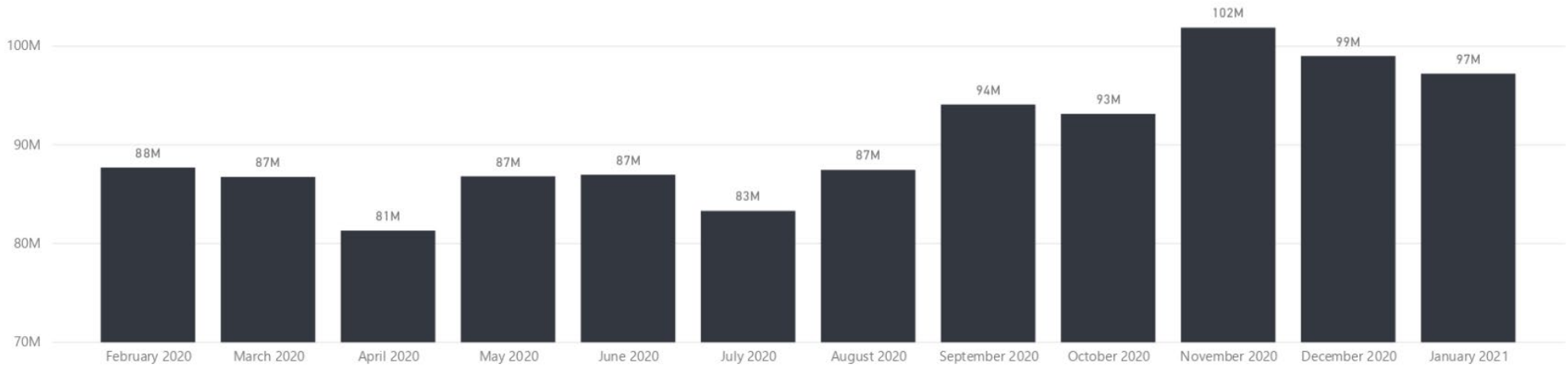
● Term Deposit ● TCorp - MTG Fund ● TCorp - LTG Fund ● TCorp - Cash Fund ● At Call

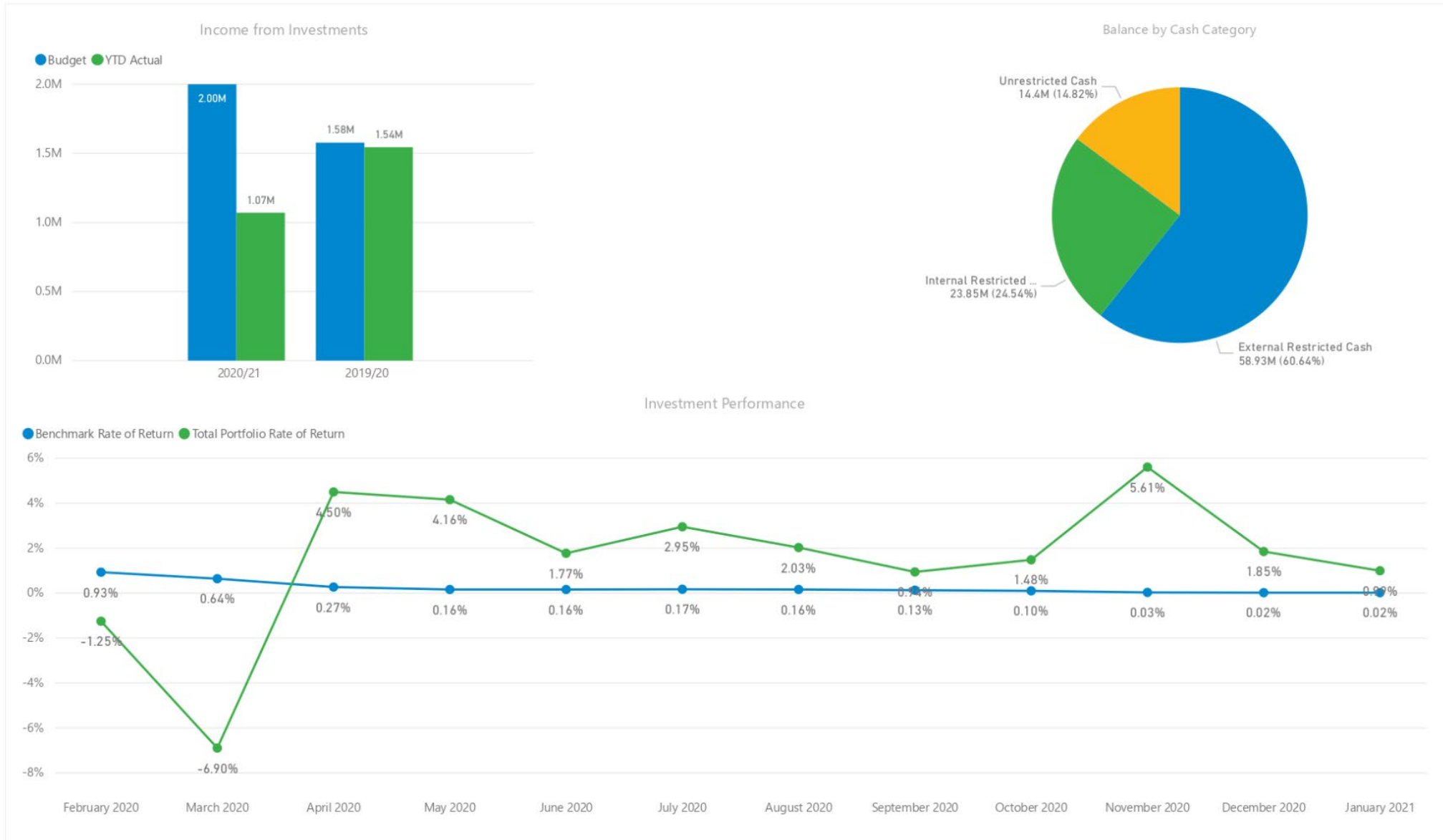
Investments by Long Term Rating



● A+ to A- ● AAA to AA- ● BBB ● BBB+ ● Tcorp Hour-Glass Cash ● TCorp Hour-Glas...

Portfolio Balance at End of Month





**At Call Fund and Managed Funds**

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	2,253,558.19
TCorp - Cash Fund	0.50%	1	2,258,387.03
TCorp - Long Term Growth Fund	0.50%	5	2,919,820.37
TCorp - Medium Term Growth Fund	0.50%	5	5,684,286.22
<b>Total</b>			<b>13,116,051.81</b>

**Current Term Deposits**

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	311	2,000,000
Bank Of Queensland	1.65%	283	2,500,000
Bank Of Queensland	1.60%	381	1,500,000
Bank Of Queensland	1.45%	395	1,000,000
Bank Of Queensland	0.90%	605	1,500,000
CBA	0.70%	255	1,500,000
CBA	0.68%	297	1,800,000
CBA	0.55%	262	1,200,000
CBA	0.53%	353	2,000,000
CBA	0.53%	367	2,000,000
CBA	0.53%	409	2,000,000
CBA	0.44%	451	2,500,000
Defence Bank	1.80%	45	1,500,000
ING	2.77%	17	1,000,000
ING	1.13%	465	1,500,000
Macquarie	1.45%	31	1,500,000
Macquarie	1.45%	52	2,000,000
Macquarie	1.40%	759	1,000,000
MyState Bank	1.65%	59	1,500,000
MyState Bank	0.75%	269	2,600,000
NAB	1.10%	80	1,000,000
NAB	1.00%	157	1,800,000
NAB	0.85%	171	2,200,000
NAB	0.81%	164	1,500,000
NAB	0.80%	199	1,500,000
NAB	0.87%	563	2,000,000
NAB	0.81%	206	2,000,000
NAB	0.75%	234	2,500,000
NAB	0.75%	241	1,000,000
NAB	0.79%	591	1,500,000
NAB	0.70%	619	1,000,000
NAB	0.61%	325	1,500,000
NAB	0.57%	416	2,000,000
NAB	0.48%	423	2,500,000
St George	2.61%	87	2,500,000
St George	1.50%	3	1,500,000
St George	1.11%	73	1,500,000
St George	1.15%	101	1,500,000
St George	1.15%	129	2,000,000
St George	1.15%	143	3,000,000
St George	1.12%	115	2,000,000
St George	0.60%	339	1,500,000
St George	0.60%	353	1,500,000
Westpac	1.54%	185	1,500,000
Westpac	1.55%	24	1,500,000
Westpac	0.85%	551	2,000,000



Institution	Yield	Term to Maturity	Principal Amount
Westpac	0.80%	213	1,000,000
Westpac	0.80%	227	1,500,000
Westpac	0.62%	311	1,500,000
<b>Total</b>			<b>84,100,000</b>

## Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	28,616,052	29%	29%	20%	OK
Between 3 months and 1 year	44,600,000	46%	75%	40%	OK
Between 1 year and 2 years	23,000,000	24%	99%	50%	OK
Between 2 years and 4 years	1,000,000	1%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
<b>Total</b>	<b>97,216,052</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
<b>AA-</b>	<b>CBA</b>	40%	OK	13%	13,000,000
	<b>NAB</b>	40%	OK	27%	26,253,558
	<b>St George</b>	40%	OK	17%	17,000,000
	<b>Westpac</b>	40%	OK	9%	9,000,000
<b>A+</b>	<b>Macquarie</b>	20%	OK	5%	4,500,000
<b>A</b>	<b>ING</b>	20%	OK	3%	2,500,000
	<b>Bank Of</b>				
<b>BBB+</b>	<b>Queensland</b>	10%	OK	7%	6,500,000
	<b>MyState Bank</b>	10%	OK	4%	4,100,000
<b>BBB</b>	<b>AMP</b>	5%	OK	2%	2,000,000
	<b>Defence Bank</b>	5%	OK	2%	1,500,000
<b>Tcorp Hour-Glass Cash</b>	<b>TCorp - Cash</b>				
	<b>Fund</b>	30%	OK	2%	2,258,387
<b>TCorp Hour-Glass Growth</b>	<b>TCorp - Long Term Growth</b>				
	<b>Fund</b>	15%	OK	3%	2,919,820
<b>TCorp Hour-Glass Growth</b>	<b>TCorp - Medium Term Growth</b>				
	<b>Fund</b>	15%	OK	6%	5,684,286
<b>Grand Total</b>				<b>100%</b>	<b>97,216,052</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
<b>AAA to AA-</b>	<b>100%</b>	OK	67%	65,253,558
<b>A+ to A-</b>	<b>50%</b>	OK	7%	7,000,000
<b>BBB+</b>	<b>20%</b>	OK	11%	10,600,000
<b>BBB</b>	<b>10%</b>	OK	4%	3,500,000
<b>Tcorp Hour-Glass Cash</b>	<b>30%</b>	OK	2%	2,258,387
<b>TCorp Hour-Glass Growth</b>	<b>15%</b>	OK	9%	8,604,107
<b>Grand Total</b>			<b>100%</b>	<b>97,216,052</b>

**Monthly Investment Portfolio Activity**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	3,532,412		2,253,558
TCorp - Cash Fund	2,258,221		2,258,387
TCorp - Long Term Growth Fund	2,916,100		2,919,820
TCorp - Medium Term Growth Fund	5,697,562		5,684,286
<b>Total</b>	<b>14,404,295</b>	<b>-</b>	<b>13,116,052</b>

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
St George	1.60%	6/01/2021	1,000,000	16,219
St George	1.65%	6/01/2021	1,500,000	23,258
St George	1.58%	20/01/2021	1,000,000	15,151
St George	1.58%	27/01/2021	2,000,000	29,695
<b>Total</b>			<b>5,500,000</b>	<b>84,323</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	0.48%	30/03/2022	2,500,000	14,729
CBA	0.44%	27/04/2022	2,500,000	13,682
<b>Total</b>			<b>5,000,000</b>	<b>28,411</b>

## 9.8 Policy Review - Community Grants Program

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA600009

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Financial Planning on the Policy Review - Community Grants Program;**
2. **place the revised Community Grants Program Policy on public exhibition for 28 days; and**
3. **adopt the revised Community Grants Program Policy if no submissions are received.**

### Executive summary

A review of Council's Community Grants Program Policy is recommended to include the recent acceptance of grant funding from the joint Commonwealth-State Disaster Recovery Funding Arrangements. Phase Two of the Bushfire Community Recovery and Resilience Fund (BCRRF) provided Council with \$62,500 towards a council-led community grants program.

### Disclosure of Interest

Nil.

### Detailed report

At the ordinary meeting of Council 9 December 2020 it was resolved to accept the BCRRF grant funding, amend budgets and finalise funding agreements. As this has now taken place it is recommended in the detailed report to develop a policy and guidelines to administer the grant program.

Once a policy and application form are approved, marketing to the community will commence. The attachment to this report provides the policy to guide the process and includes the objectives that grant funded projects should meet. As further information, projects eligible for funding could include but are not limited to:

- Regional social events and digital communication initiatives that support social recovery, commemoration and improve community connectedness;
- Programs and initiatives that support community recovery and well-being including support for connectedness, improved identity of place and cultural heritage;
- Community education programs to improve regional knowledge and resilience in response and preparedness to future disasters and how to be better prepared for hazards into the future;
- Neighbourhood and community strengthening activities that focus specifically on capacity building, and knowledge building and sharing

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

## Strategic implications

### Council Strategies

Not applicable

### Council Policies

By adopting the recommendation, Council is endorsing the Community Grants Program Policy changes be placed on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date

### Legislation

Not applicable

## Financial implications

Not applicable

## Associated Risks

Not applicable

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

1 February 2021

*Attachments:* 1. POLICY - REVIEW - Community Grants Program.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## COMMUNITY GRANTS PROGRAM POLICY

*A prosperous  
and progressive  
community.*

<b>ADOPTED</b>	REFERENCE	V4.1
COUNCIL MEETING MIN NO 288/20	REVIEW DATE	AUGUST 2024
DATE: 16 SEPTEMBER 2020	FILE NUMBER	FIN300138, GOV400047

### Objective

The objective of this policy is to:

- establish clear and transparent criteria by which financial assistance requests will be assessed and allocations determined;
- provide a process which allows Council to conduct a meaningful and equitable comparison of requests
- provide guidelines for the submission of applications and assessment process
- inform grantees of the requirements to acquit their funding

### Scope

This policy applies to requests for financial assistance from not-for-profit community based organisations, groups and individuals that meet community needs and benefit residents in our community.

The purpose of the Community Grants Program is to enable Council to support local projects and activities put forward by those organisations that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan. In doing so, financial assistance is to be provided in a consistent, equitable and transparent manner.

### Legislative requirements

The Community Grants Program is governed by the following legislative framework.

The Local Government Act 1993, Section 356, states:

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

**POLICY:** COMMUNITY GRANTS PROGRAM | V 4.1 , 16 SEPTEMBER 2020

The Local Government Act 1993, Section 377, states:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

## Related policies and plans

- Code of Conduct
- Towards 2030 Community Plan
- Land Acquisition and Disposal Policy
- Disposal of Assets Policy

## Policy

### General Eligibility Criteria

To be eligible for assessment all applicants must:

- be an incorporated not-for-profit organisation or Individual. Unincorporated community groups are eligible to apply provided they are auspiced by an incorporated not-for-profit organisation;
- have met any previous Mid-Western Regional Council grant acquittal requirements;
- have no outstanding debts of any kind to Mid-Western Regional Council; and
- complete the online application form by the applicable cut-off time and date.

Mid-Western Regional Council does not provide grants under this policy for:

- events that are eligible to apply for the Events Assistance Program, excluding the Mudgee, Gulgong and Rylstone Shows'
- programs that typically fall under the responsibility of another level of government.

In-kind support for the waiver of rates, fees and charges is considered financial assistance within this policy and therefore eligible for applications. The waiver of a bond or security deposit is not considered financial assistance, however if any damage should arise as a result of the event, the applicant will be liable for the cost.

### COMMUNITY GRANT CATEGORIES

Proposed projects must fall within one of the following categories (applicants cannot apply for funds in more than one category):

#### Youth Representative Grants Category

Youth representative grants are open to:

- persons that meet the eligibility criteria to represent on Youth Council; and

## POLICY: COMMUNITY GRANTS PROGRAM POLICY | V 4.1 , 16 SEPTEMBER 2020

- are selected to represent Australia at any international competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

#### Disability Representative Grants Category

Disability representative grants are open to:

- Persons that meet the definition of being disabled as per the Disability Discrimination Act 1992; and
- Are selected to represent at any state level or above, competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

#### Business Associations Category

Business associations are organisations that represent the business community within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan theme 'Building a Strong Local Economy'.

For the purpose of this policy the business areas available for funding are:

- Gulgong
- Kandos/Rylstone
- Mudgee

Council may allocate an annual funding amount to a business association in each area. Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties.

GRANT CAP: The annual amount for each business association per financial year shall not exceed \$10,000.

#### Community Groups Category

Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan themes 'Looking after our Community' or 'Protecting our Natural Environment'.

Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties. Only one cap can be applied, per annum, for each program.

IN-KIND GRANT CAP: \$5,000

GRANTING OF COUNCIL ASSETS: See the Disposal of Assets Policy.

COMMUNITY EVENTS CAP: \$5,000

SPECIFIC PROGRAM/PROJECT CAP: \$10,000 (non-capital)



**POLICY:** COMMUNITY GRANTS PROGRAM | V 4.1 , 16 SEPTEMBER 2020

### Capital Grants Category

Capital Grants are grants provided to an organisation (that meets the general eligibility criteria) towards a major item of capital expenditure, such as the construction/upgrade of a building or facility. To be eligible for funding, capital projects should align with strategies identified within Council's Community Plan.

Council will prioritise claims based on need and program benefit.

**LOANS:** Council will not lend funds to organisations for capital expenditure.

**COUNCIL LAND:** Council will not gift land to organisations for capital infrastructure, however, Council may consider applying an approved grant amount as an in-kind payment, or partial payment, towards purchase of surplus Council land. All requirements of the Land Acquisition and Disposal Policy must be met.

**CAPITAL PROJECT CAP:** \$25,000 or 50% of the total project cost, whichever is the lower.

### [Bushfire Community Recovery and Resilience Fund Grants Category](#)

[The Bushfire Community Recovery and Resilience Fund \(BCRRF\) grants are provided to not-for-profit organisations or individual applicants to support sustained economic recovery and community resilience following the 2019-2020 bushfire season. The BCRRF Phase Two is designed to support community recovery by funding projects and initiatives that will promote community well-being, social and broader recovery and future disaster resilience following the bushfires.](#)

[Community projects need to meet one or more of the following objectives:](#)

- [Improve community capacity, capability and resilience](#)
- [Improve community connectedness, identity of place and cultural heritage](#)
- [Improve and build regional and community knowledge](#)
- [Assist in local preparedness to future disasters and hazards](#)
- [Promote future disaster resilience following the bushfires](#)
- [Promote community well-being](#)
- [Support social and broader community recovery](#)
- [Support commemoration](#)

[Council will prioritise claims based on need and program benefit.](#)

[PROJECT CAP: Total funding is capped at \\$62,500. This funding has been provided through the joint Commonwealth-State Disaster Recovery Funding Arrangement under the Bushfire Community Resilience and Recovery Fund.](#)

### Other Grants Category

Other grants include all not-for-profit or individual applications that do not meet one of the above categories, but still meet the General Eligibility Criteria. To be eligible for funding, these requests should align with strategies identified within Council's Community Plan.

**GRANT CAP:** \$2,000

### Grants Management Process

#### APPLICATIONS

All grant applications are to be completed online, accessed from the Mid-Western Regional Council website. If you are unable to access the internet, facilities are available for lodgement at Council's Customer Service locations.

## POLICY: COMMUNITY GRANTS PROGRAM POLICY | V 4.1 , 16 SEPTEMBER 2020

## ASSESSMENT

All applications (except Youth Representative Grants) received are assessed by a panel of at least three relevant staff members. If required, some applications may be assessed by external parties who have skills and professional expertise that benefit the assessment process.

The application will be assessed against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other not-for-profit local groups in the planning and delivery of the project
- Organisational capacity to deliver the program or project

Unsuccessful applicants are encouraged to seek feedback from staff on their application. Even though an application may meet the criteria it may not be competitive against other applications.

## APPROVAL

Only Council has authority to approve grants for financial assistance. Council will be provided with a report on a quarterly basis to consider the assessment panel's recommendations for which applications will be funded and to what amount.

## ACQUITTAL REQUIREMENTS

To ensure financial assistance is used by the recipient for the specified purpose all grantees must submit reports back to Council in accordance with the below requirements depending on the type of activity.

Grant Amount	Project	All other activities
<\$2,000	Brief report on the outcomes achieved at the end of the project	Brief report on the outcomes achieved at the end of the financial year
>\$2,000	In addition to the above a financial report with copies of invoices attached where relevant	In addition to the above annual financial statements with copies of invoices attached where relevant

## UNSPENT GRANTS

Where unspent grants are reported in the acquittal this may jeopardise future applications for funding.

## TIMETABLE

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Applications open online via MWRC website	1 <sup>st</sup> May	1 <sup>st</sup> July	1 <sup>st</sup> October	1 <sup>st</sup> January

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Applications close	6 weeks after opening	6 weeks after opening	6 weeks after opening	6 weeks after opening
Report to Council meeting (month)	July	October	February	May

\*\*These dates are based on anticipated Council meeting dates, if a Council meeting is moved or cancelled - applications will be submitted at the next available meeting date.

PRIVACY

Applicants should be aware that copies of applications for financial assistance may be included in a report to Council which will be published in the Council Business Paper and will be publicly available as well as being published on Council's website.

