



Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 11 DECEMBER 2024

*A prosperous and progressive
community we proudly call home*





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4 December 2024

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
11 DECEMBER 2024
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

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

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

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", with a long horizontal flourish extending to the right.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

Councillors are reminded of their oaths or affirmations of office taken and their obligations under Council's Code of Conduct to disclose conflicts of interest when and if they arise and ensure they are managed appropriately.

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 20 November 2024

Council Decision:

That the Minutes of the Ordinary Meeting held on 20 November 2024 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Planning Proposal Lot 101 DP 1221261 - 148 Woming Road, Stubbo - Post Exhibition

NOTICE OF RESCISSION LISTED BY CR KATIE DICKER, CR ROBBIE PALMER AND CR PETER SHELLEY

TO 11 DECEMBER 2024 ORDINARY MEETING

GOV400105, GOV400102, LAN900153, PP-2023-235

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 20 November 2024 in relation to:

Item 8.2 Council's decision to

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Road, Stubbo - Post Exhibition; and**
2. **withdraws its support for the Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Road, Stubbo - Post Exhibition.**

be and is hereby rescinded.

In the event that this Rescission Motion is carried, we propose to move the following motion:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Road, Stubbo - Post Exhibition; and**
2. **request the NSW Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the *Mid-Western Regional Local Environmental Plan 2012*.**

CR KATIE DICKER
CR PETER SHELLEY
CR ROBBIE PALMER

- Attachments:*
1. Report Council Meeting 20 November - 8.2 Planning Proposal Lot 101 DP 1221261 - 148 Wyoming Rd Stubbo - Post Exh. (separately attached)
 2. Min 267-24 - Council Meeting 20 November 2024 - 8.2 Planning Proposal LOT 101 DP 1221261 - 148 Wyoming Road, Stubbo - POST EXHIBITION. (separately attached)

6.2 Australian Flag on Mid-Western Council Owned Property

NOTICE OF MOTION LISTED BY CR MARCUS CORNISH
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105,

MOTION

That all Australian flags on Mid-Western Regional Council owned property and land be replaced with new Australian flags within one (1) month prior to ANZAC Day each year.

Background

Annual replacement of the Australian flags will ensure that a high standard is maintained.

Officer's comments

Council staff currently replace the three (3) flags in front of the Main Administration building in Mudgee at the start of each calendar year, however this process can be delayed until one (1) month prior to Anzac Day.

Note the Gulgong and Rylstone Council Office buildings do not erect flags on a daily basis as they do not have operating flag poles.

6.3 War Memorials

NOTICE OF MOTION LISTED BY CR MARCUS CORNISH
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105,

MOTION

That all war memorials honouring our fallen, on Mid-Western Council owned property and land, be cleaned within one (1) month prior to ANZAC Day each year.

Background

To ensure that all war memorials are maintained and kept to a high standard in preparation of ANZAC Day.

Officer's comments

Council currently undertakes pre-event inspections and cleaning of War Memorials on Council owned land to ensure that memorials are presented in optimal condition for upcoming events.

The pre-event inspection process typically involves assessing the structural integrity of all features (including testing of flag poles), safety check of pathways and surfaces, inspection of surrounding ground conditions and inspection of plaques/inscriptions. Cleaning and repair activities are scheduled in accordance with outcomes identified following the pre-event inspection. Council's existing operational budget is utilised to manage any cleaning and maintenance activities. Any extensive repairs identified are elevated for immediate consideration and/or approval to the General Manager.

Parks and Gardens staff are rostered on the day of major events (such as ANZAC day) to complete a final inspection prior to event commencement.

6.4 Local Environment Plan

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105,

MOTION

That Council start the process to do another Local Environment Plan for the whole of the shire.

Background

This Council hasn't done one for 14 years so it is well overdue. A lot of people in the shire are asking for it to be done, in particular those that have their land zoned for housing who are waiting for other people in the areas to come on board so where they need sewerage pumps and water, there will be more people to contribute to these costs.

Officer's comments

Council is currently preparing a Housing Strategy that will identify where housing will be located for the next 20 years and beyond.

Council continually amends the LEP at the request of the community and as led by Council.

As directed by the Department of Planning, Housing and Infrastructure, Council undertook a health check of the current LEP in preparation of the Local Strategic Planning Statement (LSPS) (2020). That process highlighted there was no need to prepare a new LEP for the region.

A Council would prepare a new LEP when an Amalgamation takes place with another council, e.g. when Dubbo amalgamated with Wellington.

A Council would prepare a new LEP when there is a fundamental change across ALL residential zones, for instance.

In doing this, it is a lengthy process that does not result in bringing land to market faster.

If Council wishes to bring land to market quicker, Council can lead a Planning Proposal for residential re-zoning on behalf of landowners. This would be at the cost to Council.