REVIEW

POLICY: COMMUNITY GRANTS PROGRAM POLICY | V 4.1 , 16 SEPTEMBER 2020

## Definitions

Term	Meaning
Grant Caps	<p>A grant cap provides the maximum amount of claim for each grant category. There are many beneficial programs, groups and projects that are carried out within the Mid-Western Regional Council community, and caps are designed to ensure that grant funding is available for many, not just some.</p> <p>Grants should be applied for based on need. Caps are not allocations, they are maximums, and a lesser amount may be granted dependant on how the application meets the assessment criteria. Caps are also designed to give guidance to applicants around expectation of Council support.</p> <p>Applicants may only apply for a grant in ONE category, per project. Some caps apply as an annual maximum, where this is the case, it is specified in the category definitions. Applicants should advise which cap they are applying under; however, Council reserves the right to apply the most appropriate cap to the grant application.</p>
Acquittal	<p>An acquittal is a written report submitted after the funded project is complete or at end of financial year. It details how the grantee administered the grant funds and met the outcomes in the funding application.</p>
Auspice	<p>An auspice is an incorporated not-for profit organisation who receives, administers and acquits the funding on behalf of an unincorporated grant applicant. Unincorporated groups seeking funding must apply for funding under an auspice.</p>
Financial Assistance	<p>Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council. It should be noted the following examples are not considered financial assistance and are therefore outside this policy:</p> <p>Payments made in exchange for the provision of a service which Council may otherwise provide itself.</p> <p>Statutory contributions such as SES, Rural Fire Service and NSW Fire Brigades.</p> <p>Waiver of a bond or security deposit.</p>
Grant	<p>Cash provided to applicants for the specified purpose as outlined in the application. A grant is given with conditions that is must be administered for that purpose identified with requirement for acquittal.</p>
In-kind	<p>Refers to an arrangement whereby Council foregoes revenue on things for which they would normally charge a fee.</p>

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Not-for-profit organisation	A not-for-profit organisation is an organisation that does not directly operate for the profit or gain of its owners, members or shareholders, either directly or indirectly. Any profit must be used to implement the organisation’s purpose and must not be distributed to members, owners or shareholders either while the organisation is operating or when it winds up.
Project/Program	A Project is a temporary organisation that is created for the purpose of delivering one or more business products according to an agreed Business Case
Business Association Group	Business associations are organisations that represent the business community within the Mid-Western Regional Council area. Examples include Chambers of Commerce.
Community Groups	Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. Examples include (but are not limited to) Fundraising Institutes, Hobby/Social Groups, Sports/Arts/Environmental/Health Groups, Associations etc

## ONLINE APPLICATION

The online application form requires the below information.

### APPLICATION FORM – COMMUNITY GRANTS

#### Applicants Details

- Name of organisation
- Contact person
- Address
- Phone
- Email
- ABN
- Bank Account

#### Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

#### Address Criteria

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other local groups
- Organisational capacity to deliver the project/activity

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#### Financial Information

- Income
- Expenditure
- Net budget. If the application shows a budget surplus there must be an explanation provided to justify why surplus funds are required and how they are to be used. For example a charitable donation or organisation fund raising towards a major purchase
- Most recent bank account balance, from either bank statement or treasurers report

#### Attachments

- Certificate of incorporation or letter from auspicng body

#### APPLICATION FORM – YOUTH REPRESENTATIVE GRANTS/ DISABILITY REPRESENTATIVE GRANTS

#### Applicants Details

- Name
- Date of Birth
- Address
- Phone
- Email
- ABN
- Bank Account

#### Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

## 9.9 Wilpinjong Coal Pty Ltd/Peabody Application to Close & Purchase Certain Council Roads

REPORT BY THE ASSISTANT MANAGER REVENUE AND PROPERTY  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GOV400087, ROA00007

### RECOMMENDATION

#### That Council:

1. receive the report by the on the Wilpinjong Coal Pty Ltd/Peabody Application to Close & Purchase Certain Council Roads;
2. agree in principle to the closure and, once closed, sale of the closed *Roads to Wilpinjong Pty Ltd/Peabody as outlined in Attachment 1 to this Report*;
3. propose the closure, pursuant to Part 4 Division 3 Roads Act 1993, of the Council Public roads as outlined in Attachment 1 appended to this Report;
4. Give notice, pursuant to s38B Roads Act 1993, of the proposal to close the Council Public roads as outlined in Attachment 1 appended to this Report;
5. receive a further report after the notice period pursuant to s38B Roads Act 1993 has ended to consider any submissions received and then, pursuant to s38D Roads Act 1993 determine whether the Council Public Roads as outlined in Attachment 1 appended to this Report, are to be closed;
6. obtain valuations in accordance with the Land Acquisition and Disposal Policy for the Council Public Roads as outlined in Attachment 1 appended to this Report;
7. authorise the General Manager to negotiate a sale price for the transfer of ownership of the Council Public Roads as outlined in Attachment 1 appended to this Report, and present the proposal in a further report to Council;
8. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report;
9. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report;
10. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report; and
11. require Wilpinjong Coal Pty Ltd/Peabody be responsible for all costs, including Council's reasonable legal costs and the cost of the relevant valuation reports obtained by Council associated with the proposed closure and subsequent sale in relation to the proposed closure and subsequent sale of the Council Public Roads as outlined in Attachment 1 appended to this report.

## Executive summary

This Report seeks to secure a resolution to the proposal by Wilpinjong Coal Pty Ltd/Peabody (Wilpinjong) for Council to consider the closure and purchase of a number of Council Public Roads located within the Wilpinjong Coal Complex land ownership footprint (the Road Closure Areas).

Wilpinjong's application dated 1 July 2020 (the Application) for the proposed Road Closure and purchase incorporates details of the proposed Road Closure Areas, and is appended as Attachment 1 to this Report.

This Report also seeks to secure a resolution for progression of the proposed closure of the Road Closure Areas pursuant to Part 4 Division 3 Roads Act 1993 (the Act) and Council's Land Acquisition and Disposal Policy (the Policy).

## Disclosure of Interest

Nil.

## Detailed report

The Roads subject to Wilpinjong's Application are located within the approved mine footprint. Parts of the Road Closure Areas have been actively mined.

The process to close the roads was commenced in 2006 at which time, Council road closures were processed through Crown Lands. This original road closure process did not complete. The implementation of the Crown Lands Management Act, 2016 transferred this road closure process to Council, prompting this new application.

Road status investigations indicate that the Road Closure Areas are Council public roads pursuant to s7(4) of the Act. The Road Closure Areas have evidence of construction/value added works having taken place over time. Accordingly, the land upon closure of the Road Closure Areas will vest in Council pursuant to s38E(2)(a) of the Act.

The investigations, which include photographs of parts of the Road Closure Areas, are appended as Attachments 2, 3 and 4 to this report.

### Commencement of the Road Closure Process

The proposed closure of the Road Closure Areas and their subsequent sale to Wilpinjong will be progressed pursuant to the Act and the Policy.

It is recommended that Council propose the closure of the Road Closure Areas which includes public notification of the proposal and referral to various government and other authorities.

A further report will be presented to Council after the notice period has expired to consider any submissions received and to determine that Council intends (subject to the decisions made regarding any submissions) to close the Road Closure Areas which are Council Public Road.

## Community Plan implications

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



## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Land Acquisition and Disposal Policy - consideration of individual circumstances of a road proposed to be closed and the requirement to obtain a valuation for each road and the methodology of the valuations.

### **Legislation**

Roads Act 1993

## Financial implications

s43 of the Act addresses the disposal of land comprising former public roads owned by a council. Revenue received by Council from the proceeds of the sale of the land is to be used for acquiring land for public roads or for carrying out roadwork on public roads.

In accordance with the Policy, Wilpinjong will be responsible for all costs incurred in the road closing process and disposal of the land upon closure, including Council's reasonable legal costs and the cost of the valuations obtained by Council.

## Associated Risks

Nil

IAN CLAYTON  
ASSISTANT MANAGER REVENUE AND  
PROPERTY

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

2 February 2021

- Attachments:*
1. Wilpinjong Application for Road Closure. (separately attached)
  2. Wilpinjong Crown Plans. (separately attached)
  3. Road Status Plan. (separately attached)
  4. Photos of Road Close Areas. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.10 Monthly Budget Review - January 2021

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, FIN300240

### RECOMMENDATION

**That Council receive the report by the on the Monthly Budget Review - January 2021.**

### Executive summary

This report provides Council with information on the progress of the 2020/21 capital works program at 31 January 2021.

### Disclosure of Interest

Nil.

### Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides information on the progress of capital works. Any budget variations are included in the December Quarterly Budget Review Statement.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Not applicable

#### Legislation

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

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

## Financial implications

There are no proposed budget variations within this report.

## Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

3 February 2021

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

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



*Good  
Government*

MONTHLY BUDGET  
REVIEW – 31 JANUARY  
2021

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

17 FEBRUARY 2021

MID-WESTERN REGIONAL COUNCIL  
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



## 1. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 January 2021.

**22 M**

Actual YTD

**210**

Capital Projects

\*Excludes Budget Only and  
Deferred

**34%**

Budget Spent

**59**

Capital Projects  
Completed

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
<b>Looking after our Community</b>							
BUSHFIRE RECOVERY - LARGE WATER TANKS (DRFA)	196	0	196	96	49%	60	Final works
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	30	0	30	0	0%	0	Design
GPS CEMETERY SITES	42	0	42	0	0%	15	Construction
CEMETERY CAPITAL PROGRAM	15	0	15	10	64%	0	Construction
MUDGEES CEMETERY FENCE UPGRADE	65	0	65	0	0%	0	Procurement
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	0	0%	0	Design
RYLSTONE CEMETERY DRAINAGE	26	0	26	3	10%	0	Final works
LIBRARY BOOKS	91	0	91	64	71%	(27)	Construction
LIBRARY EQUIPMENT	20	0	20	14	68%	0	Construction
RYLSTONE LIBRARY BRANCH	9	0	9	3	31%	0	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	0	50	50	0	0%	0	Consultation
GULGONG MEMORIAL HALL EXT. PAINTING	30	0	30	31	102%	0	Complete
GULGONG MEMORIAL HALL ROOF	66	0	66	66	100%	0	Complete
TOWN HALL - SURVEILLANCE CAMERA UPGRADE	50	0	50	0	0%	13	Construction
GUIDES BUILDING - RYLSTONE	40	0	40	5	12%	24	Construction
GULGONG HALL	34	0	34	0	0%	0	Consultation
PROPERTY PURCHASE - 70 COURT ST	650	0	650	5	1%	0	Project Scope
KANDOS LIBRARY & HALL	12	0	12	7	57%	0	Complete
POOL SHADE PROGRAM	55	0	55	0	0%	0	Procurement
GULGONG POOL REPAINT	91	0	91	91	99%	0	Complete
GULGONG POOL STORAGE SHED	25	0	25	0	0%	0	Procurement
POOL FILTER REPLACEMENT	55	0	55	0	0%	0	Procurement
POOL MATTS	60	0	60	0	0%	0	Procurement
KANDOS POOL HEATERS	85	0	85	0	0%	0	Design
MUDGEES SHOWGROUNDS - REDEVELOPMENT	497	0	497	5	1%	9	Procurement

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
GLEN WILLOW SPORTS GROUND UPGRADES	10,948	50	10,998	4,142	38%	6,933	Construction
GLEN WILLOW SHED	50	(50)	0	0	0%	0	Initial works
GLEN WILLOW CARPARK	500	0	500	164	33%	94	Construction
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	557	0	557	537	96%	7	Complete-awaiting invoices
RYLSTONE CEMETERY STORAGE SHED	20	0	20	5	24%	3	Initial works
MUDGEE DOG PARK RELOCATION & UPGRADE	100	50	150	0	0%	0	Procurement
BILLY DUNN AMENITIES	262	0	262	6	2%	0	Procurement
RYLSTONE SHOWGROUND CAPITAL	75	0	75	0	0%	0	Project Scope
BILLY DUNN CARPARK ACCESS	96	0	96	22	23%	13	Construction
PUBLIC TOILETS - CLANDULLA	5	0	5	0	0%	3	Complete-awaiting invoices
PUBLIC TOILETS - WALKERS OVAL	10	0	10	6	56%	0	Final works
MUDGEE SHOWGROUNDS - CARPARK & PATHWAY UPGRADE	74	0	74	64	87%	0	Final works
MUDGEE SHOWGROUNDS - BRIDGE CLUB KITCHEN	57	0	57	57	100%	0	Complete
MUDGEE SHOWGROUNDS - ROAD REHAB AND FENCING	85	(75)	10	0	4%	7	Project Scope
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0	Project Scope
SCULPTURES ACROSS THE REGION	26	0	26	13	48%	0	Initial works
PLAYGROUND SHADING PROGRAM	171	0	171	0	0%	7	Construction
DISTRICT ADVENTURE PLAYGROUND	9	0	9	9	100%	0	Complete
PITTS LANE - LIGHTING *	50	0	50	0	0%	0	Design
FLIRTATION HILL DEVELOPMENT	38	0	38	2	6%	1	Design
RED HILL CAPITAL WORKS	100	(80)	20	5	27%	6	Design
PLAYGROUND CCTV	15	0	15	14	91%	0	Complete
PUBLIC TOILETS - CORONATION PARK	10	0	10	0	0%	0	Consultation
PUBLIC TOILETS - ROBERTSON PARK	20	0	20	0	0%	0	Consultation
PLAYGROUND - ROBINSON / FISHER ST GULGONG	24	0	24	0	0%	8	Initial works
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	50	0	50	0	0%	0	Design
ROBERTSON PARK PATHWAY	10	0	10	0	0%	0	Procurement

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
ART GALLERY FACILITY	7,471	0	7,471	2,727	37%	3,998	Construction
STREETSCAPE - CBD INFRASTRUCTURE	25	0	25	19	75%	0	Final works
<b>Total</b>	<b>23,136</b>	<b>(55)</b>	<b>23,081</b>	<b>8,191</b>	<b>35%</b>	<b>11,175</b>	

## Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	202	0	202	84	41%	2	Construction
MUDGEES WASTE DEPOT UPGRADES	59	0	59	10	17%	35	Procurement
NEW TIP CELL CONSTRUCTION	78	0	78	48	61%	31	Final works
WASTE SITES REHABILITATION	30	0	30	6	19%	23	Complete
RECYCLING PLANT UPGRADES	200	0	200	1	0%	0	Procurement
LEACHATE POND ENLARGEMENT	27	0	27	11	42%	8	Deferred/Cancelled
WEIGHBRIDGE SOFTWARE UPGRADE	41	2	43	0	0%	42	Initial works
KANDOS WTS OFFICE REPLACEMENT	99	0	99	6	6%	0	Procurement
GULGONG WTS OFFICE REPLACEMENT	118	0	118	3	3%	0	Procurement
MUDGEES LANDFILL WHEEL WASH	35	0	35	0	0%	0	Procurement
DRAINAGE CAPITAL IMPROVEMENTS	117	0	117	34	29%	1	Construction
MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN	51	0	51	18	35%	2	Final works
EARTH CHANNEL ENLARGEMENT WORKS	90	0	90	0	0%	4	Construction
PIT MODIFICATIONS – VARIOUS LOCATIONS	17	0	17	8	47%	0	Construction
CAUSEWAY - SCHOOL LANE	33	0	33	0	0%	0	Project Scope
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0	Project Scope
KANDOS STORMWATER UPGRADE	701	0	701	5	1%	150	Design
CAUSEWAY - DREWS LANE	33	0	33	0	0%	0	Project Scope
PUTTA BUCCA WETLANDS EXTENSION	11	0	11	0	5%	7	Complete



	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
PUTTA BUCCA WETLANDS TOILET	101	0	101	0	0%	2	Design
WATER NEW CONNECTIONS	93	0	93	75	81%	2	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	330	0	330	8	2%	2	Procurement
WATER AUGMENTATION - ULAN RD EXTENSION	311	0	311	144	46%	115	Complete-awaiting invoices
WATER TELEMETRY	250	0	250	199	79%	52	Final works
WATER MAINS - BYRON PLACE	60	0	60	0	0%	0	Procurement
WATER MAINS - LYNNE STREET	30	0	30	0	0%	0	Procurement
WATER MAINS - MAYNE STREET	270	0	270	0	0%	0	Procurement
WATER MAINS - ANDERSON STREET	122	0	122	133	109%	2	Complete
WATER MAINS - COOYAL STREET	148	0	148	96	65%	2	Complete
WATER MAINS - SULLY STREET	50	0	50	35	69%	0	Complete
WATER MAINS - QUEEN STREET	86	0	86	68	79%	1	Construction
WATER MAINS - BELMORE STREET	250	0	250	136	54%	7	Construction
WATER MAINS - MOONLIGHT STREET	65	0	65	61	93%	4	Complete
WATER MAINS - STOTT STREET	22	0	22	0	0%	0	Project Scope
WATER MAINS - NANDOURA STREET	200	0	200	37	19%	10	Procurement
WATER MAINS - FISHER STREET	50	0	50	0	0%	5	Procurement
WATER PUMP STATION - CAPITAL RENEWALS	19	0	19	19	101%	0	Complete
RYLSTONE DAM PS PAC DOSING SYSTEM	90	0	90	0	0%	89	Construction
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	106	0	106	66	63%	0	Final works
RAW WATER SYSTEMS RENEWALS	20	0	20	0	0%	0	Procurement
WATER TREATMENT RYLSTONE UPGRADES	8	0	8	8	96%	0	Complete
WATER WELLFIELD BORE INTEGRITY UPGRADES	40	0	40	21	53%	0	Complete
WATER METER REPLACEMENT	70	0	70	55	78%	0	Final works
RAW WATER SYSTEMS - MUDGEE AND GULGONG DISINFECTION UPGRADES	2	0	2	2	101%	0	Complete
RAW WATER SYSTEMS - SALEYARDS WATER SUPPLY	28	0	28	0	0%	0	Consultation

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
RURAL CUSTOMER FILL STATIONS	270	0	270	3	1%	7	Procurement
SEWER NEW CONNECTIONS	24	0	24	10	40%	0	Construction
SEWER TELEMETRY	31	0	31	0	0%	0	Procurement
SEWER MAINS - CAPITAL BUDGET ONLY	591	0	591	0	0%	0	Procurement
SEWER MAINS RELINING	300	0	300	28	9%	0	Initial works
RISING MAIN ULAN RD TO PUTTA BUCCA	129	0	129	129	100%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	38	0	38	39	102%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	69	0	69	7	10%	0	Initial works
MUDGEES STP SLUDGE DEWATERING IMPROVEMENTS	9	0	9	9	100%	0	Complete
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
SEWER TREATMENT WORKS MUDGEES INLET	46	0	46	0	0%	0	Procurement
<b>Total</b>	<b>6,448</b>	<b>2</b>	<b>6,451</b>	<b>1,620</b>	<b>25%</b>	<b>606</b>	

### Building a Strong Local Economy

RYLSTONE CARAVAN PARK - CAPITAL	80	0	80	0	0%	0	Project Scope
RIVERSIDE CARAVAN PARK FIRE SERVICES	103	0	103	27	26%	0	Initial works
MUDGEES VALLEY PARK UPGRADE	725	(19)	706	296	42%	24	Construction
CUDGEGONG WATERS PARK INTERNAL ROADS	50	0	50	0	0%	0	Project Scope
ENTRANCE SIGNAGE PROJECT	112	0	112	94	83%	5	Construction
SALEYARDS SECURITY CAMERAS	10	0	10	3	28%	0	Construction
SALEYARDS BULL PEN SHADE	11	0	11	0	0%	6	Construction
PROPERTY - MUDGEES AIRPORT SUBDIVISION	200	0	200	9	4%	0	Complete
PROPERTY - EX SALEYARDS STAGE I	586	0	586	535	91%	33	Complete
RYLSTONE KANDOS PRESCHOOL EXTENSION	14	0	14	0	0%	5	Construction
COMMERCIAL PROP - MN353/20	2,031	0	2,031	2,036	100%	0	Complete
CAPITAL WORKS PITTS LANE	0	34	34	34	100%	0	Complete
<b>Total</b>	<b>3,922</b>	<b>15</b>	<b>3,937</b>	<b>3,033</b>	<b>77%</b>	<b>73</b>	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Connecting our Region</b>							
URBAN RESEALS - BAYLY ST SEG 10-60	52	(15)	37	37	100%	2	Complete
URBAN RESEALS - BELMORE ST SEG 10-20,50-90	91	0	91	17	18%	46	Construction
URBAN RESEALS - MAYNE ST SEG 20,60,70	31	0	31	16	51%	8	Construction
URBAN RESEALS - QUEEN ST SEG 10-80	55	0	55	30	54%	10	Construction
URBAN RESEALS - WYALDRA ST SEG 10	13	(6)	7	7	100%	2	Complete
URBAN RESEALS - COX ST SEG 10	20	(7)	13	13	100%	0	Complete
URBAN RESEALS - WALKERS LN SEG 10	13	0	13	13	100%	0	Complete
URBAN RESEALS - BELLEVUE RD SEG 30-60	36	(3)	33	33	100%	0	Complete
URBAN RESEALS - BRUCE RD SEG 30	28	0	28	1	5%	16	Construction
URBAN RESEALS - CEDAR AVE SEG 10-20	14	(7)	7	7	99%	3	Complete
URBAN RESEALS - COMMON RD SEG 10	10	0	10	0	4%	6	Construction
URBAN RESEALS - CONSTANTIA RD SEG 10	20	0	20	0	0%	13	Construction
URBAN RESEALS - COURT ST SEG 10,60-100	55	0	55	10	18%	24	Construction
URBAN RESEALS - COX ST SEG 15-20	21	(2)	19	20	101%	0	Complete
URBAN RESEALS - GLADSTONE ST SEG 10-40,110-130	126	0	126	30	24%	40	Initial works
URBAN RESEALS - NORMAN RD SEG 10-30	49	(19)	30	30	100%	3	Complete
URBAN RESEALS - ROBERT JONES ST SEG 10	10	(5)	5	5	100%	0	Complete
URBAN RESEALS - MUDGEES ST SEG 10-70	110	0	110	25	22%	72	Construction
URBAN ROADS KERB & GUTTER CAPITAL	26	0	26	18	68%	0	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	935	0	935	4	0%	67	Design
HEAVY PATCHING - MUDGEES ST RYLSTONE	50	0	50	5	11%	41	Construction
URBAN REHAB - SHORT ST RYLSTONE KERB & GUTTER	50	0	50	60	119%	0	Complete
URBAN HEAVY PATCHING	25	0	25	0	0%	0	Project Scope
MULTIPLE PEDESTRIAN REFUGES & BUILDOUTS	20	0	20	20	100%	0	Complete
RESHEETING - URBAN ROADS	16	0	16	1	7%	0	Initial works

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
URBAN ROADS LAND MATTERS CAPITAL	28	0	28	0	1%	0	Consultation
GUTTERING BYLONG VALLEY WAY KANDOS	66	0	66	66	100%	0	Complete
RESEAL - CRAIGMOOR RD SEG 10	50	(21)	29	29	100%	0	Complete
RESEAL - EDGELL LANE SEG 10	28	(12)	16	16	100%	0	Complete
RESEAL - CRAIGMOOR RD SEG 20	40	(14)	26	26	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 80-90,120	139	(24)	115	115	100%	2	Complete
RESEAL - GREEN GULLY RD SEG 15	17	(7)	10	10	100%	0	Complete
RESEAL - TIP RD GULGONG SEG 10	11	(11)	0	0	0%	0	Deferred/Cancelled
RESEAL - GUNDOWDA RD SEG 10-30,70	135	(51)	84	84	100%	0	Complete
RESEAL - QUEENS PINCH RD SEG 70,110-120	126	(64)	62	62	100%	0	Complete
RESEAL - NULLO MOUNTAIN RD SEG 110	15	6	21	25	118%	0	Complete
RESEAL - LESTERS LN SEG 10-40	134	0	134	18	14%	89	Complete
RESEAL - QUEENS PINCH RD SEG 50	68	(41)	27	27	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 130-160	200	(50)	151	151	100%	3	Complete
RURAL REHAB - CUDGEGONG RD	360	0	360	11	3%	0	Initial works
RURAL REHAB - BARNEYS REEF RD	430	0	430	2	1%	0	Initial works
HEAVY PATCHING	46	0	46	2	5%	0	Project Scope
CUDGEGONG ROAD GUARDRAIL	50	0	50	46	92%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	88	0	88	38	44%	51	Complete
ULAN WOLLAR ROAD - MOOLARBEN INTERSECTION	72	0	72	70	98%	1	Complete
REHAB - LUE RD SEG 100 TO 110	3	0	3	3	100%	0	Complete
RURAL SEALED ROAD LAND MATTERS	18	0	18	0	0%	0	Consultation
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	329	0	329	17	5%	0	Initial works
ULAN AND WOLLAR ROAD UPGRADES	86	0	86	0	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	1,585	110	1,695	1,363	80%	593	Construction
HILL END ROAD SAFETY IMPROVEMENTS	1,501	0	1,501	538	36%	208	Construction
BVW UPGRADE RNSW 2080	2,023	(200)	1,823	605	33%	31	Construction

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	15	0	15	1	5%	0	Initial works
SEAL EXTENSION - BARIGAN RD	2,006	0	2,006	1,119	56%	339	Construction
WIDEN AND SEAL MT VINCENT ROAD HILL	90	0	90	60	67%	5	Complete
SEAL EXTENSION - AARONS PASS RD	1,200	0	1,200	1	0%	0	Initial works
SEAL EXTENSION - COXS CREEK RD	460	0	460	322	70%	1	Complete
SEAL EXTENSION - MEBUL RD	1,405	0	1,405	5	0%	6	Initial works
SEAL EXTENSION - PYRAMUL RD SEG 120-130	375	0	375	0	0%	0	Initial works
RESHEETING	2,242	270	2,512	2,105	84%	31	Construction
SEAL EXTENSION - PYRAMUL RD	107	0	107	107	100%	0	Complete
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	12	61%	11	Construction
DIXONS LONG POINT CROSSING	1,175	0	1,175	271	23%	157	Design
REGIONAL ROAD BRIDGE CAPITAL	3	0	3	(1)	-26%	0	Complete
GOULBURN RIVER BRIDGE ULAN ROAD	400	0	400	31	8%	0	Procurement
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	400	0	400	0	0%	0	Initial works
ULAN ROAD - HOLYOAKE BRIDGE TO LUE ROAD REHAB	110	0	110	0	0%	0	Design
FOOTWAYS - CAPITAL WORKS	136	0	136	107	79%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	30	0	30	2	8%	0	Project Scope
PUTTA BUCCA ECO TRAIL	319	0	319	99	31%	83	Construction
MUDGE SHARED CYCLEWAY/WALKING LOOP	28	0	28	29	101%	0	Complete
FOOTPATH - LAWSON PARK EAST	51	0	51	0	0%	0	Procurement
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	700	0	700	3	0%	391	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	225	(50)	175	11	6%	76	Initial works
AIRPORT RUNWAY *	1,012	0	1,012	84	8%	769	Complete-awaiting invoices
AIRPORT AMBULANCE TRANSFER BAY	83	0	83	7	9%	5	Design
AIRPORT TERMINAL AWNING	6	0	6	6	99%	0	Complete
AIRPORT HELICOPTER LANDING PAD	32	0	32	0	0%	0	Complete-awaiting invoices
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	220	0	220	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Total</b>	22,375	(222)	22,153	8,107	37%	3,206	

## Good Government

RYLSTONE COUNCIL BUILDING	64	0	64	18	28%	13	Final works
MUDGEES STORES BUILDING	41	(31)	10	4	36%	2	Deferred/Cancelled
OLD POLICE STATION CAPITAL	62	0	62	1	1%	0	Design
CARMEL CROAN BUILDING CAPITAL	45	0	45	45	100%	0	Final works
CONCEPT PLANS FOR MAIN ADMIN BUILDING	50	0	50	0	0%	0	Procurement
IT SPECIAL PROJECTS	31	0	31	2	5%	0	Design
IT NETWORK UPGRADES	101	0	101	0	0%	0	Design
IT CORPORATE SOFTWARE	101	27	128	39	30%	22	Construction
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	0	0%	15	Construction
BACKUP DISASTER RECOVERY UPGRADE	172	110	282	0	0%	0	Procurement
PLANT PURCHASES	8,022	0	8,022	799	10%	2,871	Procurement
RYLSTONE DEPOT CAPITAL WORKS	10	0	10	10	99%	0	Complete
RYLSTONE DEPOT WASHBAY	156	0	156	5	3%	129	Initial works
SOLAR FARM INITIATIVE	848	0	848	89	10%	351	Design
REPLACE DEPOT FUEL BOWSERS	36	0	36	36	100%	0	Complete
RYLSTONE DEPOT SEALING	40	0	40	38	94%	0	Complete
WORKSHOP FIRE EXIT	1	0	1	1	98%	0	Complete
WORKSHOP CONCRETE WORKS	25	0	25	0	0%	7	Consultation
STORE WATER PIPE SHED	30	0	30	2	6%	3	Procurement
<b>Total</b>	<b>9,867</b>	<b>106</b>	<b>9,973</b>	<b>1,088</b>	<b>11%</b>	<b>3,412</b>	

## Total Capital Works Program

**65,749      (154)      65,595      22,038      34%      18,471**

<b>Status</b>	<b>Description</b>
Consultation	Engaging with stakeholders for ideas and to determine viability and direction for the project.
Project Scope	Initial concept, business case and project plan development.
Design	Initial and detailed design.
Procurement	Tendering, sourcing quotes or suppliers.
Initial works	Early stages of project delivery.
Construction	Major project activities are in progress.
Final works	Project is in final stages of completion or awaiting minor items.
Complete, awaiting invoices	Project work is complete. Waiting on invoices from suppliers for financial completion.
Complete	Project work is complete and all costs have been allocated.
Deferred/Cancelled	Project is no longer in current year's program
Budget only	Project for budget purposes only. Fully allocated out to projects.

## 9.11 Community Grants Program - February 2021

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, FIN3000159

**RECOMMENDATION****That Council:**

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

Rylstone District Historical Society	188
CWA - Kandos Branch	4,000

**Executive summary**

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

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

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

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

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

Applicant	Project/Activity	Funding Request \$	Total Score out of 9	Recommended Amount \$
Rylstone District Historical Society	Dinner to Celebrate 200 Years of European Presence in the Rylstone District	188	6	188
CWA - Kandos Branch	Kandos CWA mobile theatre	10,000	6	4,000
<b>Total</b>				<b>4,188</b>



## Disclosure of Interest

Nil

## Detailed report

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

### **Rylstone District Historical Society**

Rylstone District Historical Society requests \$188 for Dinner to Celebrate 200 Years of European Presence in the Rylstone District. The dinner event will be held on Saturday 28 August 2021. Rylstone and District Historical Society seeks access to the Memorial Hall free of charge for this community event.

*Link to Community Plan: 1.2.1 Respect and enhance the historic character of our Region and heritage value of our towns 1.4.2 Support arts and cultural development across the Region*

#### **RECOMMENDATION:**

\$ 188

### **CWA - Kandos Branch**

CWA - Kandos Branch requests \$10,000 for Kandos CWA mobile theatre. To run regular mobile theatre events at the Kandos hall and an outdoor facility.

*Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.4.1 Support programs which strengthen the relationships between the range of community groups, 1.4.3 Provide equitable access to a range of places and spaces for all in the community*

#### **RECOMMENDATION:**

\$ 4,000

In recommending an amount lower than the requested amount, the panel considered that whilst the project shows benefits linked to multiple outcomes in the Community Plan, the participation level was not expected to be high. The panel also considered the fact that Council already subsidises a small amount each year towards the Mudgee Town Hall Cinema Operations.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Recommendations are made under the Community Grants Program Policy.

### **Legislation**

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

## Financial implications

Funding of \$105,000 is provided in the Operational Plan for financial assistance. \$60,845 has already been allocated, leaving a balance of \$44,155. Based on the scoring system above, the recommendation of staff is to provide \$4,188 in financial assistance. Should Council approve the recommendations in the report, a balance of \$39,967 will remain.

## Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

3 February 2021

*Attachments:* 1. Community Grant.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# COMMUNITY GRANTS



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Rylstone and District Historical Society Inc.
Contact Person	President, Shirley Tunnicliff
Address	Postal: PO Box 66 Rylstone NSW 2849 Physical: 28-30 Louee Street Rylstone NSW 2849
Phone	Office (messages) 6379 1840 Shirley Tunnicliff 6379 1121
Email	rylstonehistory@westnet.com.au
ABN	69 040 337 72
Bank Account Name	[REDACTED]
BSB	[REDACTED]
Account Number	[REDACTED]

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Dinner to Celebrate 200 Years of European Presence in the Rylstone District	
Amount of funding requested	Hire of Rylstone Memorial Hall for 2 days	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	Mid-day Friday 27th August 2021	Mid-day Sunday 29th August 2021
Briefly, describe Project / Activity	Dinner event on Saturday 28 August 2021 to celebrate the European settlement of Rylstone. Rylstone and District Historical Society simply seeks access to the Memorial Hall free of charge for this community event.	

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

Building Social Capital: On occasions such as 100 and 200 year anniversaries, it is appropriate to look back at the achievements of settlers to the district, while acknowledging the impact on first nation peoples. The Rylstone district has an interesting and complex ongoing history. Celebrating such events brings both pride and perspective to local residents and descendants of those who lived or worked in the area in times past. Many people will visit and explore the contemporary town.

Financial Benefits: Local residents and descendants will spend the weekend at various planned events and will contribute to the local economy by purchasing food and wine and gifts and accommodation.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

Estimated at 100 people, but could expand depending on the numbers of ex-residents, descendents and family members from elsewhere who decide to participate. Numbers will also be subject to NSW Government Health Guidelines in force at the time of the event.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Rylstone and District Historical Society will notify local organisations about the planned event to encourage participation by their membership.

At this stage, no other local groups have been formally invited to be involved - although that could be possible. Serious planning will proceed once the date and venues are confirmed.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

Rylstone and District Historical Society has delivered a number of events for residents, local, descendants in the past 15 years including: 2 x Colonial Feasts (100 people each ) under a huge marquee in the grounds of the Bridge View Inn; Exhibitions including: 'Precious Portraits' (photographs of pioneers from the collection of RDHS as well as photographs owned by local families); 'Threads' (historic clothing and fabric arts from the RDHS collection with contributions from local collections); and 'Stitches in Time' celebrating the creation of the Rylstone Autograph Quilt in July 1915 with histories of the local WWI soldiers and family members who signed the quilt - at the Rylstone Memorial Hall for one week in September 2015. RDHS has also managed more than \$400,000 worth of local grants conserving local heritage buildings including the 3 stone churches, and the Bridge View Inn complex of buildings



Project Income	Community Grant (amount sought from Council)	2 day hire of Hall
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$5,000
	Other Income	
<b>TOTAL INCOME</b>		\$5,000.00 + grant for hall

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Caterer	\$3,500
	Advertising	\$500
	Printing/Postage	\$500
	Other expenses	\$500
<b>TOTAL EXPENDITURE</b>		\$5,000.00

<b>TOTAL SURPLUS / DEFICIT</b>	<b>Nil</b>
--------------------------------	------------

If positive or surplus budget, please provide further details/explanation what this surplus will be used for.

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="checkbox"/>	
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="checkbox"/>	
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="checkbox"/>	

Has your organisation/group previously received a Community Grant from Council?

YES (click to tick)	NO (click to tick)
<input checked="" type="radio"/>	

If yes, please advise date and amount

DATE / YEAR	AMOUNT
2016	\$ 2,442.00

Did your group return the acquittal form?

YES (click to tick)	NO (click to tick)
<input checked="" type="radio"/>	

Closing bank balance from the most recent bank statement or treasurer's report

\$17,926.10
-------------

Comment on cash set aside for specific projects (optional)

Grant was for:  
 'Upgrade to Thyme Out Community Garden Rylstone' Amount was \$2,442.90. Acquittal date was December 2016.

### APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	
A copy of the group's/organisation's public liability insurance	<input checked="" type="radio"/>	
Where the group intends to purchase equipment, a copy of the quote/s obtained		<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required		<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body		<input checked="" type="radio"/>

### AUTHORISATION OF APPLICANT

Name	Shirley Tunnidiff
Position	President
Date	31 December 2020

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



### SUBMIT YOUR APPLICATION

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

SUBMIT ONLINE

COMMUNITY GRANTS POLICY

PRINT MY APPLICATION



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Kandos CWA
Contact Person	Sylvana Thompson
Address	7 Jaques Street Kandos NSW 2848
Phone	0410623238
Email	kandoscwa@gmail.com
ABN	82 318 909 926
Bank Account Name	[REDACTED]
BSB	[REDACTED]
Account Number	[REDACTED]

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Kandos CWA mobile theatre	
Amount of funding requested	\$ 10,000.00	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	1/3/2021	1/3/2022
Briefly, describe Project / Activity	Project will allow the CWA to run regular Mobile Theatre Events both the Kandos Hall as well as at an outdoor facility owned by council.	





## ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

The Kandos / Rylstone community will benefit by:  
Social Connection opportunities for all ages in a small, remote & socially disadvantaged region.  
Tourism opportunity with broader benefits to local businesses.  
Fund raising opportunity for CWA & other community organisations to help build resilience & independence.  
Enhanced delivery method for education providers.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

20 - 50 at community events  
Up to 100+ for special screenings by schools & other organisations and as part of special events, eg: Cementsa.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Discussions with MWRC representative Fiona Shearman Community Services Manager 2/12/2021 directly resulted in this application.  
Positive discussions regarding ongoing use held with - Kandos & Rylstone Public Schools, Kandos High School, Cementsa, Capertee Valley Landcare.  
Meetings scheduled to take place with Rotary, local vineyards and Greymont.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

Kandos CWA has a sound track record in managing projects.  
Over the last few years it has renovated its CWA owned building and installed a commercial grade kitchen to support local micro business opportunities.  
It has also run a community cafe, serving low cost meals to locals in a social community setting.  
Kandos CWA has also sponsored and run a successful Garden Fair(5 Fairs to date) which is a major local calendar event.  
CWA Kandos provide a valuable training venue for practical educational courses.  
We have funded a mobile outdoor theatre with FRRR News Corporation bushfire recovery Grant \$14k. We seek approval to MWRC Community grant to support the initial set up & running of a regular community theatre.

Project Income	Community Grant (amount sought from Council)	\$ 10,000.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 4,000.00
	Other Income	\$ 14,000.00
<b>TOTAL INCOME</b>		<b>\$ 28,000.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Outdoor Theatre - GRANT already received from FRRR	\$ 14,000.00
	Community event running costs ***	\$ 5,000.00
	Venue Costs - in kind for use of council venues	\$ 5,000.00
	Insurance	\$ 660.00
	Royalties to film company	\$ 3,340.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 28,000.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 0.00</b>

If positive or surplus budget, please provide further details/explanation what this surplus will be used for.

\*\*\*The running costs of the venture will depend on the council, they could be significantly less, should the council decide that we can co-brand with them under the existing Mudgee Cinema we will actually be able to make a small profit, as well as provide a fantastic event and entertainment to our small remote towns.

*(Note: Unspent grants >\$200 will be required to be returned to MWRC)*

FINANCIAL DETAILS

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input type="radio"/>	<input checked="" type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>



Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
If yes, please advise date and amount	DATE / YEAR 2019/20	AMOUNT \$ 1,122.00
Did your group return the acquittal form?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	\$ 14,010.08	

Comment on cash set aside for specific projects (optional)

\$7000 aside to complete purchase of Outdoor Theatre.  
 \$660 Insurance costs

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance	<input checked="" type="radio"/>	<input type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input checked="" type="radio"/>	<input type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input checked="" type="radio"/>	<input type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input checked="" type="radio"/>	<input type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	Kandos CWA (Sylvana Thompson)
Position	Secretary
Date	31/01/2021

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.

## SUBMIT YOUR APPLICATION

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MUDGEE NSW 2850

[SUBMIT ONLINE](#)

[COMMUNITY GRANTS POLICY](#)

[PRINT MY APPLICATION](#)



Kandos Country Women's Association

7 Jaques Street

Kandos NSW 2848

16<sup>th</sup> January 2021.



Dear Brad Cam,

Following a meeting with Fiona Shearman Manager Community Services on the 2<sup>nd</sup> of December 2020 we are contacting you to request assistance in facilitating use of the council's security deposit associated with motion picture's for use within the midwestern local council, in particular the Kandos/ Rylstone zone.

The Kandos Country Women's Association has successfully applied for and purchased an outdoor mobile theatre under the "Foundation for Rural and Regional Renewal News Corp Bush Fire Fund" to the value of \$14,000. This system comes complete with a 5mx 3m inflatable screen, blower, Blu-ray/ DVD player, PA system, speakers and appropriate wiring and casing.

We envision this brilliant resource will improve community cohesiveness, improve mental health outcomes and increase recreation activities in our remote and disadvantaged towns. It will assist in continuing to build strong and resilient communities post what has been a significantly difficult twelve months.

We understand that you are affiliated with multiple motion picture companies and have already paid the security deposit required.

CWA Kandos is requesting that you supply us with the relevant documentation and rights to run motion picture events under the Midwestern Council banner, essentially making this resource usable at a small cost to our towns.

We are applying through the community grant program run by council for additional funding to cover facility hire, cleaning, bonds and insurance.

We appreciate your ongoing support to our communities and look forward to hearing from you.

I have also advised the Hon. Paul Toole of this request.

Kind Regards

Sylvana Thompson

Secretary CWA KANDOS

Cc: The Hon. Paul Toole MP

cc: Peter Shelley Councillor

## 9.12 Mudgee Airport Development

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, DA0218/2019, F0470025

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Mudgee Airport Development;**
2. **note the previous Resolution Minute 218/20 to lease Allotments 1-14 of the proposed subdivision plan appended as Attachment 1 to this Report for a period of 25 years, in line with the Airport Masterplan 2015;**
3. **request two further business cases be developed, for consideration:**
  - 3.1 **sale of some, or all, of the allotments by Private Treaty; and**
  - 3.2 **offering a lease option for some, or all, allotments for a period of 99 years;**
4. **note the valuation of developed allotments at current market value appended to this report as confidential attachment 3; and**
5. **request a further report be brought back to Council with the outcome of the business case reviews, and a summary of costs and progress on the subdivision to date.**

---

### Executive summary

The purpose of this report is to seek a resolution from Council to consider and authorise the additional options for the Airport subdivision, contrary to the Airport Masterplan 2015 recommendations, and to Council's previous deliberation of a lease tenure agreement for a term of 25 years.

A copy of the unregistered plan for the Airport is appended as Attachment 1 to this Report.

### Disclosure of Interest

Nil.

### Detailed report

Council has previously received and dealt with a number of reports regarding the development of the Airport.

The most recent of these reports, presented on 15/7/2020, authorised the development of the Airport in accordance with the Airport Master Plan 2015 (the Plan) and the approval afforded under Development Consent No DA0218/2019. The lease of Allotments 1-14 in the proposed subdivision, each for a term of 25 years, was also approved. The recommendation to lease these allotments as opposed to selling all or a number of them, was based on the Plan's recommendation that freehold purchase may restrict future development plans. Minute No 218/20 is appended as Attachment 2 to this Report.

The proposed subdivision has still not been registered and rental valuations for Allotments 1-14 are not yet available.

Recent investigations and considerations have suggested that there would be no adverse effects or restrictions inflicted on the future development of the Airport if proposed Allotments 3, 4, 8, 11, 12 & 13 (the Saleable Allotments) were to be sold.

A further option of 99 year lease terms should also be considered, as this provides confidence to the rental market and allows for higher capital investment whilst still retaining key strategic land around the airport for the long term.

Since July 2020, there have been firm enquiries to purchase a number of the Saleable Allotments. The opportunity for these enquirers to be able to purchase, rather than to enter into a lease agreement, appears to be a more attractive option for them. However, further review is recommended into whether a 25 or 99 year lease market exists.

Valuations to determine the disposal price for each of the Saleable Allotments have been obtained. The Valuation Report, dated 11/11/2020, is appended in the *Confidential* Section of the Business Paper.

It is therefore recommended that in relation to the Saleable Allotments, Council considers reviewing the options by delivering a full business case on the three options available for the Airport subdivision, taking into account the economic development benefits of having businesses invest in the airport, and the financial outcomes of each option over the long term.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	Efficient connection of the region to major towns and cities
Strategy	Create a communication network that services the needs of our residents and businesses

## Strategic implications

### Council Strategies

Mudgee Regional Airport Master Plan 2015

### Council Policies

Land Acquisition and Disposal Policy

Leases and Licences of Council Owned and Managed Land and Real Property

### Legislation

Mudgee Airport must comply with CASA regulations and with Air Services Australia requirements under the Air Service Act 1995.

## Financial implications

It is recommended to complete a full financial analysis of all three options, to fully inform Council as to the best long term option for Council and the community.

No budget variation is recommended at this time.

## Associated Risks

The purpose of the Plan was to establish a strategic framework for the future development of the airport, which supports existing business activities as well as opportunities for growth in aviation and aviation-related activities.

Currently, anticipated timeframes for the proposed sale or lease of allotments is unknown, and there is some risk that take-up may be slow.