It should also be noted that Council has commenced work on a new Development Control Plan (DCP) for the region that will be completed by November 2025. This will include consideration of all of our local planning controls.

Councils Water and Sewer team have been modelling W&S upgrades and developing concepts of upgrades for the region. Those upgrades have been included in the 4-year Delivery program. Those infrastructure works will support bringing more land online for development purposes.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0074/2025 - Alterations and Additions to Child Care Centre
 - 33-39 Saleyards Lane, Mudgee

REPORT BY THE PLANNING COORDINATOR
 TO 11 DECEMBER 2024 ORDINARY MEETING
 GOV400105, DA0074/2024

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on the DA0074/2025 - PAN-476098 - Alterations and Additions to Child Care Centre - 33-39 Saleyards Lane, Mudgee; and
- B. approve DA0074/2025 - PAN-476098 - Alterations and Additions to Child Care Centre - 33-39 Saleyards Lane, Mudgee subject to the following conditions and statement of reasons:

CONDITIONS

GENERAL

- 1. **Approved Plans and Supporting Documentation**
 Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Cover Sheet	41821-A00 Sheet 1 of 8	B	18-09-2024	Barnson
Existing Site Plan	41821-A01 Sheet 2 of 8	B	18-09-2024	Barnson
Proposed Site Plan	41821-A02 Sheet 3 of 8	B	18-09-2024	Barnson
Existing Floor Plan & Demolition	41821-A03 Sheet 4 of 8	A	17.07.2024	Barnson
Proposed Floor Plan	41821-A04 Sheet 5 of 8	B	18.09.2024	Barnson
Elevations	41821-A05 Sheet 6 of 8	A	17.07.2024	Barnson
Sections	41821-A06 Sheet 7 of 8	A	17.07.2024	Barnson
Shade Sail	4121-A07	A	18.09.2024	Barnson

Layout	Sheet 8 of 8			
Existing Site Plan	41821-C01	A	04.07.2024	Barnson
Proposed Site Plan	41821-C02	A	04.07.2024	Barnson
Proposed Stormwater Management Plan	41821-C10	A	04.07.2024	Barnson
Proposed Water & Sewer Services Plan	41821-C20	A	04.07.2024	Barnson
Proposed Cut & Fill Plan	41821-C30	A	28.08.2024	Barnson
Overall Landscape Plan	41821-LA01	B	16.09.2024	Barnson
Outdoor Play Space	41821-LA02	B	16.09.2024	Barnson
Noise Assessment	MAC242183-01RP1V1	V1	July 2024	Muller Acoustic Consulting

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

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Clarification on Approved Use

For clarity, this development consent provides approval for alterations and additions to the existing childcare centre, only.

Condition Reason: To provide clarity on what has been approved under the development consent.

3. Compaction of Fill

Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.

Condition Reason: To ensure any fill is compacted to an appropriate standard, suitable for future development.

4. Signage Amenity Impacts

The signage is to be securely affixed and is not to flash, move or be objectionably glaring.

Condition Reason: To protect the amenity of neighbouring properties.

5. Non-reflective finishes

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

Condition Reason: To minimise potential reflection, and to protect the amenity of

surrounding properties.

6. Imported waste derived fill material

The only waste derived fill material that may be received at the development site must be:

- a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
- b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Condition Reason: To ensure fill is not used that may contaminate the site.

7. Hours of Operation

The hours of operation of the development are limited to the following:

- a) 7am to 6pm, Monday to Friday; and
- b) 7am to 1pm, Saturday; and

No activities are to be undertaken on Sundays and public holidays.

Condition Reason: To protect the amenity of the surrounding area.

8. Outdoor lighting – obtrusive effects

All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.

Condition Reason: To protect the amenity of the surrounding area.

9. Annual Fire Safety Statement

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

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

10. Copies of final Fire Safety Certificate

Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

11. Food Premises - Compliance with Food Safety Standards

The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

Condition Reason: To enable Council to ensure the business continually operates

in accordance with the Food Safety Standards.

12. **Compliance with the Building Code of Australia**
All building work must be carried out in accordance with the *Building Code of Australia*.

Condition Reason: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

13. **Occupation Certificate**
Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.

Condition Reason: To comply with the Environmental Planning and Assessment Act

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

Condition Reason: To ensure any works are carried out lawfully.

15. **Erection of signs**
1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
 3. The sign must be—
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
 4. This section does not apply in relation to—
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

16. **No ponding of stormwater**
All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

Condition Reason: To ensure surface water does not become a nuisance.

17. Footpath and Driveway Levels

The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.

Condition Reason: To ensure the works do not impact upon Council footway and road reserve areas.

18. Clear of easements, water and sewer mains

Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.

There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.

Condition Reason: To preserve the stability and structural adequacy of Councils water and sewer mains, whilst ensuring access is readily available for maintenance and/or construction purposes.