Conflicts of interest or perceived conflicts of interest will be managed in line with Mid-Western Regional Council's Code of Conduct.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

8 February 2021

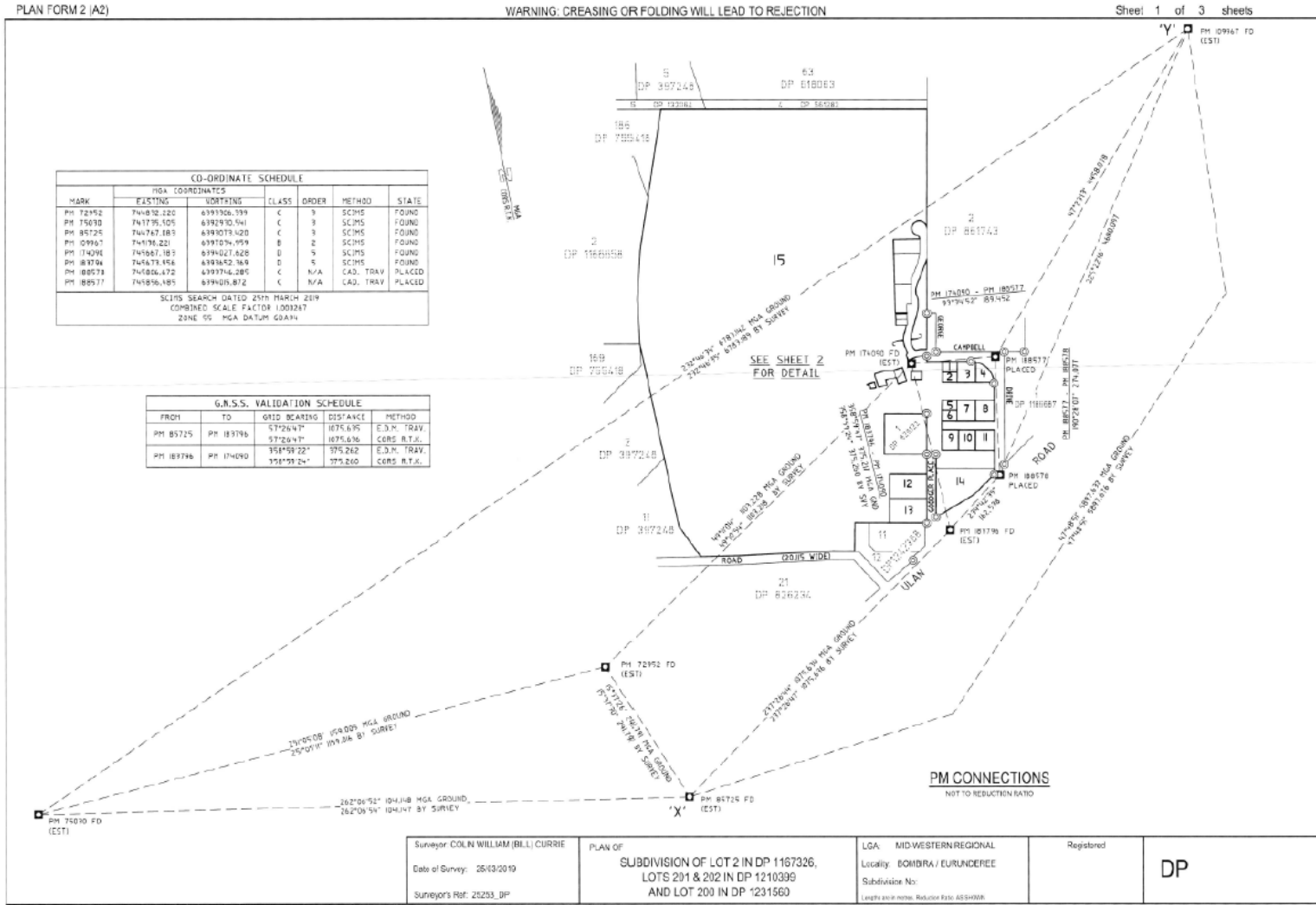
*Attachments:*

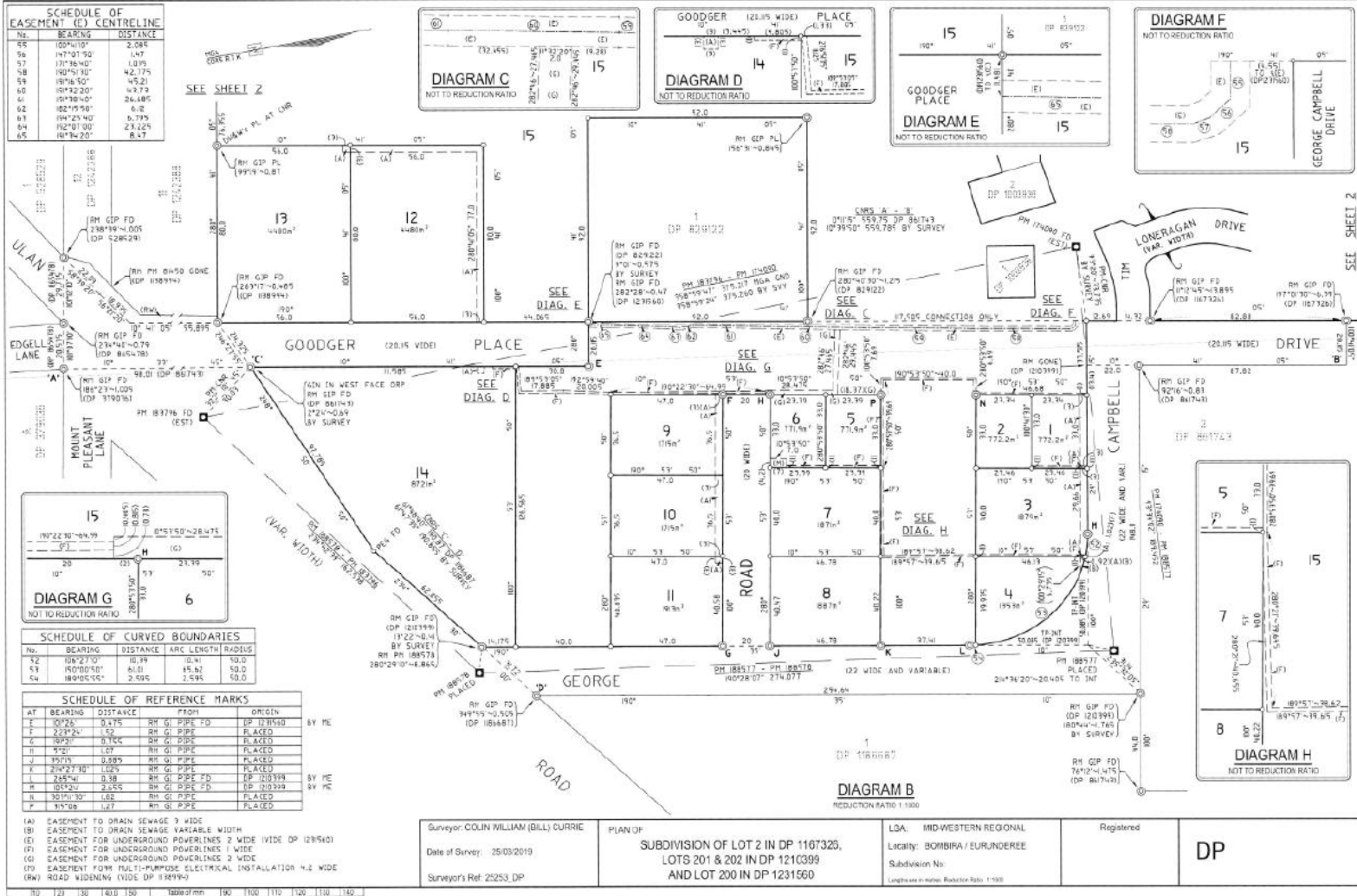
1. Unregistered Plan for Mudgee Airport.
2. Minute 218/20 15 July 2020.
3. Valuation report for Saleable Allotments dated 11/11/2020. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

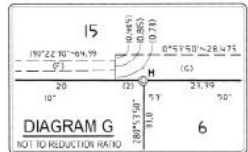
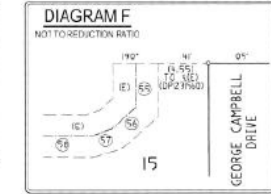
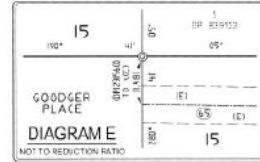
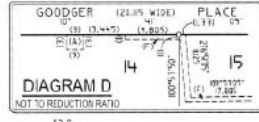
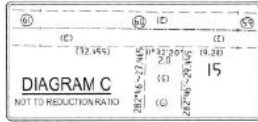






**SCHEDULE OF EASEMENT (C) CENTRELINE**

No.	BEARING	DISTANCE
55	100°41'00"	2.085
56	147°01'50"	1.47
57	137°16'40"	1.035
58	100°51'30"	42.175
59	10°16'50"	45.21
60	10°12'20"	49.79
61	10°10'40"	26.485
62	102°15'50"	6.2
63	104°23'40"	6.735
64	102°01'00"	23.225
65	10°14'20"	8.17



**SCHEDULE OF CURVED BOUNDARIES**

No.	BEARING	DISTANCE	ARC LENGTH	RADIUS
32	106°27'10"	10.39	0.41	50.0
33	102°05'00"	81.0	145.82	50.0
34	109°05'55"	2.535	2.535	50.0

**SCHEDULE OF REFERENCE MARKS**

AT	BEARING	DISTANCE	FROM	ORIGIN	BY
E	202°15'	3.175	RH G. PIPE FD	DP 129549	BY ME
F	224°24'	1.52	RH G. PIPE	PLACED	
G	100°30'	0.755	RH G. PIPE	PLACED	
H	8°21'	1.63	RH G. PIPE	PLACED	
J	10°10'	0.585	RH G. PIPE	PLACED	
K	210°27'30"	1.025	RH G. PIPE	PLACED	
L	128°14'	0.38	RH G. PIPE FD	DP 120349	BY ME
M	106°24'	2.555	RH G. PIPE FD	DP 120349	BY ME
N	102°10'30"	1.68	RH G. PIPE	PLACED	
P	10°10'	1.27	RH G. PIPE	PLACED	

- (A) EASEMENT TO DRAIN SEWAGE 3 WIDE
- (B) EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH
- (C) EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE (WIDE DP 129549)
- (D) EASEMENT FOR UNDERGROUND POWERLINES 1 WIDE
- (E) EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE
- (F) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE
- (RW) ROAD WIDENING (WIDE DP 129549)

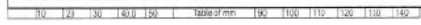
Surveyor: COLIN WILLIAM (BILL) CURRIE  
Date of Survey: 25/03/2019  
Surveyor's Ref: 2253 DP

PLAN OF  
SUBDIVISION OF LOT 2 IN DP 1167325,  
LOTS 201 & 202 IN DP 1210399  
AND LOT 200 IN DP 1231560

LGA: MID-WESTERN REGIONAL  
Locality: BOMBIRA / EURUNDEREE  
Subdivision No:  
Longitude in metres: Reduction Ratio: 1:500

Registered

DP





## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 15 JULY 2020

### 7.3 MUDGEE AIRPORT DEVELOPMENT

GOV400087, DA0218/2019, F0470025

218/20

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the General Manager on the Mudgee Airport Development; and
2. authorise the development of the Mudgee Airport in accordance with the Airport Master Plan 2015 and the approval afforded under Development Consent No DA0218/2019; and
3. authorise the General Manager to exercise delegated authority to progress and deal with all aspects of the development of the Mudgee Airport, including the proposed 15 allotment subdivision, in accordance with the Mudgee Regional Airport Master Plan 2015 and the approval afforded under Development Consent No DA0218/2019; and
4. approve the lease of Allotments 1-14 in the proposed subdivision as identified in the approval afforded under Development Consent No DA0218/2019 each for a term on 25 years; and
5. authorise the General Manager, upon the release of the Linen Plan of the subdivision, to exercise delegated authority to progress and deal with all aspects of securing suitable lease agreements for Allotments 1-14; and
6. authorise the General Manager to secure an appropriate rental valuation for Allotments 1-14; and
7. authorise the General Manager to negotiate the rental amounts for no more than 10% less than the rental valuations of each of Allotments 1-14; and
8. authorise the General Manager to sign all documentation, where necessary, in relation to the development of the Mudgee Airport, including the proposed 15 allotment subdivision, in accordance with the Mudgee Regional Airport Master Plan 2015 and the approval afforded under Development Consent No DA0218/2019 and; the proposed lease agreements; and
9. authorise the Mayor to sign all documentation, where additionally required to do so, in relation to the development of the Mudgee Airport, including the proposed 15 allotment subdivision, in accordance with the Mudgee Regional Airport Master Plan 2015 and the approval afforded under



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 15 JULY 2020

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**Development Consent No DA0218/2019 and; the proposed lease agreements;**

- 10. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the development of the Mudgee Airport, including the proposed 15 allotment subdivision, in accordance with the Mudgee Regional Airport Master Plan 2015 and the approval afforded under Development Consent No DA0218/2019 and; the proposed lease agreements;**
- 11. allocate \$10,000 to the 2020/21 Budget for commercial property management for the Airport Subdivision to cover valuations and associated legal costs, funded from unrestricted cash; and**
- 12. note that a budget for lease income and associated costs will be allocated once the valuations and estimated timing of take up is assessed.**

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

## Item 10: Operations

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Nil

## Item 11: Community

### 11.1 Acceptance of Grant Funding for the Rylstone Guide Hall

REPORT BY THE BUILDING SERVICES COORDINATOR  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, GRA600044, COR400388

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Building Services Coordinator on the Acceptance of Grant Funding for the Rylstone Guide Hall;**
2. **accept \$20,000 in grant funding from NSW Government 2020 Community Building Partnership Program;**
3. **amend the 2020/21 Budget to allocate \$20,000 grant funding, and reduce the transfer from Asset Replacement Reserve by \$20,000; and**
4. **authorise the General Manager to finalise and sign the funding agreement with NSW Government.**

#### Executive summary

Council applied for grant funding through the Community Building Partnership Program to undertake refurbishment and restoration works to both internal and external elements of the Rylstone Guide Hall in to improve the usability of the hall for the use of the community. The purpose of this report is to authorise the General Manager to accept funding and sign the funding agreement.

#### Disclosure of Interest

Nil

#### Detailed report

The Rylstone Guide Hall, once used by the local Girl Guides has been unable to be utilised due to the current disused state of the building. Undertaking minor improvements and restoration works will enable the hall to be booked by community user groups for a range of activities, bringing a resource to the local area, as well as generating income for Council.

In order to meet building code standards, works will include renovation and upgrade to the existing kitchen, creation of storage, new lighting, flooring, downpipes and painting of the building to which \$40,000 has been allocated in the 2020/21 budget.

The application requires Council to fund 50% of the total project cost, with the remainder being from the NSW Government. It is recommended that Council accept the grant funding as applied for, and authorise the General Manager to sign the funding agreement.

## Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

## Strategic implications

### Council Strategies

Councils Towards 2030 Community Plan includes supporting an increase in community services and facilities with satisfaction in the infrastructure conditions. This will increase the number of community activities and participants.

### Council Policies

Not Applicable

### Legislation

Not Applicable

## Financial implications

Council are required to fund 50% of the total project, of which \$40,000 has already been allocated in the 2020/21 budget. A budget variation to reduce transfer from Asset Replacement Reserve for the grant funded amount is recommended. The impact of the proposed budget variation is summarised below.

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

## Associated Risks

NIL

KARLI ANSHAW  
BUILDING SERVICES COORDINATOR

25 January 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

SIMON JONES  
DIRECTOR COMMUNITY



## 11.2 Glen Willow Stage 2 Project Update

### REPORT BY THE DIRECTOR COMMUNITY

TO 17 FEBRUARY 2021 ORDINARY MEETING

GOV400088, COR400303, COR400277, COR400332, PAR300584, COR400273

### RECOMMENDATION

**That Council** receive the report by the on the Glen Willow Stage 2 Project Update.

### Executive summary

The attached report provides an update on the Progress of the Glen Willow Stage 2 Project.

### Disclosure of Interest

Nil

### Detailed report

The Glen Willow Stage 2 Project is a major project that has attracted \$17 million in funding from State and Federal governments. It is the most significant project currently under construction by Mid-Western Regional Council. The attached report provides an update on the project.

The project continues to progress well with construction underway on the Rugby Union Clubhouse, Canteen and Change rooms along with field construction and road and carpark construction.

Power upgrades across the site have been contracted with a works schedule planned between the upcoming NRL fixtures.

The Field lighting tender closes on Vendorpanel 14 February.

### Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

### Strategic implications

#### Council Strategies

Community Strategic Plan  
Glen Willow Master Plan

#### Council Policies

Not applicable

#### Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected risks that emerge with this project.

SIMON JONES  
DIRECTOR COMMUNITY

4 February 2021

*Attachments:* 1. Glen Willow Progress Reports Feb 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



GLEN WILLOW  
STAGE TWO  
PROGRESS REPORT

3 FEBRUARY 2021

MID-WESTERN REGIONAL COUNCIL  
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



## Project Update

As at 31 January 2021 the overall project progress for Stage Two of the Glen Willow project was approximately 50%.

### OVERALL PROJECT PROGRESS



### PROJECT EXPENDITURE



### PROJECT EXPENDITURE - COMMITTED



## Achievements and highlights

- Road and carpark construction continues and is nearing completion
- Junior Rugby League disabled parking and concrete ramp underway.
- Renascent Regional has commenced construction of Glen Willow Rugby Union Club House and Change rooms. Slab is poured and blockwork has commenced.
- Field construction continues and is 70% complete.
- Water tanks installed and now operational.
- Cudgegong Plumbing have completed mains line pipe laying and commissioned potable and non-potable water mains. Building connection to Junior Rugby League is completed with connection works for the Rugby Union building awaiting build completion before progressing.
- Drainage works across the site still progressing.
- Dog Park relocation - community consultation and design completed and now in the procurement phase. Fencing and irrigation procurement currently taking place. Anticipated to commence construction in March 2021.
- Power upgrade contracted out to D&C Powerlines Pty. Ltd. with works schedule planned between the upcoming NRL fixtures taking place at Glen Willow.
- Field lighting tender closes on Vendorpanel 14 Feb.



## Glen Willow Stage 2 Project Plan

As at: 31 Jan 2021

PROJECT No.	PROJECT COMPONENT	END DATE	% COMPLETE
1	Site Prep - North	December 2019	100%
2	Junior Rugby League Building	July 2020	100%
3	Roads & Carpark Design & Construction	March 2021	80%
4	Services	March 2021	70%
5	Site Prep - South	July 2020	100%
6	Rugby Union Building	June 2021	35%
7	Field Construction	June 2021	70%
8	Field Lighting	June 2021	10%
9	Site Finalisation	November 2021	10%

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

## The Next 3 Months

- Construction of the Rugby Union Club house, change rooms and canteen continues
- Playing field construction continues
- Roads and carpark construction continues
- Field Lighting tender to be awarded and works to commence.
- Electricity upgrade works to take place.
- Wayfinding and signage plan for the precinct to be developed.

# Photos





COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT



## 11.3 Mudgee Regional Art Gallery Project Update

REPORT BY THE DIRECTOR COMMUNITY  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, COR400301, REC800038

### RECOMMENDATION

**That Council** receive the report by the on the Mudgee Regional Art Gallery Project Update.  
Executive summary

The attached report provides an update on the Progress of the Mudgee Art Gallery Project.

### Disclosure of Interest

Nil

### Detailed report

The Mudgee Regional Art Gallery Project is a major project that continues to progress well. Over the past 5 months construction by Hutchinson Builders has progressed at 90 Market Street. Additional funding from the State Government has been received. The Mudgee Regional Art Gallery and Tourism Hub, as part of the Cultural Precinct, has now attracted \$5.3 million in State and Federal funding from a total budget of \$8.1 million.

The attached report provides a summary update of the project. Council staff are already developing plans for the program of exhibitions that will take place from next year.

### Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

### Strategic implications

#### Council Strategies

Community Strategic Plan

#### Council Policies

Not applicable

#### Legislation

Not applicable

### Financial implications

There are no financial implications from this report.

## Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing unexpected risks that emerge with this project.

SIMON JONES  
DIRECTOR COMMUNITY

4 February 2021

*Attachments:* 1. Mudgee Regional Art Gallery Project Progress Report Feb 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



# MUDGEE REGIONAL ART GALLERY PROGRESS REPORT

3 FEBRUARY 2021

MID-WESTERN REGIONAL COUNCIL  
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



## Project Update

As at 29 January 2021 the overall project progress for the Art Gallery project was 40%

### OVERALL PROJECT PROGRESS



### PROJECT EXPENDITURE



### PROJECT EXPENDITURE - COMMITTED



## Progress of works

- Construction of the main Gallery and Tourism Information centre is progressing well.
- A Cultural Officer for the gallery has been employed with development for community engagement programs in progress.
- Planning for the transformation of the old childcare centre to workshop space has commenced with architectural consultation taking place
- Development of a gallery logo is taking place – MUDRAG
- Extension of the Sculpture walk linking into the Gallery precinct through Walkers Oval has commenced
- Issues with the sewer line requiring additional work has caused some delays has now been resolved.

## The Next Three Months

- Construction of the Gallery and refurbishment of 90 Market Street to continue
- Development of an initial program for Gallery exhibitions and community engagement continues
- Establishment of a gallery logo and branding.
- Planning approvals for refurbishment of old childcare centre
- Completion of the extended sculpture walk through Walkers Oval.
- Planning - Formal Opening of Mudgee Gallery: Proposed August 2021

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

# Photos



Photographs by Amber Hooper



Photographs by Amber Hooper



## Item 12: Reports from Committees

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### 12.1 Mid-Western Regional Council Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, COS300797

#### RECOMMENDATION

##### That Council:

1. receive the report by the on the Mid-Western Regional Council Access Committee; and
2. note the minutes of the Mid-Western Regional Council Access Committee meetings convened on 3 November and 1 December 2020.

#### Executive summary

The Mid-Western Regional Council Access Committee meets monthly to discuss and provide advice to Council on operational and strategic issues affecting physical access and inclusion for all residents and visitors to the region.

#### Disclosure of Interest

Nil.

#### Detailed report

The Committee met on 3 November and 1 December 2020 to discuss a number of issues, including a review of Council's Disability Inclusion Action Plan and development applications at a variety of locations across the region. A webinar for International Day of People with Disability was also promoted to members of the Committee. Details of discussions are contained in the minutes attached to this report.

#### Community Plan implications

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

#### Strategic implications

##### Council Strategies

Council's Disability Inclusion Action Plan ('DIAP') supports collaboration between Council and its Access Committee, to provide advice on operational and strategic issues affecting access for all residents of and visitors to the region. Council staff will be undertaking a review of the DIAP and will be presenting it to Council for endorsement in coming months.

**Council Policies**

Not Applicable.

**Legislation**

Mid-Western Regional Council is committed to an inclusive and accessible region and seeks to meet its obligations under the *Disability Discrimination Act 1992* and the *NSW Disability Inclusion Act 2014* through its DIAP.

**Financial implications**

Not Applicable.

**Associated Risks**

Not Applicable.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2021

- Attachments:*
1. MWRC Access Committee - Minutes - 3 November 2020.
  2. MWRC Access Committee - Minutes - 1 December 2020.

**APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER



**MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 3 NOVEMBER 2020**

**AT STABLES MEETING ROOM, MUDGEES**

**1. Welcome**

**2. Present:** Victoria Barrett, Rodger Barnes, Les Leighton, Pamela Morris, Stephen Waller

**Councillors:** Sam Paine

**Council Staff:** Fiona Shearman

**3. Receive apologies:** Nil.

**4. Confirm Minutes of 6 October 2020 meeting of the MWRC Access Committee**

**Moved:** P Morris

**Seconded:** L Leighton

**5. Matters arising from Previous Minutes:** Nil

**6. Correspondence:**

6.1 Letter from General Manager's Office dated 15 October 2020 – confirming continuation of Councillors Paine and Karavas as Council representatives to the Mid-Western Regional Access Committee.

**7. Development Applications:**

7.1 DA0100/2021: Community Facility (Proposed Demolition and Rebuild of Amenities Block), 35 Ilford Hall Road, Ilford

Motion: Submission to approve application as long as current standards are met and footpath can accommodate wheelchair and frame use.

Moved: L Leighton    Seconded: R Barnes    Carried

7.2 MA0018/2021: Modification to Change of Use, Safety Training Centre, 32 Inglis Street, Mudgee

Motion: Submission to recommend that the accessible carpark surface be smooth in order to comply with the relevant standards and the ramp to have a handrail for its entire length.

Moved: P Morris    Seconded: S Waller    Carried.



**8. General Business:**

8.1 Review of Disability Inclusion Action Plan – F Shearman

Council's DIAP due for review by 30 June 2021. Committee to review and provide comment (written notes preferred) at December meeting.

8.2 Public seating along Church Street (V Barrett) – Standing item

Meeting closed: 11:22am

**Next meeting date** – 1 December 2020 – Venue TBC



**MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 1 DECEMBER 2020**

**AT COMMITTEE MEETING ROOM, MUDGEES**

**1. Welcome:**

**2. Present:** Victoria Barrett, Pamela Morris, Les Leighton, Rodger Barnes

**Councillors:** Deputy Mayor Sam Paine

**Council Staff:** Fiona Shearman (Minutes)

**3. Receive apologies:** Stephen Waller

**4. Confirm Minutes of 3 November 2020 meeting of the MWRC Access Committee**

**Moved:** L Leighton

**Seconded:** R Barnes

**5. Matters arising from Previous Minutes:**

**6. Correspondence:**

6.1 DA0100/2021: Community Facility (Proposed Demolition and Rebuild of Amenities Block), 35 Ilford Hall Road, Ilford – Submitted 4 November 2020.

6.2 MA0018/2021: Modification to Change of Use, Safety Training Centre, 32 Inglis Street, Mudgee – Submitted 4 November 2020.

**7. Development Applications:**

7.1 DA0149/2021: Tourist and Visitor Accommodation (2 x Serviced Apartments), 32 Hadabob Road, Frog Rock.

Submission to include one of the apartments to be fully accessible to current relevant disability standards, including ramp access.

Moved: L Leighton

Seconded: P Morris

7.2 DA0157/2021: Farm Stay Accommodation, 1307 Castlereagh Highway, Apple Street Flat

Submission to commend the applicants for making the entire project accessible. Reminder to ensure *all* bathroom facilities be fully accessible to current relevant disability standards.

Moved: V Barrett

Seconded: P Morris



## 8. General Business:

### 8.1 Review of Disability Inclusion Action Plan – F Shearman

- Next ABS Census: August 2021. If able to align with Plan, will update statistics with any newly released census data.
- L Leighton requested statistics for Council employees identifying disability. F Shearman to follow up.
- L Leighton raised accessible tourism and discussed compliance by Federal Hotel. Discussion around funding for a compliance officer.

*Addendum: Health & Building have reported the following. Following concerns raised regarding accessibility at the Federal Hotel, the hotel engaged its own independent accredited access consultant who identified non-compliances with the BCA and relevant Australian Standards. The accredited access consultant prepared a report with recommendations of achieving compliance with the BCA. These included a combination of upgrade works to achieve compliance with the deemed-to-satisfy provisions of the BCA as well as performance solutions to achieve compliance with the performance requirements of the BCA. The recommendations were endorsed by Council and works have been completed to the satisfaction of Council.*

- DIAP checklist – The endorsed copy did not include tasks undertaken subsequent to date of endorsement.
- Typographical corrections identified by V Barrett.

### 8.2 Webinar for International Day of People with Disability

Hosted by Department of Communities and Justice and NSW Council for Disability. Scheduled for 10:30am on Wednesday, 3 December 2020. Committee members indicated not interested in (or available to) participating.

### 8.3 Public seating along Church Street (V Barrett) – Standing item

Details of previous requests sent to Planning for the streetscape uniformity project.

Meeting closed 11:38am.

**Next meeting date** – 2 February 2021 – Stables Meeting Room

## 12.2 Cultural Development Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, REC800019

### RECOMMENDATION

#### That Council:

1. **receive the report by the on the Cultural Development Committee; and**
2. **note the minutes of the Cultural Development Committee meeting convened on 25 November 2020.**

### Executive summary

The Cultural Development Committee meets regularly to discuss and provide advice to Council on matters concerning arts and culture across the region, including the commissioning, selection, maintenance and deaccessioning of items forming Council's art collection. The Committee is also the primary point of consultation for the Mudgee Regional Art Gallery.

### Disclosure of Interest

Nil.

### Detailed report

The Cultural Development Committee is Council's current primary point of consultation in respect of the Mudgee Regional Art Gallery and it is being updated as to progress with construction and programming. The Committee also discussed upcoming events, such as the Mudgee Readers' Festival and an initiative by Gulgong Arts Council to provide creative opportunities for children and families and Gulgong.

The Committee also received an update from Orana Arts regarding changes to the regional arts networks and is looking forward to reviewing its Strategic Plan.

The next meeting of the Cultural Development Committee is due to be convened on 15 February 2021.

Further details of the matters discussed above are contained in the minutes attached to this report.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

## Strategic implications

### **Council Strategies**

Council's Public Art Plan guides how the Cultural Development Committee works with Council to develop a public art program to enrich the life of public spaces, reveal new public spaces and inspire communal activities of all kinds.

### **Council Policies**

Council's Public Art Policy sets out Council's commitment to developing a public art program that reflects our natural and cultural heritage, engages with our community and adds value to our infrastructure, attractions and public amenity.

### **Legislation**

Not Applicable.

## Financial implications

Not Applicable.

## Associated Risks

Nil.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2021

*Attachments:* 1. Cultural Development Committee - Minutes - 25 November 2020.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



# MID-WESTERN REGIONAL COUNCIL

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## MEETING OF THE CULTURAL DEVELOPMENT COMMITTEE

**Date: Wednesday, 25 November 2020**

**Commencing at 4.30pm**

**Venue: Council Chambers, 86 Market Street**

## MINUTES

### 1. WELCOME

Scott Etherington, Portia Lindsay, Fiona Shearman, Robyn Andrews, Lizzy Galloway, Alicia Leggett, Sam Paine, Simon Jones, Virginia Handmer

### 2. APOLOGIES

Melanie Trethowan

### 3. GALLERY CONSTRUCTION UPDATE (S JONES)

Gallery progressing well. Slab is down and structural steel being put into place. Running to program. Takes us to beginning of June for practical completion.

Ongoing discussions with State Government regarding additional \$1.5m of stimulus funding. Hope to receive a funding agreement next week.

### 4. GALLERY PROGRAMMING UPDATE (L GALLOWAY)

Guy Maestri has started painting. Exhibition will be completely new body of work. Just working on a piece for the 12m wall – immersive piece.

Building Memories: finessing towards more local art and less photography.

Linda Jackson looking at regrowth after fires – potential to share exhibition with Bega Valley Regional Gallery.

### 5. CDC TERMS OF REFERENCE (GALLERY SUPPORT)

Curator to play a larger role with the CDC – Curator to chair meeting. Problematic as to staff voting rights. Why have s355 committees? Because we don't have the resources or the expertise to deliver to the public. We are

now bringing in people with expertise, but we will still need committee for community consultation – tweak where committee sits within it. If Lizzy were to chair the meeting, we would need to have Council endorse an employed role to chair the meeting. Acknowledge, we have professional staff with background to provide support and guidance and other ways the committee can be set up to provide necessary supports. Also, committee is more than just the gallery. CDC not to be limited to serving the gallery only.

**6. SCULPTURES IN THE GARDEN 2020 ACQUISITIONS (F SHEARMAN)**

Confirmed three works acquired through 2020 Sculptures in the Garden.

S Paine, V Handmer and L Galloway to form a sub-committee to consider appropriate installation sites.

F Shearman to schedule site meetings.

**7. ORANA ARTS DRAFT STRATEGIC PLAN (A LEGGETT)**

In process of completing 4 year strategic plan – not yet adopted so can't discuss. Next board meeting in December/early January for endorsement and can discuss after. Also discuss Councils as members versus subscribers and how this will affect the strategic plan. Platforms for artists, strategic projects and museums.

Review of network will be completed by Create NSW over next few months.

Organisation has reduced financial commitments from local governments in order to maintain relationships. Three current Councils only provide \$2K as a subscription. Addressed at last board meeting – what does \$2K contribution from a Council mean and how does this translate into how much each Council should have a say in operations?

Stage One (recommendation made to minister to not continue funding Regional Arts NSW and redistribute funding back in to the network) is completed. Stage 2 is discussions around Local Government.

Restart funding initiative (\$130K) currently being negotiated; most likely micro grants for various organisations (such as Cementa, for example). Trying to create a program around this. Also initiative money around music, residencies and writing.

Money being provided to the sector is not open to local government. Local government program funding will probably be available around February 2021.

**8. FUTURE MEETINGS (S ETHERINGTON)**

Wednesday afternoons no longer suitable S Etherington. Consensus that Mondays is a viable option.

**9. GULGONG ARTS COUNCIL UPDATE (R ANDREWS)**

R Andrews is the current President of the Gulgong Arts Council. Recently signed an agreement with Gulgong Showgrounds for use of space. The proposal (seen by A Leggett) is to provide creative opportunities for disadvantaged children and families.

Premises cleaned and disinfected and COVID and risk management plans in place. Supported by CASP grant (ie, not looking at spending a lot of money – kids to come and do fun art). Have Creative Kids vouchers been explored? Paperwork is onerous and has to be a program with outcomes – is doable but a lot of work and very specific. P Lindsay works with the program and is looking after regional providers. She has a program template and can assist.

**10. MUDGEE READERS' FESTIVAL UPDATE (P LINDSAY)**

MRF received Restart money and currently in the process of figuring out what to do with it. Meetings with Create including Literature Round Table to hear what other organisations are doing around the State to work out potential partnerships.

Sydney Writers' Festival is so dependant on international guests. With MRF, generally 50% of authors come from interstate. Interesting to see how this will roll out.

Quick response funding for digital projects rather than a virtual MRF festival. Bigger organisations can handle this better than us. If things continue, however, we may consider an element or project online.

**11. 70 COURT STREET, MUDGEE (S JONES)**

Council have agreed to purchase 70 Court Street from TAFE NSW with a caveat of community use for 15 years but some potential uses include storage and rehearsal spaces for MPAS, U3A, etc. Good addition to cultural makeup of the region. No budget at this stage.

**12. NUMBER 47 (V HANDMER):**

Mudgee Weavers having a show at Number 47 next year. In Capertee (at Glen Alice), Landcare have done a whole series of workshops, including post-fire installation. Exhibitions planned for all next year at Number 47.

Meeting closed: 5:20pm

Next meeting of Cultural Development Committee 4:30pm on Monday, 1 February 2021. Venue: Council Chambers.

## 12.3 Mid-Western Regional Youth Council

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, COS300610

### RECOMMENDATION

#### That Council:

1. receive the report by the on the Mid-Western Regional Youth Council;
2. note the minutes of the Mid-Western Regional Youth Council meetings convened on 13 October and 8 December 2020; and
3. endorse Imogen Barrett as a Youth Councillor.

### Executive summary

This report seeks to inform Council of Youth Council discussions and activities.

### Disclosure of Interest

Nil.

### Detailed report

The Mid-Western Regional Youth Council convened its most recent meetings on 13 October and 8 December 2020. There was no meeting in November 2020 as quorum was unable to be achieved. Youth Councillors discussed a range of matters, including school holiday events for local youth and the upcoming Youth Week 2021. The Youth Councillors were also provided with an update of Council's Code of Conduct.

Youth Councillors endorsed membership of a new Youth Councillor, Imogen Barrett, and are seeking the same from Council.

Further detail of the abovementioned discussions are contained within the minutes attached to this report.

### Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support programs which strengthen the relationships between the range of community groups

### Strategic implications

#### Council Strategies

Council's Youth Strategy provides direction and recommendations for Council and the community to benefit local youth. The Mid-Western Regional Youth Council also takes direction from this document when considering future planning. A review of the strategy will be undertaken later in the year to ensure it is up-to-date and relevant to the community.

**Council Policies**

Not Applicable.

**Legislation**

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Nil.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2021

- Attachments:*
1. Youth Council - Minutes - 13 October 2020.
  2. Youth Council - Minutes - 8 December 2020.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MINUTES OF YOUTH COUNCIL MEETING

**DATE:** 13 October 2020  
**VENUE:** The Stables,  
84 Market Street, Mudgee  
**COMMENCEMENT TIME:** 4:10 pm

### 1. ACKNOWLEDGEMENT OF COUNTRY

1.1. Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

### 2. ATTENDANCE

#### 2.1. In Attendance

Youth Councillors: Christopher Barry (Youth Mayor; Chair), Courtney Boxsell (Deputy Youth Mayor), Fen Fraser, Ayden Seis, Joshua Smith

Councillors: Councillor Sam Paine (Deputy Mayor)

Council Staff: Fiona Shearman (Manager, Community Services), Sam Sbisa (Youth Services Officer; Minutes)

2.2. Apologies: Alex Karavas (Councillor), Nicola Hayes (Youth Councillor), Cathy Meyers (Youth Services Officer)

**Motion:** Acceptance of apologies.

Moved: C. Barry

Seconded: C. Boxsell

- Carried

### 3. MINUTES – 8 September 2020

**Motion:** Acceptance of minutes.

Moved: C. Boxsell

Seconded: C. Barry

- Carried

### 4. CORRESPONDENCE IN/OUT

4.1. None.

### 5. EXISTING BUSINESS

#### 5.1. Youth Council Events

5.1.1. Spring school holidays; evaluation

Event attendance for the spring school holidays were as follows:

Activity	Date	Location	Available places	Bookings	Attendance
Barefoot bowls	28 September	Gulgong Bowling Club	12	1	Session cancelled due to minimum numbers not being met.
3D printing with Andrew Christie	29 September	The Stables, Mudgee	10	12	10
3D design and scanning introduction	29 September	The Stables, Mudgee	10	3	2
3D printing with Andrew Christie	9 July	Rylstone Memorial Hall	10	2	2
Spring photo competition	1 October	N/A	N/A	N/A	14 entries

One YA Book One Community – Author chat	2 October	Online	N/A	N/A	Event did not proceed as planned due to author schedule; responses to community questions were posted on Youth Council's social channels
Neon signs workshop	6 October	The Stables, Mudgee	5	5	3
Reel Teens	7 October	Mudgee Library	9	4	0
Beeswax wraps workshop	7 October	Kandos Community Hall	5	0	0
Neon signs workshop	8 October	Gulgong Library	3	3	2
Beeswax wraps workshop	9 October	The Stables, Mudgee	5	6	2
Spring Photo Competition – People's Choice Award	14 October	Online	N/A	N/A	2719 reach and 484 votes as of 13.10.2020

Discussion surrounding ways to increase bookings, and improve attendance (of booked tickets) ensued. It was also noted that attendance in the Kandos & Rylstone area was particularly low these holidays, especially as the two attendees at the 3D printing workshop were from Mudgee and Gulgong. It was felt however that everything that can be is being done, and that perhaps this anomaly is due to COVID-19.

#### 5.1.2. Summer school holiday activities; update

No additional ideas for potential activities, or activity plans were received by 25 September (as per previous meeting's action items). The Youth Services Officers have commenced planning of the summer activity schedule, but due to needing to prioritise the spring school holiday activities and OYABOC competitions, have not locked in all items. More details will be communicated once available.

### 5.2. One YA Book One Community project; evaluation

5.2.1. The project concluded on 11 October. Statistics on the barcoded copies borrowed from Mid-Western Regional Council Library, indicate that more than 265 people participated in the project. Conversations with the librarians at the four local high schools and Mudgee TAFE indicate take-up was good at all of these pick up points. All five educational libraries are eager to be involved again. The planned filmed interview with the author Sarah Epstein could not proceed due to schedule conflicts, however she emailed answers to questions from the community and these were posted on the Youth Council's social media channels. Participation in the online competitions (see Figure 1-3) was lower than expected, but the interactions received were of a high quality. Evidence suggests that conducting the project and related events/activities into the school holiday period, may not be the best timing, due to increased competition for youth time. The timing of the project may be reconsidered for 2021 onwards.

Activity/Competition	Date	Age Range	Participation
Ask the author question comp	20 September	Open	1 entry
Cover re-creation competition	21 September	12 - 25	1 entry
Author chat with Sarah Epstein (answers posted online – Facebook)	2 October	Open	223 reach
Author chat with Sarah Epstein (answers posted online – Instagram)	2 October	Open	127 reach
Perfect pizza topping competition	8 October	12-25	8 entries

## 6. BUSINESS ARISING

### 6.1. Mid-Western Regional Council policies; including Code of Conduct

6.1.1. F. Shearman presented hard copies of the updated Code of Conduct, and provided explanation of the document. Special attention was paid to the following points:

#### 3.1 General conduct

- 3.6 Harassment and discrimination
- 3.8 Bullying
- 4.1 Pecuniary interests
- 4.28 and 4.29 Disclosure of pecuniary interests
- 5.1 Non-pecuniary conflict of interest
- 6.3, 6.5 and 6.7 Gifts and benefits

A hardcopy of the full updated document will be mailed to all Youth Councillors not present at today's meeting. Any Youth Councillors who have questions about the Code at any stage, are encouraged to speak with either C. Meyers, S. Sbisa, or F. Shearman.

**Action point:** YSOs to organise mail out of the Code of Conduct to all Youth Councillors not in attendance at the October Youth Council meeting.

## 7. GENERAL BUSINESS

### 7.1. Dedicated Youth Services email

The Youth Services Officers now have a generic email address that they can both access: [youth.services@midwestern.nsw.gov.au](mailto:youth.services@midwestern.nsw.gov.au) Youth Councillors are asked to use this email address when contacting the team from now on, and when RSVPing for Youth Council meetings, it should result in a faster response, as both C Meyers and S Sbisa presently work part-time.

## 8. DETAILS OF NEXT MEETING

8.1. Tuesday 10 November 2020, Mudgee Council Chambers, Market Street, Mudgee.

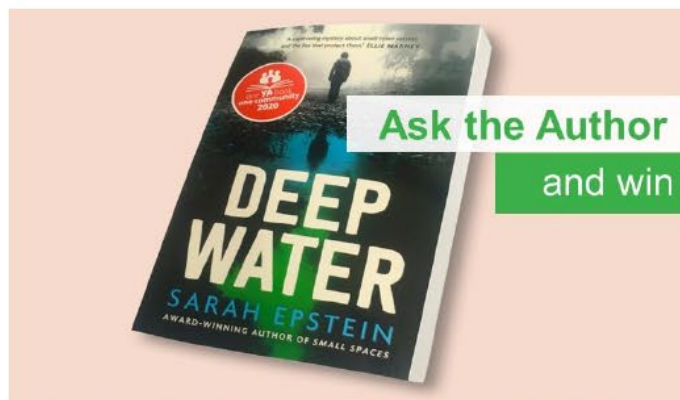
4:39 PM Meeting closed.

## SUMMARY OF ACTION ITEMS

TASK / ACTION	RESPONSIBILITY	COMPLETION
Mail hard copies of the Code of Conduct to all Youth Councillors.	Youth Services Officers	27.10.2020



Figure 1



Have your burning questions from the *One YA Book One Community* novel answered by Sarah Epstein.

Send in your questions, and if yours is asked you'll win a Mudgee Money Gift Card. The person who asks our 'favorite' question will also win a *Deep Water* pack.

The interview will be available to watch on the Mid-Western Regional Youth Council Facebook page from 2 October 2020.

Email your question by midnight 20 September 2020 with your full name, and postal address to: [youthservices@midwestern.nsw.gov.au](mailto:youthservices@midwestern.nsw.gov.au)

OUR FAVOURITE QUESTION PRIZE	ASK THE AUTHOR PRIZE
<p>Deep Water pack from Sarah Epstein and</p> <p><b>\$15</b></p> <p>Mudgee Money Gift Card</p>	<p><b>\$15</b></p> <p>Mudgee Money Gift Card</p>

**Terms and Conditions:** 1) Any one may submit a question but only persons who are eligible to win a prize. 2) The 'Our Favourite Question' prize will be awarded to a young person (aged 12-25) who asks a question on behalf of the Mid-Western Regional Council staff. 3) Persons under the age of 18 should seek permission from their guardian before entering the competition. 4) Entries can submit as many questions as they like. 5) In the event that a question is asked by more than one person, the prize will be awarded to the person whose email was received first. 6) All entries must be submitted as an email, and be suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 7) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and discussion will not be entered into. 8) A maximum of \$150 in Mudgee Money Gift Cards will be awarded. 9) Employees of Mid-Western Regional Council are not eligible to enter this competition. 10) Entries received may be used for publicity purposes. 11) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 12) The judging panel reserves the right not to award a prize if the entries are not deemed of a suitable standard. 13) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels, and winners contacted privately via email – prize distribution may be delayed due to technological failure, damage, destruction, or other that may occur to entries. 14) Mudgee Money Gift Cards may be subject to physical standing requirements. 15) Prizes not claimed by 31 December 2020 will be forfeited by the winner. 16) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 17) Prizes not claimed by 31 December 2020 will be forfeited by the winner.

Privacy Policy: To read the privacy policy visit: [midwestern.nsw.gov.au/Privacy-Statement](http://midwestern.nsw.gov.au/Privacy-Statement)



A Youth Council and Mid-Western Regional Council Library partnership initiative



Figure 2



Re-create the cover of the *One YA Book One Community* novel

Re-create the cover image from *Deep Water* by Sarah Epstein in practically any art form, or medium you like (photography, drawing, painting, collage) to be in the running to win!