19. Sealing of trafficable pavement

All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.

Condition Reason: To ensure that pavement works are constructed in accordance with Council's standards.

20. Decommissioning of Water Bores

Notice is to be provided to WaterNSW of the intention to decommission a water bore 60 days prior to undertaking any work. Please note, separate approval may be required from WaterNSW prior to proceeding with the decommissioning work.

Condition Reason: To comply with WaterNSW requirements under the Water Management Act 2000.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

21. Child Care Planning Guidelines Compliance

Prior to issue of a Construction Certificate, full details demonstrating compliance with the Child Care Planning Guidelines 2021 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to the Child Care Planning Guidelines.

22. Access to Premises Standard

Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to accessibility.

23. Fire Safety Measures

A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.

Condition Reason: To assist the Certifier in determining the buildings level of compliance with respect to fire safety.

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

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

a) Performance Requirement D1P4 Exits of NCC 2022 Volume One, in relation to all required exits within each tenancy.

b) Performance Requirement D1P6 Paths of travel to exits of NCC 2022 Volume One D1P6, in relation to all required paths of travel associated with required exits within each tenancy.

c) Performance Requirement E1P1 Fire extinguishers of NCC 2022 Volume One, installation of fire extinguishers.

d) Performance Requirement E1P1 Fire hose reels of NCC 2022 Volume One, installation of a fire hose reel system.

e) Performance Requirement E4P1 Visibility of NCC 2022 Volume One, to facilitate evacuation in the event of an emergency.

f) Performance Requirement E4P2 Identification of exits of NCC 2022 Volume One, to facilitate evacuation in the event of an emergency.

g) Performance requirement E1P3 Fire Hydrants of NCC 2022 Volume One, to facilitate the needs of the fire brigade.

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

Condition Reasons: To ensure the safety of persons using the building in the event of a fire.

25. Food Premises Fit Out

Prior to the issue of a Construction Certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

Plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Certifier (i.e. Council or a Private Certifier)

a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;

b) Food Act 2003 and Food Regulation 2015;

c) Australian Standard 4647:2004 (Design, Construction and Fit-out of Food Premises;

d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;

e) Plumbing Code of Australia and Australian Standard/New Zealand Standard

AS/NZS 3500 series on Plumbing and Drainage)

- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or**
- g) The Building Code of Australia.**

Condition Reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.

- 26. Section 68 approvals - water supply, stormwater and sewerage**
Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works. The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

Condition Reason: To ensure the property is adequately serviced and necessary approvals are obtained prior to works commencing onsite.

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

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

Note – based on the proposed cost of works being <\$1,390,000.00>, it is estimated the contribution amount will be <\$13,900.00>.

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

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

Condition Reason: To comply with legislative requirements.

- 28. Detailed Engineering Design**
A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D. 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) Road construction**

- d) Footpath and kerb & gutter
- e) Landscaping of public reserves

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

Condition Reason: To ensure subdivision works are designed in accordance with the relevant Australian Standard and Council's DCP.

29. Trade Waste Application

A Construction Certificate for the approved use is not to be issued until any necessary approvals under Section 68 of the Local Government Act 1993 to dispose of waste into a sewer of the council (e.g. liquid trade waste) have been obtained.

Condition Reason: To ensure appropriate approvals are obtained, prior to works commencing.

30. Section 138 approval - works within road reserve

Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

Condition Reason: To ensure appropriate approvals are obtained, prior to works commencing.

31. Consolidation of lots

Prior to the issue of a Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:

- a) Lot 30 DP 1267151
- b) Lot 29 DP 1307255
- c) Lot 20 DP 1305817

Condition Reason: To ensure the development is undertaken lawfully.

32. Contributions – Water and Sewer Headworks

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

Note – Please contact Council's Water and Sewer Department to obtain a Certificate of Compliance, including payment of Headworks charges in accordance with Council's Water and Sewer Servicing Plans.

Condition Reason: To ensure a Certificate of Compliance is obtained.

33. Finished Surface Levels

All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

Condition Reason: To ensure sufficient detail is shown on the plans in accordance with Council's DCP.

34. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan is to be submitted to an approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. the 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.

Condition Reason: To ensure the site is effectively managed with respect to erosion and sediment control.

35. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided Mid-Western Regional Council. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
- e) Measures to ensure pedestrian safety near the site;
- f) The location of a garbage container with a tight-fitting lid;
- g) Dust, noise and vibration control measures;
- h) The location of temporary toilets;

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

36. Long Service Levy

Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

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

Condition Reason: To ensure the correct levy is paid in accordance with NSW State Government requirements.

BEFORE BUILDING WORK COMMENCES

37. Pre-construction notifications

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

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

Condition Reason: Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979.