Take a photo of your entry and email it (not exceeding 10mb) by midnight 21 September 2020 with your full name, age, and postal address to: [youthservices@midwestern.nsw.gov.au](mailto:youthservices@midwestern.nsw.gov.au)

FIRST PRIZE	SECOND PRIZE	THIRD PRIZE
<p>Deep Water pack from Sarah Epstein and</p> <p><b>\$50</b></p> <p>Mudgee Money Gift Card</p>	<p>Deep Water pack from Sarah Epstein and</p> <p><b>\$40</b></p> <p>Mudgee Money Gift Card</p>	<p>Deep Water pack from Sarah Epstein and</p> <p><b>\$30</b></p> <p>Mudgee Money Gift Card</p>

**Terms and Conditions:** 1) All entries must be original work by the entrant. 2) Entrants must be aged 12 – 25, and live, study, or work in the Mid-Western Regional Council area. 3) Persons under the age of 18 should seek permission from their guardian before entering the competition. 4) Entries can submit as many artworks of any entry. 5) All entries must be submitted as an electronic file attached to an email. 6) Photographs of artworks (both as designed) must not contain any faces. 7) Employees of Mid-Western Regional Council are not eligible to enter the competition. 8) Entries may be displayed publicly online used for publicity purposes. 9) Entrants' artworks may be used for publicity purposes. 10) Entries must be submitted via email and/or suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 11) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and discussion will not be entered into. 12) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 13) The judging panel reserves the right not to award a prize if the entries are not deemed of a suitable standard. 14) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels, and winners contacted privately via email – prize distribution may be delayed due to technological failure, damage, destruction, or other that may occur to entries. 15) Prizes not claimed by 31 December 2020 will be forfeited by the winner. 16) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 17) Prizes not claimed by 31 December 2020 will be forfeited by the winner.

Privacy Policy: To read the privacy policy visit: [midwestern.nsw.gov.au/Privacy-Statement](http://midwestern.nsw.gov.au/Privacy-Statement)

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Figure 3



### Create the perfect pizza topping and win

Tell us the ideal savoury or sweet pizza topping for the Nolans to put on the menu at The Shallows' Pizzeria (featured in *Deep Water* the One YA Book One Community novel) and you could win.

Email your entry by midnight 8 October 2020 with your full name, age, and postal address to: [youthservices@midwestern.nsw.gov.au](mailto:youthservices@midwestern.nsw.gov.au)

FIRST PRIZE	SECOND PRIZE	THIRD PRIZE
<b>Deep Water pack from Sarah Epafain and \$30 Mudgee Money Gift Card</b>	<b>\$25 Mudgee Money Gift Card</b>	<b>\$20 Mudgee Money Gift Card</b>

**Terms and Conditions:** 1) All entries must be original work by the entrant. 2) Entrants must be aged 12 – 25, and live, study, or work in the Mid-Western Regional Council area. 3) Persons under the age of 18 should have permission from their guardian before entering the competition. 4) Entrants can submit a maximum of two entries. 5) Employees of Mid-Western Regional Council are not eligible to enter this competition. 6) Entries may be displayed publicly and/or used for publicity purposes. 7) Entrants' likeness may be used for publicity purposes. 8) Entries must be submitted via email and be suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 9) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and no guarantee will be provided. 10) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 11) The judging panel reserves the right to award a prize if no entries are not deemed of a suitable standard. 12) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels, and winners contacted via email/telephone – prize distribution may be delayed due to social distancing requirements. 13) Mid-Western Regional Youth Council will take all reasonable care with entries, but will not accept responsibility for any entries not received due to technical failure, damage, distortion, or similar that may occur to entries. 14) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 15) Prizes not claimed by 31 December 2020 will be forfeited by the winner. **Privacy Policy:** To read the privacy policy visit: [midwestern.nsw.gov.au/Privacy-Statement](http://midwestern.nsw.gov.au/Privacy-Statement)

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## MINUTES OF YOUTH COUNCIL MEETING

**DATE:** 8 December 2020  
**VENUE:** Mudgee Council Chambers,  
86 Market Street, Mudgee  
**COMMENCEMENT TIME:** 4:12 pm

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### 1. ACKNOWLEDGEMENT OF COUNTRY

1.1. Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

### 2. ATTENDANCE

#### 2.1. In Attendance

Youth Councillors: Fen Fraser (Chair), Rhiannon McPherson, Joshua Smith

Councillors:

Council Staff: Fiona Shearman (Manager, Community Services), Cathy Meyers (Youth Services Officer), Sam Sbisa (Youth Services Officer; Minutes)

2.2. Apologies: Councillor Sam Paine (Deputy Mayor), Christopher Barry (Youth Mayor; Chair), Courtney Boxsell (Deputy Youth Mayor), Nicola Hayes (Youth Councillor), Ayden Seis (Youth Councillor)

**Motion:** Acceptance of apologies.

Moved: R. McPherson

Seconded: F. Fraser - Carried

### 3. MINUTES – 13 October 2020

**Motion:** Acceptance of minutes.

Moved: F. Fraser

Seconded: F. Shearman - Carried

### 4. CORRESPONDENCE IN/OUT

4.1. Mid-Western Regional Council letter, 15.10.2020 (See Figure 1)

### 5. EXISTING BUSINESS

#### 5.1. Youth Council Events

5.1.1. Summer school holiday activities; update

The full calendar of events was shared with the group (see Figure 2.1, Figure 2.2 and Figure 3). Events were slightly different to original plans due to facilitator availability. Events that could not proceed due to facilitator availability, will be investigated again for other future school holiday periods.

Bookings for all activities opened last week. Bookings for some events are quite high already. Both excursions are at capacity, with waiting lists. Some entries for the photo competition have been submitted.

### 6. BUSINESS ARISING

#### 6.1. Youth Councillor resignation, 17.10.2020

A resignation email was received from Zowee Roberts. Youth Council thanks Ms Roberts for her contribution.

## 6.2. Youth Councillor nomination – Imogen Barrett

Imogen Barrett's nomination was unanimously accepted.

**Action point:** Youth Services Officers to email Welcome Pack to I. Barrett

## 6.3. Flying minute outcome – My Career Match; 11.11.2020

The Flying Minute was passed. Votes were received from C. Boxsell, N. Hayes, and J. Smith. Mid-Western Regional Council Library has purchased a one year license for the resource, and it will be available to the public shortly. Youth Council's financial contribution will be acknowledged on the Facebook post from the Library about the resource.

## 6.4. Youth Services and Mid-Western Regional Council Library partnership, International Games Day – evaluation

S. Sbisa provided Information on the activities held at Mudgee Library for International Games Day [IGD] on 14 November 2020 (see Figure 4). Activities were more reserved than hoped for due to COVID-19 restrictions, and volunteer Games Master availability. The two book in sessions (Tabletop Games ages 8 – 12, and, D&D ages 12-20) booked out, and had full attendance. The giant games for all ages attracted 37 players. Total number of people playing games was 48. The Library reported that visitation more than doubled from the previous two Saturdays; 186 visitors on 14 November, whereas the previous two Saturdays were 86 and 76 respectively. It's believed the increase was a direct result of the IGD activities.

## 6.5. Youth Week 2021 (16 to 24 April 2021) – “Together more than ever”

Discussion for potential activities and events to run over Youth Week, and the autumn school holidays began, and included:

- Short film competition – promote this at the short film workshop in January. All agreed it would be good to have a theme or 'signature item' as an entry requirement.
- Art comp – Investigate the possibility of partnering with WayOut ArtSpace in Kandos for display space/location
- Trivia – Disney theme; carry over idea from YW2020
- Rock painting – (R McPherson to plan out activity)
- Parkour
- Shoe painting – (R McPherson to plan out activity)
- Painting workshop
- Hockey workshop
- Inflatable obstacle course
- LGBTQIA+ film screening – if this doesn't fit into the YW calendar of events, then there is the possibility of hosting the screening at a different time, as a stand-alone event (F Fraser to investigate further)
- Possibility of partnering with other neighbouring Youth Councils – either sharing facilitator costs, or larger event with travel between LGAs.

**Action point:** Youth Councillors to email through any other activity/excursion/event ideas to the Youth Services email [youth.services@midwestern.nsw.gov.au](mailto:youth.services@midwestern.nsw.gov.au)

**Action point:** F. Fraser and R. McPherson to investigate / plan out activity details and email to Youth Services Officers

## 7. GENERAL BUSINESS

### 7.1. Youth Services – Christmas craft activities in December

Youth Services Officers will be running some Christmas Craft activities at Mudgee Library in the days prior to Council's Christmas closure (see Figure 5). Youth Councillors are asked to share details with their contacts, and also encouraged to attend themselves.

## 8. DETAILS OF NEXT MEETING

8.1. Tuesday 9 February 2021, Mudgee Council Chambers, Market Street, Mudgee.

4:58 PM Meeting closed.

**SUMMARY OF ACTION ITEMS**

<b>TASK / ACTION</b>	<b>RESPONSIBILITY</b>	<b>COMPLETION</b>
Email welcome pack to I. Barrett	Youth Services Officers	18.12.2020
R McPherson to plan out activity details for rock painting and shoe painting activities, and email to Youth Services Officers	R McPherson	05.02.2021
F Fraser to investigate film screening options, and email to Youth Services Officers	F Fraser	05.02.2021
Email Autumn School Holiday and Youth Week activity / excursion / event ideas to <a href="mailto:youth.services@midwestern.nsw.gov.au">youth.services@midwestern.nsw.gov.au</a>	All Youth Councillors	05.02.2020

Figure 1



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE NSW 2850  
86 Market Street, Mudgee | 109 Herbert Street, Gulugong | 177 Louisa Street, Rykstone  
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

MF | A6360439; COS300810

15 October 2020

Mrs Sam Sbisa and Mrs Cathy Meyers  
Mid-Western Regional Youth Council  
86 Market Street  
MUDGEE NSW 2850

Dear Sam and Cathy,

**COUNCIL ADVISORY COMMITTEE REPRESENTATIVES**

Due to the local government elections being delayed, Council resolved at the Ordinary Council Meeting held 16 September 2020, to continue with the current nominated Councillor representatives to Council Advisory Committees and External Bodies until the next Local Government election due to be held on 4 September 2021.

Council Representatives to the Mid-Western Regional Youth Council are Councillor Alex Karavas, Councillor Sam Paine and Councillor Russell Holden.

Should you have any queries in relation to this matter please contact me on 6378 2850.

Yours sincerely,



MARILYN FROST  
EXECUTIVE ADMINISTRATION ASSISTANT

www.midwestern.nsw.gov.au *A prosperous and progressive community*

Figure 2.1



**SUMMER SCHOOL HOLIDAYS** 17 December 2020 – 26 January 2021

**Mid-Western Regional Youth Council** is proud to present a range of youth activities and events across the region, as part of the summer school holidays.

<p><b>Keyrings and necklaces</b></p> <p>Design and create your own keyring and pendant necklace (and maybe even a bracelet). There'll be beads, beads and more beads to help craft your one-of-a-kind pieces.</p> <p><b>WHEN</b> Wednesday 6 January 2021, 2:00pm – 3:00pm <b>AGES</b> 12–25 years <b>WHERE</b> Mudgee Library, 84 Market Street, Mudgee</p>	<p><b>Tenpin Bowling at Dubbo</b></p> <p>We've booked a bus to go bowling at Dubbo. Join us for laughs, pizza, and bowling.</p> <p><b>WHEN</b> Wednesday 13 January 2021, 9:00am – 4:00pm <b>AGES</b> 12–18 years <b>WHERE</b> The Stables, 84 Market Street, Mudgee (pick-up from Gulugong also available)</p>
<p><b>Keyrings and necklaces</b></p> <p>Design and create your own keyring and pendant necklace (and maybe even a bracelet). There'll be beads, beads and more beads to help craft your one-of-a-kind pieces.</p> <p><b>WHEN</b> Thursday 7 January 2021, 2:00pm – 3:00pm <b>AGES</b> 12–25 years <b>WHERE</b> Kandos Community Hall, Angus Avenue, Kandos</p>	<p><b>Yoga</b></p> <p>Looking for a workout program that's easy to learn, requires little or no equipment, and soothes your soul while toning your body? Then join us at this beginners yoga session. All participants receive their own free yoga mat so you can continue to stretch at home.</p> <p><b>WHEN</b> Thursday 14 January 2021, 2:00pm – 3:15pm <b>AGES</b> 12–18 years <b>WHERE</b> Gulugong Memorial Hall, 112 Herbert Street, Gulugong</p>
<p><b>Short Film Workshop (two days)</b></p> <p>Join expert award-winning film makers from Project Zone, and learn all the tips you need to create your own short film in this two-day hands-on workshop. Lunch and snacks will be provided on both days.</p> <p><b>WHEN</b> Monday 11 and Tuesday 12 January 2021, 10:00am – 4:00pm <b>AGES</b> 12–20 years <b>WHERE</b> The Stables, 84 Market Street, Mudgee</p>	<p><b>Video Game Design Workshop</b></p> <p>Experts from Devika will show you everything you need to know to develop and make your own video game similar to the Super Mario Bros series. You will learn how to use the Unity gaming framework and how to deploy the game for use on PC and mobile devices, plus gain skills on how to market the game to various stakeholders.</p> <p><b>WHEN</b> Monday 18 January 2021, 10:00am – 4:30pm <b>AGES</b> 12–20 years <b>WHERE</b> The Stables, 84 Market Street, Mudgee</p>

[> MORE EVENTS OVER THE PAGE](#)

Figure 2.2



**Kokedama**

Kokedama is a form of Japanese garden art, and a unique way to display your plants. Learn how to make your own hanging kokedama at our workshop.

**WHEN** Tuesday 19 January 2021, 2.00pm – 3.30pm

**AGES** 12–25 years

**WHERE** Rylstone Memorial Hall, 73 Louise Street, Rylstone

**Kokedama**

Kokedama is a form of Japanese garden art, and a unique way to display your plants. Learn how to make your own hanging kokedama at our workshop.

**WHEN** Thursday 21 January 2021, 11.00am – 12.30pm

**AGES** 12–25 years

**WHERE** Gulgong Memorial Hall, 112 Herbert Street, Gulgong

**Laser Tag at Bathurst**

Get your trigger finger ready because we're taking a bus to Bathurst for a 3 game extravaganza of laser skirmish fun. Pizza and laughs will be had. Please note enclosed footwear must be worn.

**WHEN** Wednesday 20 January 2021, 9.00am – 5.00pm

**AGES** 12–18 years

**WHERE** The Stables, 84 Market Street, Mudgee (pick-up from Lue, Rylstone, and Kandos also available)

**Summer Photo Competition**

Today's the last day to enter your water-inspired photo into the competition for your chance to win up to \$50 in Mudgee Money. See the competition flyer for more details.

**CLOSES** Monday 25 January 2021, 5.00pm

**AGES** 12–25 years

**SUBMIT** Email entries to youth.services@midwestern.nsw.gov.au

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NOTE: ALL EVENTS ARE FREE. BOOKINGS HIGHLY RECOMMENDED AS PLACES ARE LIMITED

To book, visit [mwrcoyouth.eventbrite.com](http://mwrcoyouth.eventbrite.com)



Figure 3



Get creative with WATER and you could win Mudgee Money gift vouchers

Your photos can be anything water-themed, but with no recognisable human faces in them (this is to do with publishing permissions).

Email your entry (not exceeding 10MB) by 25 January 2021 with the title of your entry, your full name, age, and postal address to: [youth.services@midwestern.nsw.gov.au](mailto:youth.services@midwestern.nsw.gov.au)

FIRST PRIZE	SECOND PRIZE	THIRD PRIZE	PEOPLE'S CHOICE AWARD (Voting closes 3 February 2021)
<b>\$50</b>	<b>\$30</b>	<b>\$20</b>	<b>\$50</b>
Mudgee Money Gift Card	Mudgee Money Gift Card	Mudgee Money Gift Card	Mudgee Money Gift Card

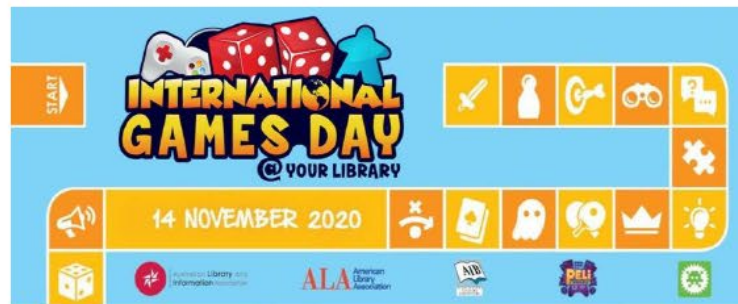
**Terms and Conditions:** 1) All entries must be original work by the entrant. 2) Entries must be aged 12–25, and live, static, or work on the Mid-Western Regional Council area. 3) Prizes under the age of 18 should ask permission from their guardian before entering the competition. 4) Entrants can submit a maximum of two entries. 5) All entries must have titles. 6) Employees of Mid-Western Regional Council are not eligible to enter this competition. 7) Entries may be displayed publicly and/or used for publicity purposes. 8) Entrants' likeness may be used for publicity purposes. 9) Entries must be submitted via email and a suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 10) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and this does not guarantee an award. 11) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 12) The judging panel reserves the right not to award a prize if the entries are not deemed of a suitable standard. 13) The winner of the People's Choice Award will be by members of the public via a voting system on Facebook. 14) Winners of the People's Choice Award will be determined by the most 'likes' received per image posted by 4.30pm on the date advertised. 15) Determination / awarding of prizes is final and no correspondence will be entered into. 16) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels and winners contacted privately via email – prize distribution may be delayed due to social distancing requirements. 17) Mid-Western Regional Youth Council will take all reasonable care with entries, but will not accept responsibility for any entries not received due to technological failure, damage, deletion, or similar that may occur to entries. 18) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 19) Prizes not claimed by 30 June 2021 will be forfeited by the winner.

**Privacy Policy:** To read the privacy policy visit: [midwestern.nsw.gov.au/privacy-statement](http://midwestern.nsw.gov.au/privacy-statement)

Proudly funded by



Figure 4



Join us at Mudgee Library for a day of free gaming fun and giveaways!



DATE	Saturday 14 November 2020
TIME	10.00am – 12.00pm
LOCATION	Mudgee Library, 64 Market Street, Mudgee
AGES	Everyone

FOR AGES 8 - 12	FOR AGES 12 – 20	FOR FAMILIES
<p><b>Tabletop Games</b></p> <p>Play some exciting new games like: <i>Ticket to Ride, King of Tokyo, Kill Doctor Lucky, Hanabi,</i> and <i>Zombie dice</i></p> <p>Limited places, book your seat at <a href="http://mrcyouth.eventbrite.com">mrcyouth.eventbrite.com</a></p>	<p><b>Role Playing Games</b></p> <p>Join in a one-shot campaign of <i>Dungeons and Dragons 5<sup>th</sup> edition</i>. Battle trolls and ogres, for gold and glory.</p> <p>Limited places: book your seat at <a href="http://mrcyouth.eventbrite.com">mrcyouth.eventbrite.com</a></p>	<p><b>Giant Family Games</b></p> <p>Challenge your friends and family to a giant sized traditional, like: <i>Jenga, The Aim Game, Connect 4, Snakes and Ladders,</i> and <i>Scrabble</i></p> <p>No need to book, but please be aware player numbers will be moderated.</p>

This event is being delivered in accordance with COVID-19 health orders and may be subject to change should those orders be revised. If attending, please follow physical distancing measures in place.

Proudly funded by



A Youth Services and Mid-Western Regional Council Library partnership initiative



Figure 5



Proudly funded by



Bookings required  
[mrcyouth.eventbrite.com](http://mrcyouth.eventbrite.com)





## 12.4 Gulgong Memorial Hall Committee 10 October 2020

REPORT BY THE MANAGER, CUSTOMER SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, A0100024

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager, Customer Services on the Gulgong Memorial Hall Committee; and
2. note the minutes from the Gulgong Memorial Hall Committee meeting held 10 November 2020.

---

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee meeting held on 10 November 2020.

### Disclosure of Interest

Nil.

### Detailed report

The Gulgong Memorial Hall Committee met on 10 November 2020 as part of their ongoing monthly meetings. Note the minutes for current actions and updates provided by the committee.

### Community Plan implications

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

---

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

The Gulgong Memorial Hall Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

RICHARD CUSHWAY  
MANAGER, CUSTOMER SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2021

*Attachments:* 1. Gulgong Memorial Hall Committee Meeting Minutes 10 October 2020.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Gulgong Memorial Hall Meeting 10/11/20

Opened: 1603

Present: Chris & Pauline Hannaford, Bill Clifford, Percy Thompson, Toni Morrison, Richard Cushway, Charles and Cheryl Vassel

Guest: Shane Holse – President of the Men's Shed

Apologies: Nil

Ray Thackeray and Maureen Trgo are stepping down from the Committee.

Motion: We would like to thank them both for the amount of work they have contributed to the Committee over the years, and wish Maureen the speediest of health. Moved by Chris, 2<sup>nd</sup> by Bill.

Minutes of Last Meeting, not relevant.

Minutes: Looking for some people to come onto the Committee to replace Ray and Maureen.

Letter from Rob Barton, re not wanting to be Santa this year, Shane happy to take on this position in future, moved by Bill, 2<sup>nd</sup> Pauline.

Phone call and apology over funding – the acquittal and application were sent into Council, but the Acquittal was just filed, but not submitted to Council. The problem was that the Application and Acquittal were scanned as One document. Brad and Richard have apologised for this error.

After conversations with Brad Cam, it was decided that the Christmas Celebration would not go ahead this year, due to COVID restrictions. Perhaps something in the middle of next year, depending on what happens. Perhaps Christmas in July, but needs to be inside due to the weather, so need to be aware of space restrictions. Perhaps an interactive display can be put on by the Childcare centres? Leave this open for discussion.

There are a lot of organisations around town that will assist with any Celebrations we hold.

Hall: Thank you to Council for putting the new roof on, an excellent job! In doing this the air-conditioning units are now level.

During the painting of the Hall the door on the old Lapidary Room was just painted over, not sanded first, and the lock was also painted over, so the Men's Shed people had to remove the paint so they could get into the Shed.

There have been wires put on the brickwork to prevent the pigeons roosting, but they have not roosted here for about five years, but the droppings are still on the outside of the building, and was not cleaned off before the painting was done.

The door needs to be replaced to the Lapidary room, as it is rotten. Will be shown to Richard at the end of the meeting. A works request has not been put in for this yet.

The power for the Men's Shed was turned off while the painting was done, but Men's Shed Committee was not informed, so the freezer defrosted and the food went off. Dates of the outage? Unknown, as the Committee were not informed. Should the Men's Shed be compensated for the period of time they could not access the Men's Shed during the time COVID and the painting was being done?

Would the Men's Shed be able to get a Community grant? Alina Azar at Council is the person to contact.

Need to get an approved Council builder to do some work on the outside wall of the Men's Shed.

Men's Shed need to put in a submission, with an estimate of the cost, and this needs to be put in before the end of January. The Council website will put up when the submissions are open. If there are not sufficient funds requested, then a change can be made to amount of funds given.

Community Plan Proposal. The more information that can be submitted the better. Each one Needs to be submitted separately. The more applications that are submitted the better. Community members as well as Committee members can submit these.

The door and wall can be put into this submission.

There was no communication from Council saying that our meetings could resume, we did not know until Richard contacted us asking about whether the meeting was happening – Richard will chase this.

Cheryl – contact Gossip re Christmas Celebration next year, and Christmas in July, to go on Calendar.

Need new partitions – the rollers are unstable. If application made to Council, they can do this work. Need to put in photos to support applications, also safety concerns and risks. Carly – building services co-ordinator, is the person to approach for anything under \$50,000.

Would Men's Shed CPP be different to Memorial Hall, or all one? All one as it is for improvements to the Hall.

Inspection done to damage to the Hall

Do we need a date for Christmas in July to put in the Calendar - maybe 25/7? All in favour. This is a proposed date, and a retraction can be put into the Gossip if this does not happen.

Meeting closed 1716

Next meeting:

Paperwork for CPP

Christmas Celebration 11/12/21

Thoughts and ideas for Christmas in July

Next meeting: 8/12/20, Men's Shed, 1600

Action Plan:

Person Responsible	Action	Result
Cheryl	Contact Cathy re putting dates of Christmas in July and Christmas Celebration into Community Calendar	Done
Chris	Paperwork for CPP – door and wall	
Richard	Talk to painters re work done	
Cheryl	Letter to Ray and Maureen	

## 12.5 Red Hill Committee Meeting 4 November 2020

REPORT BY THE MANAGER, CUSTOMER SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, A0190002

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Customer Services on the Red Hill Committee Meeting 4 November 2020; and**
2. **note the minutes of the Red Hill Committee meeting held on 4 November 2020.**

---

### Executive summary

This report seeks to inform Council on the progress of the Red Hill site following the Red Hill Committee Meeting held on 4<sup>th</sup> November 2020.

### Disclosure of Interest

Nil.

### Detailed report

The Red Hill site is continuing to operate successfully and build its reputation since the appointment of the new Gulgong Gold Experience co-ordinators back in January 2019 and the relocation of the Visitor Information Centre to this site in August 2019. More recently visitation has been impacted by the bushfires in the region over the summer months, and the Covid lockdown and restrictions throughout 2021.

As noted on the minutes an Aboriginal Land Claim was made on 21<sup>st</sup> February 2017 by the NSW Aboriginal Land Council on the Red Hill site and Council was advised by Crown Lands NSW of this on 28<sup>th</sup> November 2019. Council staff responded to this claim in November 2020 with a timeline of community use and all supporting documentation (and Council is now waiting on a response). Note this ALC excludes the Miner's Cottage as this resides on Council land.

There are plans underway to upgrade the historic Miner's Cottage at Red Hill following the approved grant 'Building Better Regions' fund. This upgrade has been jointly funded with a total capital cost of \$300,000. The purpose of this cottage, once restored, would be as the official entry to the Gulgong Gold Experience and will contain a tea room, gift shop, kitchen, an accessible bathroom and visitor information centre.

### Community Plan implications

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

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towns

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## Strategic implications

### **Council Strategies**

Community Strategic Plan  
Red Hill Master Plan

### **Council Policies**

Not Applicable

### **Legislation**

The Red Hill Committee is operating under Section 355 of the Local Government Act (1993)

## Financial implications

Any further capital works at the Red Hill site will require budget approval.

## Associated Risks

Not Applicable

RICHARD CUSHWAY  
MANAGER, CUSTOMER SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2021

- Attachments:*
1. MINUTES Red Hill Committee Meeting Wednesday 4 November 2020.
  2. Gulgong Gold Experience 6 Monthly Report July 2020.
  3. GGE 6 Monthly Financials July 2020.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE NSW 2850  
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone  
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

## MINUTES

### RED HILL COMMITTEE MEETING

Meeting commenced at 3.08pm on Wednesday 4<sup>th</sup> November 2020 at Red Hill School Gulgong

Attendees: Councillor Percy Thompson (Chair), Chris Pearson, Joy Harrison, Tony Harrison, David Wamer, Rebecca Neilson (Red Hill School), Maurice Gaudry, Richard Cushway (MWRC Staff).

#### 1. APOLOGIES

Nil

#### 2. REVIEW OF PREVIOUS MEETING MINUTES

No Comments

*Moved: Joy*

*Second: Maurice*

*Carried*

#### 3. GULGONG GOLD EXPERIENCE UPDATE

Joy Harrison (GGE Co-ordinator) provided an update on operations and submitted a 6 Monthly report for the committee to review and is attached to the meeting minutes. Joy advised that the GGE visitation was severely impacted by bushfires in the region and Covid 19 restrictions and the period of lock down.

*Moved: Joy*

*Second: Bill*

*Carried*

#### 4. UPDATE ON ABORIGINAL LAND CLAIM AT RED HILL (2017)

Richard Cushway reminded the committee that the Aboriginal Land Claim in effect remains ongoing and that all the evidence/records available detailing the historical timeline of this site has been compiled and submitted the Crown Lands office. Richard reminded the committee that no works of 'significant physical impact could be undertaken until this ALC is determined'. The committee was also reminded that the Miner's Cottage was exempt to this ALC as it's on Council land. It was anticipated a decision would be made at the time the committee held the next meeting.

#### 5. MINER'S COTTAGE REFURBISHMENT (BUILDING BETTER REGIONS GRANT)

Richard Cushway advised that the 'Building Better Regions' grant had been successful to 'Restore and Upgrade of the Miner's Cottage at Red Hill Gulgong'. This capital project would include the full restoration of the Miner's cottage. The purpose of this cottage, once restored, would be as the official entry to the Gulgong Gold Experience and will contain a tea room, gift shop, kitchen, an accessible bathroom and visitor information centre. Planning and scoping for these restoration works are ongoing and its anticipated the DA will be ready for Council review around Dec 2020. These works form part of the revised Red Hill Masterplan, which was endorsed by Council in October 2019.

**6. TREE PLANTING PROJECT (COMMUNITIES ENVIRONMENT GRANT)**

Richard advised that the tree planting project has been successfully completed, which involved the planting and landscaping of 200 trees and shrubs scattered around the site. There is still the 3 possum and 3 bird nesting boxes. A big thanks to Peter Raines, the Parks and Gardens team involved and Skillset, who assisted in the project.

**7. RED HILL SCHOOL / EEC LANDSCAPING MASTERPLAN UPDATE**

Rebecca Neilson (Red Hill EEC) advised the masterplan was near completion and would be shared with Richard to distribute. Rebecca advised concerns with recent clearing of trees (from the tree planting project) on an adjacent lot and some works required to repair the southern fence line between Red Hill and the adjacent lot (managed by the Red Hill School). **Richard to follow up**

**8. NEW WORKS REQUESTS**

- Reminder of the pathway (from cottage down to GGE entrance) requires re-grading and investigation of drainage. Richard to investigate options and report back to the committee.

**9. GENERAL BUSINESS**

None

**MEETING CLOSED 4.00PM**

**NEXT MEETING: 3PM WEDNESDAY 3<sup>RD</sup> MARCH 2021 AT RED HILL SCHOOL**



**ACTIONS – UPDATED 4/11/2020**

<b>TASK</b>	<b>WHO</b>	<b>PROGRESS</b>
Red Hill Signage Audit	Red Hill Committee	<b>Will determine action based on landscaping masterplan.</b>
Source recommendations and quote to improve drainage of pathways	Richard Cushway	<b>Will lodge a Community Plan Proposal (CPP) in January 2021 for the landscaping and sealing of this pathway.</b>
Panning Troughs near cottage to be reinforced with concrete base or pavers	Joy & Tony Harrison	<b>On hold due to possible relocation</b>
Review process of listing Red Hill Site on State Heritage Register	Richard Cushway	<b>On hold due to Aboriginal Land Claim (ALC) in effect</b>
Consult with NSW Dept of Planning re possible funding for Signage	Richard Cushway	<b>On Hold</b>
Extend GGE MOU to include operations of Visitor Information Centre and Tea Room	MWRC	<b>On Hold until Miner's Cottage opens</b>
Clear Grass from inside derelict mine site	Bill Murphy	<b>To investigate with RFS – Bill Murphy to follow Up</b>
Installation of Mullock Heaps around Red Hill site	MWRC	<b>On hold due to Aboriginal Land Claim (ALC) in effect</b>
Repair of pathway between Cottage and GGE entrance	MWRC	<b>Will lodge a Community Plan Proposal (CPP) in January 2021 for the landscaping and sealing of this pathway.</b>

## First Half Year Report for Gulgong Gold Experience

It is with disappointment that I present this report for the first half of this year and it is with anticipation and hope that the second half will make up for it. In January and February we didn't have many visitors because of the Bush Fires, 40-45 degree heat, smoke haze and dust storms.

The first two weeks of March were the most positive we had seen in some weeks with visitors returning to the facility. All that changed on March 19<sup>th</sup> when COVID 19 hit and all outlets were advised to close.

We reopened on 6<sup>th</sup> June just for weekends until 4<sup>th</sup> July when we would open full time for the school holidays.

The four weekends in June saw 229 people come through. This was so encouraging and we look forward to getting back to where we were at the beginning of last year.

We were fortunate enough to win \$150,000 funding from the Federal Government Creating Better Regions fund which the Council will match so we will have \$300,000 to renovate the Miner's Cottage and build two unisex toilets beside the cottage.

I am confident our second half year will be much more positive and I look forward to bringing you a far better report in December.

Joy Harrison

**GULGONG GOLD EXPERIENCE**

Financials from January 1<sup>st</sup> 2020 to 30<sup>th</sup> June 2020

Date: 21 <sup>st</sup> July 2020	Debit	Credit
Carried over from 31 <sup>st</sup> December 2019		\$16632.66
Income from 1 <sup>st</sup> January 2020 to 30 <sup>th</sup> June 2020		\$12223.19
		<hr/>
		\$28855.85
<b>Outgoings 1<sup>st</sup> January 2020 to 30<sup>th</sup> June 2020</b>		
Bank Fees	60.00	
Plastic Tubes for gold panning	226.76	
Merchandise for sale	837.73	
Printing Brochures etc.	275.39	
Cleaning Products	50.98	
Advertising Discovery magazine/Guardian	420.00	
Gemstones for activity bags/ panning	128.57	
Calico bags	349.39	
Stationary	122.95	
Coordinator	9000.00	
MRTI	1650.00	
	<hr/>	
	Dr \$13121.77	Cr \$28855.85
Balance	\$15734.08	
Statement Balance as at 30 <sup>th</sup> June 2020	\$15734.09	

## 12.6 Local Traffic Committee - December 2020 Meeting

REPORT BY THE ADMINISTRATION OFFICER, OPERATIONS  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, A0100009

### Recommendation

#### That Council:

1. **receive the report by the Administration Officer, Operations on the Local Traffic Committee - December 2020 Meeting; and**
2. **accept the General Business items and comments accordingly.**

---

### Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

### Disclosure of Interest

Nil

### Detailed report

The Local Traffic Committee meeting was not required due to lack of agenda items, so items were forwarded via email for comment.

#### General Business and Correspondence items included

- request for turning lane at the intersection of Ulan Road and Buckaroo Road
- Gulgong Post Office – request for timed loading zone
- Request 40km zone for Kellett Drive Mudgee
- Issues with Gulgong line marking at intersections
- Roundabout at the intersection of Church Street and Meares Street.

Full discussion notes are included in the attached report.

### Community Plan implications

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

ADMINISTRATION OFFICER, OPERATIONS      DIRECTOR OPERATIONS

25 November 2020

*Attachments:* 1. Local Traffic Committee minutes - December.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

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Mid-Western Regional Council

Date: 18 December 2020

## Minutes of the Local Traffic Committee

Held at the Council Chambers, 86 Market Street, Mudgee  
on 18 December 2020.

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Present	Garry Hemsworth (MWRC), Phil Blackman, Cr Alex Karavas, Garry McGovern (NSW Police), Deanne Freeman (RMS), Mark Fehon (NSW Police), Samantha Cecchini (MWRC)
Apologies	
Secretary	Gemma Wilkins (MWRC), Michelle Neilsen (MWRC)

The LTC meeting commenced at was sent via email

### MINUTES OF PREVIOUS MEETING

### RECOMMENDATION

**That the Minutes of the previous Local Traffic Committee held on 20 November 2020 be taken as read and confirmed.**

2

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Consultant engaged – draft expected in March
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Council requested quotation to undertake design work for improvement of this section which was cost prohibitive.  Update: forms part of a report
Request for 'No Stopping' sign	August 2018	Request for a 'No stopping' sign to be placed at the northern end of Ten Dollar hotel.	Investigate the installation of a more suitable kerb ramp on the north western corner in front of the Ten Dollar Motel
Request to review traffic flow of Gulgong CBD	November 2018	Request a review of the traffic management and parking within the Gulgong CBD	
	February 2019	Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong	
	August 2019	Investigate alternative crossing options for pedestrians in the CBD of Gulgong and present findings to Traffic Committee	
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	Letter sent to School in August 2020 requesting ongoing education of the arrangement.
CBD Parking line marking	May 2019	If not address in parking study, prepare report for line marking to be extended to Market street between Church and Lewis and Mortimer Street between Church and Lewis	Design plan to be presented to committee prior to completion  <b>Update (17/9/2020) – this has been addressed in the parking study. (17/9/2020)</b>
Denison Street and Church Street Intersection	August 2020		Put down traffic counters at the intersection of Denison and Church Street to measure traffic numbers

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Henry Bayly Drive	September	Council requests for traffic counts to be installed at the section of road.	Put down traffic counters at the intersection of Henry Bayly Drive

## PAST EVENT DEBRIEF

EVENT	

## CALENDAR OF EVENTS

2021		
JANUARY	DATE	COMMENTS
Kandos Street Machine and Hot Rod Show	21-24 <sup>th</sup> January 2021	Approved
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	27 Feb 2020	Approved
MARCH	DATE	COMMENTS
Outback Classic	11 March 2021	Approved with conditions
APRIL	DATE	COMMENTS
MAY	DATE	COMMENTS
Mudgee Classic	2 May 2021	
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
AUGUST	DATE	COMMENTS
SEPTEMBER	DATE	COMMENTS
Flavours of Mudgee		
OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved

Green = Approved



## 4

20/048 GENERAL BUSINESS

### MUDGEES CLASSIC

Council staff and Transport for NSW met via a Teams Meeting for discuss moving forward with the bicycle ride the Mudgee Classic on Sunday 2 May 2021. The team from the Mudgee Classic has made some changes to their TCP's as they will now be using Glen Willow instead of Lawson Park for the event.

### CHURCH STREET ROUNDABOUT DESIGN – LOCAL TRAFFIC COMMITTEE COMMENTS

Feedback in relation to the installation of the Church Street and Meares Street roundabout was received from Transport for NSW. The blue writing is the questions asked by Transport for NSW and the green writing is the responses.

#### *Roundabout design for Church and Meares St:*

##### General

- Is a 2-lane roundabout necessary? The additional lane reduces the deflection for a driver who intends to speed through the roundabout, increasing the negotiation speed.

In this case, only one approach out of 8 is proposed to have 2 lanes, being the southbound lane in Church Street. Justification for this arrangement are provided below (ie. incorporates bus bay, can retain existing kerb & gutter, light, kerb inlet drainage pit etc.). Deflection for southbound traffic is still substantial with a 14m diameter outer island - even if traffic uses the whole of the pavement (i.e. both southbound lanes), traffic speed will be significantly less than the existing situation.

If necessary and subject to monitoring of traffic after completion of the roundabout construction works, a painted line with integrated ripple strips can be implemented at relatively low cost to 'convert' the two lanes back into a single southbound lane, while maintaining the bus bay.

- The Roundabout R1-3 signs are located remote from the hold (TB) line. Could signs be located closer to the TB line or included in the splitter island?

Signage will be in accordance with appropriate design codes. Sign locations are indicative only and do not represent actual location. All signs will ultimately be installed in accordance with relevant Australian Standards and TfNSW guidelines.

- The footpath on the west side of Church St does not connect through, could this be planned to be connected to the kerb ramps on Meares St West?

Footpath connections will be included on the amended plan.

- What is happening to the bus stop on the north east corner?

No change anticipated. The existing kerb & gutter can remain unchanged for the north-eastern intersection based on the proposed layout. Existing signage will permit safe use of left turn lane into Meares Street when there are no buses parked at the bus bay. There exists a street light at this intersection. Existing parallel parking north from the bus bay will minimise inappropriate use of the left turn lane.



- Footpath widths – are they adequate for pedestrian volumes and potential wheel chair access.

Propose to increase width of paths from 1.2m to 1.5m is close to the maximum available width due to potential impact with services, location of property boundaries (no splay corners) and proximity to road.

- There are no facilities for cyclists. Are they on-road or a shared path? (also see dot point above re footpath widths)

Although the Mudgee Bike Plan nominates Church St as a possible future on-road cycle route, due to poor sight distances, high traffic volume, numerous commercial and medical facilities and associated carparks plus existing trees south of the intersection which will obstruct visibility this is

## 6

not suitable option. It is recognised that a round-a-bout is inherently more dangerous for cyclists using the road network than the existing 4 way intersection, however statistically safer for pedestrians. The plan is to widen pedestrian crossings to 1.5m (instead of 1.2m) and encourage cyclists to dismount and cross as pedestrians rather than provide wide islands with hand rails. It would be our preference for a 2.5m wide combined footpath / cycleway to be constructed on the eastern side of the Church Street pavement, extending north from the roundabout to link up with the 1.5m wide footpath crossing the railway.

Church St North – Are 2 lanes necessary? They increase the crossing distance for pedestrians and therefore exposure time, and reduces deflection through the roundabout for speeding drivers.

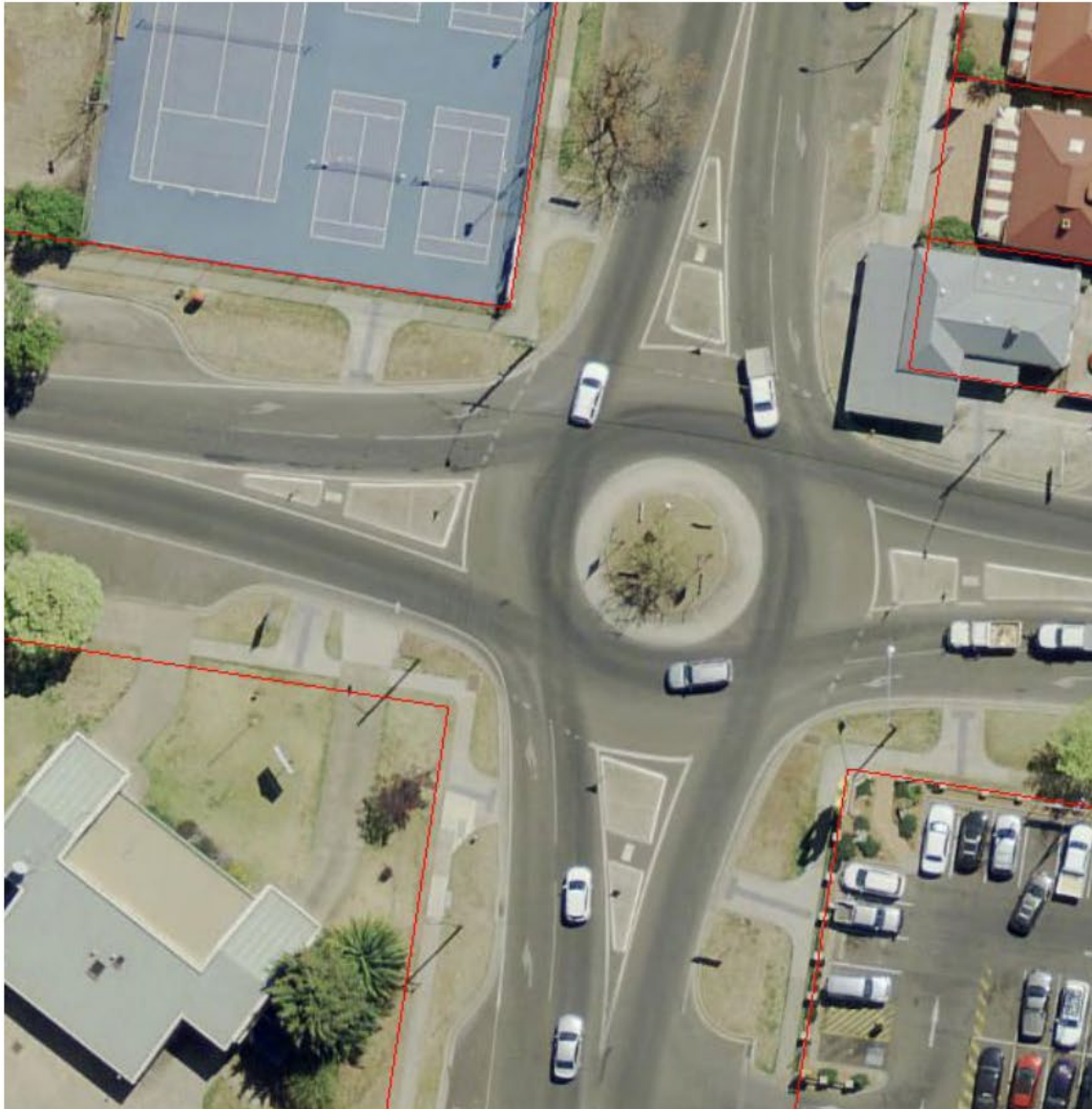
While two lanes may not be absolutely necessary, the southbound lane/s will carry the highest traffic volume – particularly in peak hours while staff are driving to work at the hospital. As noted above, there is an existing bus bay located at this intersection which is planned to remain (as is the kerb and gutter with integral grated stormwater pit and street light). The eastern lane is only formed about 20m north from the hold line, with parallel vehicle parking north from the bus bay. Therefore we do not consider this will result in increased speed through the intersection, but will limit inconvenience and short term delays for southbound traffic as a result of turning traffic in peak hours or bus movements. Future delineation including line marking and ripple strips can be installed if the proposed arrangement proves unsatisfactory.

Meares St East – The angles of the pedestrian paths and kerb ramps and the splitter island gap do not align and could be confusing for blind pedestrians.

The significant existing trees, driveway locations, stormwater infrastructure, location of existing footpath & telecommunications pits and car parking arrangement preclude perpendicular road crossings. Adoption of skew alignments as shown on our preliminary plan (but with kerb ramps and gap in splitter islands aligned) allows maximum distance from the intersection for approaching cars to improve visibility and reduce exposure of pedestrians. The skew angle has been designed so that pedestrians have maximum sight distance from approaching vehicles – maximum distance from hold line at roundabout and maximum distance from traffic approaching the roundabout.

We note similar geometry has been applied to the recent Horatio Street / Church Street roundabout by TfNSW, as depicted below – presumably for the same benefit of increased sight distance and maximising the distance of pedestrian crossings from the roundabout exit lane, although this intersection does not have the trees and parking area constraints to consider.

Minor changes to the angle of ramps will be incorporated into the final design plans and we hope to increase path width to 1.5m for each crossing and all new footpaths provided adequate clearances are available to utility service infrastructure. A steel hand rail may be appropriate to separate vehicles from pedestrians near the north-western footpath, though no separation has been incorporated in the Horatio Street roundabout as the swept path for through-traffic will permit adequate separation (even though the kerb to path separation will be less than 1.5m).



Church St South – The angles of the pedestrian paths may be confusing for blind pedestrians, as per Meares St East.

[See notes above](#)

Meares St West – The angles of the kerb ramps and gap in the splitter island do not align and may be confusing for blind pedestrians; the length of storage in the splitter island may not be sufficient to accommodate a pedestrian with pram, a bicycle, or a wheel chair with attendant, clear of the vehicle travel lanes

[See notes above](#)

*Design for pedestrian refuge in Church St:*

General:

- Length of storage area in refuge island, is it long enough to accommodate a pedestrian

## 8

pushing a wheel chair, a bicycle, a pedestrian pushing a pram?

Width is 2.5m which exceeds minimum island width for pedestrians but is less than desirable width for cyclists. Greater island width will yield a similar diminution to lane width for through traffic and for manoeuvring. Sufficient lane width must be maintained to accommodate reversing movement for 60° parking adjacent western lane and for southbound traffic in eastern lane, considering parallel parking and potential accidents by opening car doors. Available widths are 4.5m for western lane, 2.5m for splitter island and 4.0m for eastern lane. We believe this is a good compromise for optimum safety outcome with each width exceeding absolute minimum standard. Splitter island will not be suitable for cyclists and we do not recommend installation of a handrail for this reason.

- Width of footpaths, do they safely accommodate a cyclist and pedestrian, wheel chair and pedestrian?

See notes above. We recommend widening of the existing path on eastern side of Church Street from 1.2m to 2.5m north from the roundabout and east along Meares Street with 1.5m paths crossing the roundabout. Footpath upgrades would form part of future works and should be considered as part of a detailed investigation of the cycle network. An on-street cycleway in Church Street is not recommended due to >8000 vehicle movements and existing street parking arrangements.

- Angle of connecting path, between the footpath and the kerb ramp on the east side. Also, pedestrians and cyclists don't travel in 'squares', can a curved taper be introduced into the connection between the through footpath and the kerb ramp to accommodate the swept path of a bicycle and of a wheel chair?

A 45° in-fill slab can be incorporated at the 'T' intersection with existing footpath at each terminal to account for short-cuts by pedestrians, though we want to encourage pedestrians to cross perpendicular to traffic. While pedestrians and cyclists typically take the shortest route, concrete pavement will typically crack in 'squares'.

- Would kerb extensions be applicable, particularly on the west side to bring pedestrians clear of parked cars?

Not proposed at this time as we do not wish to impact water flow in kerb & gutter or add substantial cost. Existing tree 'blister' will naturally restrict vehicle parking and maintain visibility – particularly for on-coming (northbound traffic).

Outcomes from the above correspondence.

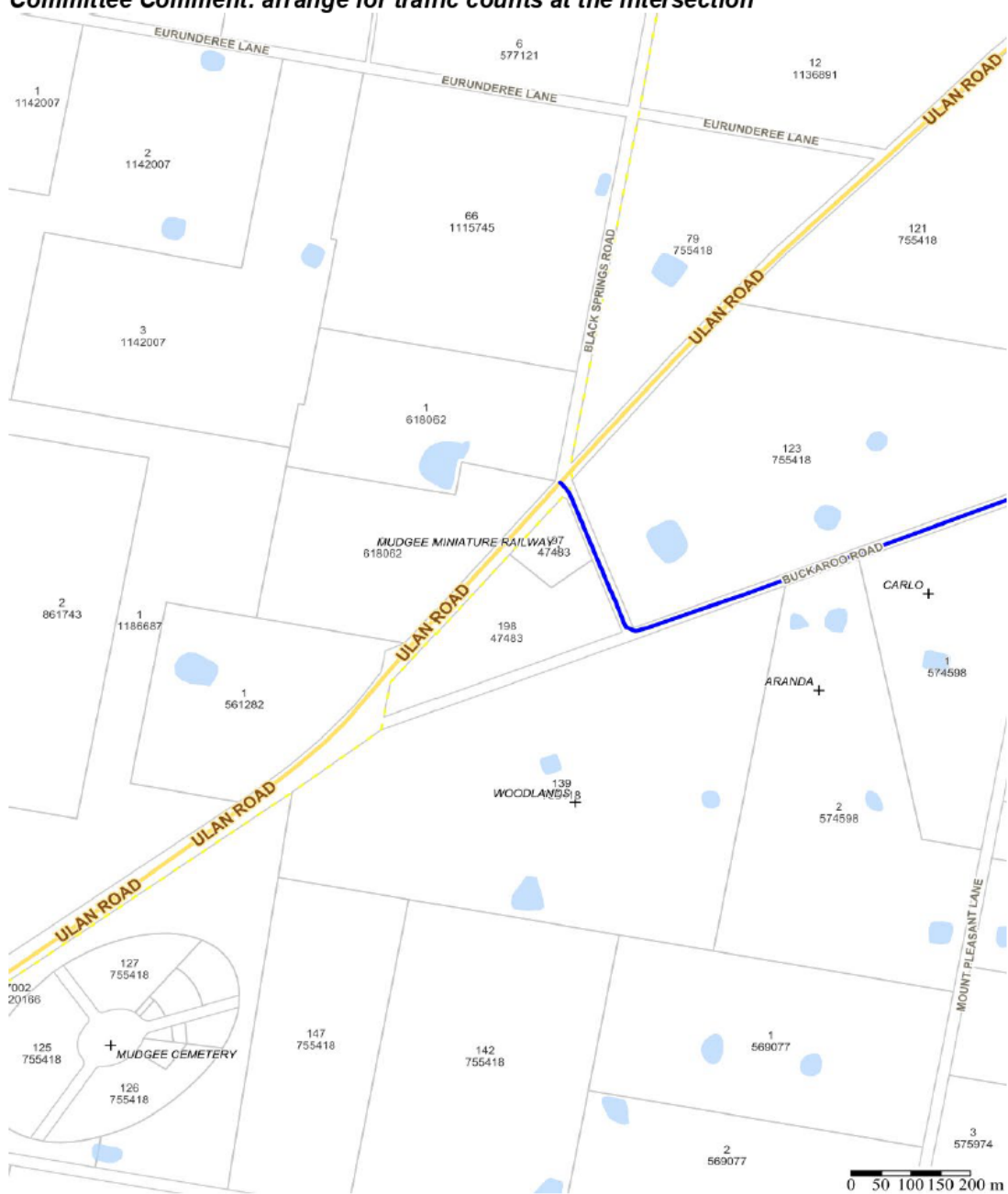
1. Line mark parallel on-street car parking on south side of Meares St between Church St & Lewis St (to better control the way people park)
2. Line mark parallel on-street car parking on east side of Church St from Meares St to Nicholson St (to better control the way people park)
3. Line mark bus bay on east side of Church St
4. Line mark 60° parking on west side of Church St from Meares St to Nicholson St (to better control the way people park)
5. Sign post timed parking restriction to 5 x on-street car spaces for the benefit of the pre-school at 180 Church St – 15min parking 8am-9am; 3pm - 4pm Mon-Fri (marked in orange on the attached)
6. Sign post no parking 10m from the corner, south side of Meares St western leg of the roundabout.

20/049 CORRESPONDENCE

**ULAN ROAD AND BUCKAROO ROAD**

Council received an email via Transport for NSW in relation to a request for a turning lane to be installed at the intersection of Buckaroo Road and Ulan Road due to safety concerns at this intersection. Please see maps. (attached email)

**Committee Comment: arrange for traffic counts at the intersection**



## 10

### REQUEST TO AMEND THE PARKING CONDITIONS ADJACENT TO GULGONG POST OFFICE IN ROBINSON LANE.

A letter from the post office at Gulgong has come to Council requesting an amendment to the Load Zone sign next to the post office in Robinson Lane. Currently the Loading Zone is Monday – Thursday 2.15pm – 2.45pm and 4.15pm to 4.45pm.

The Post Office has requested that be changed for AP drivers only between

- 7-8am (Mon to Fri)
- 2.15pm – 3pm (Mon to Thurs)
- 4.15pm – 5pm (Mon to Thurs)

**Committee Comment: as per Garry McGovern’s advice, install Loading Zone. To be placed on the agenda for February meeting.**

### REQUEST FOR 40 SPEED ZONE IN KELLET DRIVE.

Council received a request for a 40 km speed reduction in Kellet Drive. (see attached)

**Committee Comment: suggest to refer to this to Police to patrol.**

### EMAIL FROM RESIDENT IN RELATION TO GULGONG

*“The roads in Gulgong are a disgrace. The traffic orientation is upside down, the giveways are all over the place. There are no footpaths for children to walk to school, Lynn St,, the accident last week highlights the fact that there are no measures in place to slow traffic down ... after the resealing the white lines were never repainted, probably contributed to this accident at corner of Belmore and amedley streets. This needs to addressed as a matter of urgency before it happens again. As a new visitor to this beautiful I am astounded by the lack of traffic and roads management of Gulgong streets. I would like to address the next traffic management committee to express mine and others views. I look forward hearing from you.”*

**Committee Comment – discuss with Roads schedule for re-line marking and footpath construction**

## CLOSURE

There being no further business the meeting concluded at *<insert time>* .



## 12.7 Mudgee Sports Council Meeting Minutes 23 November 2020

REPORT BY THE MANAGER - RECREATION SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, A0360013

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes 23 November 2020; and
2. note the minutes for the Mudgee Sports Council Meeting held on 23 November 2020.

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### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 23 November 2020.

### Disclosure of Interest

Nil.

### Detailed report

The Mudgee Sports Council received an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meetings.

### Community Plan implications

Theme	Looking After Our Community
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Goal	Effective and efficient delivery of infrastructure
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Strategy	Provide infrastructure and services to cater for the current and future needs of our community
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### Strategic implications

#### Council Strategies

Not applicable

#### Council Policies

Not applicable

#### Legislation

The Mudgee Sports Council is operating under section 355 of the Local Government Act(1993), which allows it to exercise a function of Council.

## Financial implications

Nil

## Associated Risks

Nil

PETER RAINES  
MANAGER - RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

26 November 2020

*Attachments:* 1. Mudgee Sports Council Meeting Minutes 23 November 2020.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Mudgee Sports Council.**

**Mudgee netball clubhouse**

**273-11-20 1803**

**Present:** P. Mitchell, L. Humphries (Rugby), P. Lawson (Touch), J. O’Neill (Councillor MWRC), P. Raines (MWRC staff), J. Salomni (Soccer), A. Whale (Jnr Cricket), J. McCarney (Jnr League), K. Bennetts ( Little athletics), N. Richards ( Hockey),K. Lang (Snr League) & J. Johnson.

**Apologies:** N. Cavanagh (Jnr Cricket), S. Jones (MWRC staff), G. Robinson, K. Marshall (Netball), S. Palmer (MWRC staff). Moved A. Whale, seconded K. Bennett, apologies are accepted.

**Business Arising from previous Meeting:**

1. New Line marker has arrived, report held over to General Business.
2. Touch has received extra set of keys.
3. Grant has been obtained for lights at Victoria Park.
4. ? if BBB key has been received by Hockey.

**Treasurers Report:**

1. At time of meeting Mudgee Sports council has funds of \$97,191:38 as presented from council financials. Moved accepted L. Humphries, seconded A. Whale carried.

**Secretary Report:**

1. Midwestern regional council looking for more sports nominations for Australia Day Celebrations.

**Works Request Updates:**

1. Sprinkler covers repaired Walkers Oval.
2. Bins replaced Glen Willow.
3. Bins emptied Netball clubhouse.
4. Cricket nets Victoria Park work has commenced.
5. Josh not opening gates for touch.

**New Works Requests:**

- 1.** Lights at Victoria Park a grant has been obtained to repair bird damage.
- 2.** Jubilee Oval- fencing panels need replacing or repairing again.
- 3.** Weather strip for Rolla door at Touch/soccer amenities Glen Willow.

**General Business:**

1. The Charity Shield- Councillor O'Neill, was speaking with council staff re the charity shield and how both junior and Senior league run and benefit from the Bar, and BBQ takings. The idea was floated that perhaps Sports Council might like to run the bar and BBQ in the future, thus being able to share more with all members instead of just a few benefiting, when Sports council have provided in the past for fencing and lighting at Glen willow and assisted Council by providing \$25,000 towards the extra line marker. How would licencing apply? Voiced from meeting not really fair on the Leagues if this was put into place. Would any other user group be affected if large sports event put on like Shute shield, if it becomes a council event then will all sports benefit? League has a problem with the closure of grounds from after Charity shield and then not reopening till April. Could have 3 different Licence holders for different sports, Sports Council could even have their open Licence holder which wouldn't risk other licences, got to have a manager of licence.
2. How are Sports council funds spent? - what is deemed as ground improvements, Sports council has put \$25,000 towards second line marker, as well as funding for fencing and lighting at Glen Willow, and will we receive Summer Sports Council fees this year?, Sports should be able to at least fund 50% of equipment grant applied for, Council is very good at providing funds for large ticket items if asked.
3. Soccer- looking at holding a summer comp, maybe Wednesday/ Friday, we won't need to line mark fields, the Clubhouse and canteen maybe an issue due to the clash with Touch, further investigation required.
4. Booking for summer comp Hockey dependant on lighting.
5. New Line marker- the unit has arrived, staff learning to use over the next couple of weeks, a demonstration will be held next meeting, once staff are familiar with unit, staff will commence line marking for Touch, Little A's and Cricket, but sports are warned that if the unit breaks down they will need to continue with the old method until fixed or 2<sup>nd</sup> unit arrives.
6. Booking at Glen willow- unless there is a booking made with Council then grounds are closed to usage, you can't use without notifying council via the website, should there be more flexibility in the booking system, if you have a season booking then fine, but if an out of season booking then must go through correct channels, all clubs are reminded that bookings for grounds must be done before using grounds.
7. Need to forward to Peter Mitchell updated listed for Sports Council representatives, he will then forward to Council and other sports.
8. Mudgee Ladies Rugby League would just like to congratulate council staff on the condition of the grounds, we are so lucky to have the facilities that we have, unlike some of the larger centres in our area.
9. Update re Young Matilda's- the FFA has changed ruling re accommodation, and COVID rules, no one can share a room, so accommodation costs have gone from \$28,000 to \$45,000 this is for the 6<sup>th</sup> to 10<sup>th</sup> January 2021, Peter and Mayor Kennedy are still in talks with the FFA re this situation.
10. No curtain raiser for the Charity Shield due to COVID guides lines.
11. Reminder to all sports that as the next Sports Council meeting is due late January 21, that any works requests be sent directly to council via the website.

Meeting closed 1838.

Next meeting 18<sup>th</sup> January 2021

Mudgee Netball clubhouse  
6pm.

## 12.8 Gulgong Sports Council Meeting Minutes & AGM Minutes 10 November 2020

REPORT BY THE MANAGER - RECREATION SERVICES  
TO 17 FEBRUARY 2021 ORDINARY MEETING  
GOV400088, A0360003

### RECOMMENDATION

#### That Council:

1. receive the report by the on the Gulgong Sports Council Meeting Minutes & AGM Minutes 10 November 2020; and
2. note the minutes of the Gulgong Sports Council meeting & Annual General Meeting held 10 November 2020.

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meeting & Annual General Meeting held on 10 November 2020.

### Disclosure of Interest

Nil

### Detailed report

The Gulgong Sports Council receives and updated works request and matters in progress report together with updated financial details each month prior to their meetings.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

### Strategic implications

#### Council Strategies

Not applicable

#### Council Policies

Not applicable

#### Legislation

The Gulgong Sports Council is operating under section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

## Financial implications

Nil

## Associated Risks

Nil

PETER RAINES  
MANAGER - RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

22 January 2021

*Attachments:* 1. Gulgong Sports Council Meeting Minutes.  
2. Gulgong Sports Council AGM minutes 10 November 2020.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**GULGONG SPORTS COUNCIL**  
**Monthly Meeting**  
**Monday 10<sup>th</sup> November, 2020 @ Gulgong Bowling Club.**

**Meeting Opened;** 6.28pm

**Apologies;** B & C.Rae, P.Doran, S.Palmer.

**Moved; M.Freestone 2<sup>nd</sup> M.Gaudry Carried**

**Present;** B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, Peter Raines MWRC, T.Papworth Little A's, S.Ellis Jnr League, A.Doran Gulgong Dogs, C. Forrester Gulgong Dogs, Peter Doran Gulgong Dogs, M.Gaudry Tennis, P Thompson MWRC

**Minutes;** Minutes from July 2020 Meeting to be accepted.

**Moved C.Holden 2<sup>nd</sup> M.Freestone Carried**

**Council Business;**

1. Amenities block at Billy Dunn Oval update; awaiting on final design.
2. New line marker to be rebuild, T. Papworth to carry out work; correct paint is to be picked up from Council store for line marker.
3. Safety issue at Victoria Park with new fence, more openings required for access to retrieve ball when playing cricket. Fence too high for juniors, gates to be installed also locks required, locks may not be required with gates, shutters and inside painting of kiosk needs attention. Inspection by P.Raines MWRC, Friday 13<sup>th</sup> November.
4. Road around Billy Dunn Oval to be updated when will work commence? Work has been allocated for update as well as new car park behind swimming pool.
5. Billy Dunn Oval has drainage problems on main oval this will discussed at onsite meeting stated in section 6, Inspection by P.Raines MWRC.
6. Discus and shot put concrete needs to be looked at as they are becoming a safety concern, Inspection by P.Raines MWRC, Friday 13<sup>th</sup> November.
7. Vic Park Gulgong; lights awaiting on Essential Energy to complete works.
8. Road works around Billy Dunn Oval works under construction also car park at back of Gulgong Pool.
9. Cricket Kiosk at Billy Dunn Oval Needs attention after vandals have destroyed locks and doors also electrical wiring, **needs urgent attention.**

**Moved Craig Holden 2<sup>nd</sup> M. Freestone Carried**

**Finance;**

**Expenditure;** Gulgong Little Athletics, Donation \$250.00 Purchase of Equipment.

**Balance; \$7728.71**

Motion that Finance Report be accepted also expenditure to be paid.

**Moved B.Gudgeon 2<sup>nd</sup> A.Doran Carried**



**General Business;**

1. New BBQ to be purchased for Victoria Park Gulgong as the existing BBQ is unsafe and very old. The Gulgong Sports Council please have an order number to purchase a new BBQ from Bunnings at a cost of \$298.00 this will be paid for out of Gulgong Sports Council funds.

**Moved C.Holden 2<sup>nd</sup> B.Gudgeon Carried**

2. The Gulgong sports Council would like to request a new storage shed at Victoria Park for the Cricket Club. Further updates will be required. **Council will consider.**
3. Road into Victoria Park needs to be sealed as dust is creating issues for the people who live on the northern side of the ground. Could be placed in management plan. **Please advise on progress of this request.**
4. Blue Locker at Victoria Park will be removed shortly when resources are available.
5. A Fridge is required by Gulgong Jnr League, if anyone can help please let us know.
6. Sleeves for goal posts at Vic Park Gulgong to be installed after cricket season.

**Special Thank you,**

**A special thank you to all parks and garden staff for the quick response to the removal of the graffiti at Victoria Park and Billy Dunn Oval, also a Special Thank You to Sarah Palmer and Peter Raines for their quick Action.**

**Meeting closed 8.00 pm.**

**Next Meeting; TBA @ Gulgong Bowling Club.**

**President  
Craig Holden.**

**GULGONG SPORTS COUNCIL**  
**AGM**  
**Monday 10<sup>th</sup> November, 2020 @ Gulgong Bowling Club.**

**Meeting Opened;** 6.00 pm

**Apologies;** Betty Rae, Charlie Rae, Peter Doran, Sarah Palmer

**Moved; M.Freestone 2<sup>nd</sup> M.Gaudry Carried**

**Present;** B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, Peter Raines MWRC, T.Papworth Little A's, S.Ellis Jnr League, A.Doran Gulgong Dogs, C. Forrester Gulgong Dogs, Peter Doran Gulgong Dogs, M.Gaudry Tennis, P Thompson MWRC

**Minutes;** Minutes from last AGM meeting be adopted dated September, 2019.

**Moved C.Holden 2<sup>nd</sup> C.Rae Carried**

**Presidents Report;**

Craig Holden the president of the Gulgong Sports Council would like to thank the following for their hard work and input to the Sports Council during 2020; T.Papworth and M.Freestone. A Special thanks must go to Brian Gudgeon for his support throughout the year also thank you to Sarah Palmer, Jenny Neely, Peter Raines and the Parks and Garden Team of MWRC for all their hard work and commitment to the Gulgong Sports Council and the Gulgong Sporting Clubs. To Mid-Western Regional Council for their financial assistance and commitment in supporting our goals to promote sport in Gulgong.

**Finance;**

**Balance;** \$7728.71

Motion that Finance Report be accepted.

**Moved B.Gudgeon 2<sup>nd</sup> A.Doran Carried**

**Election of Committee;**

The existing committee stepped down from their positions; Councillor P.Thompson was appointed Chairperson for the election of the 2020/21 Committee.

<u>Position</u>	<u>Nominated</u>	
President	Craig Holden	Accepted Position
Secretary	Craig Holden	Accepted Position
Treasurer	Brian Gudgeon	Accepted Position

The nominations were accepted and voted in by the members that were present at the AGM Meeting.

Mark Freestone spoke to all members being available if possible to assist Craig when needed while he recovers from illness.

Meeting closed 6.30 pm.

President Craig Holden.

## Item 13: Urgent Business Without Notice

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### URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

## Item 14: Confidential Session

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Nil

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CONFIDENTIAL  
SESSION

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Item 15: Urgent Confidential Business Without Notice

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Item 16: Open Council

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Item 17: Closure