38. Construction waste enclosure

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

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

Condition Reason: To restrict pollution and protect the amenity of the neighbourhood during construction.

39. Hoarding

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

Condition Reason: To protect the public, and the surrounding environment, during site works and construction.

40. Pre-construction notifications

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

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

and

d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

Condition Reason: Legislative requirement pursuant to Section 6.6 and 6.7 of the EP&A Act 1979.

41. Site Management

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.

Condition Reason: To minimise the impact of the development and to ensure that appropriate facilities are provided.

42. Alterations to Public Utility Services

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.

Condition Reason: To ensure any utility relocation works are carried out without cost to Council and the requirements of the relevant authority.

DURING BUILDING WORKS

43. Construction Noise and Hours

Construction work noise that is audible at other premises is to be restricted to the following times:

- a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

Condition Reason: To protect the amenity of the surrounding area

44. Fire Safety Schedule

The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.

Condition Reason: To ensure the safety of persons using the building in the event of a fire.

45. Mandatory Inspections

All mandatory inspections required by the Environmental Planning and

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

Condition Reason: To ensure the building work is consistent with approvals, endorsed plans, specifications and relevant documentation.

46. Procedure For Critical Stage Inspections

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

Condition Reason: To require approval to proceed with building work following each critical stage inspection.

47. Waste Management

While site work is being carried out:

- 1. all waste management must be undertaken in accordance with the waste management plan; and**
- 2. upon disposal of waste, records of the disposal must be compiled and provided to Mid-Western Regional Council, detailing the following:**

- a. The contact details of the person(s) who removed the waste;**
- b. The waste carrier vehicle registration;**
- c. The date and time of waste collection;**
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;**
- e. The address of the disposal location(s) where the waste was taken;**
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.**

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.

Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

48. Plumbing and Drainage Work

All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

Condition Reason: To ensure work is carried out by an authorised person and comply with certain legislation and minimum standards.

49. Access and Facilities

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.

Condition Reason: To ensure the building owners/applicants/occupants are aware of their responsibilities under the Disability Discrimination Act 1992.

50. Importation Of Fill Material – During Works

Any fill material that is imported to the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with the relevant NSW EPA Guidelines, including the Waste Classification Guidelines (2014).

To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM), or Excavated Natural Material (ENM) is permitted to be imported onsite.

Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.

51. Re-Use of Site Soils – During Works

Any existing soils to be re-used on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the relevant EPA guidelines, including the *Waste Classification Guidelines* (2014), to ensure that the soil is suitable for the proposed residential land use.

Condition Reason: To ensure soil imported to the site is not contaminated and is safe for future occupants.

52. Full Cost of The Developer

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.

Condition Reason: To ensure all works are constructed in accordance with Council's standards and at no cost to Council.

53. Restoration of Damage Within Public Property

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.

Condition Reason: To ensure any damaged infrastructure is appropriately restored.

54. Stormwater – Compliance with Appendices B and D of DCP.

Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.

Condition Reason: To ensure all lots are drained in accordance with Council's requirements.

55. Contaminated Material Found During Construction

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority, (e.g. SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

Condition Reason: To ensure soil removed from the site is appropriately disposed.

- 56. Noise And Vibration – An Approved Document of This Consent**
While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved acoustic report.

Condition Reason: To protect the amenity of the neighbourhood during construction.

- 57. Deliveries**
While site work is being carried out, deliveries of material and equipment must only be carried out between—
7am to 5pm on Monday to Saturday

Condition Reason: To protect the amenity of neighbouring properties.

- 58. Erosion And Sediment Controls in Place**
Before any site work commences, Mid-Western Regional Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

- 59. Aboriginal Material Found During Construction**
In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

Condition Reason: To ensure the protection of objects of potential significance during works

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

Condition Reason: To comply with legislative requirements and to safeguard people from illness or injury due to a fire in a building.

- 61. Compliance with Section 68 Approvals**
Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68

approval/s.

Condition Reason: To ensure compliance with Council's S68 approvals.

62. Finish of Surface Around Site

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

Condition Reason: To ensure runoff does not impact on the building or adjoining properties.

63. Food Premises

Prior to use of the development and/or issue of an Occupation Certificate, the following notifications must occur:

- a) Council must be notified of the food business in accordance with the NSW Food Act 2003, and
- b) an inspection of the completed fit out is to be conducted by an authorised officer of Mid-Western Regional Council, to determine compliance with the Food Act 2003 and Food Safety Standards prior to the issue of an Occupation Certificate.

Condition Reason: To enable Council to ensure compliance with the Food Act 2003 before the business commences.

64. Completion Of Car Parking and Driveway

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

Condition Reason: To ensure compliance with the requirements of the consent.

65. Stormwater to the Street

Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.

Condition Reason: To ensure runoff does not impact on the building or adjoining properties.

66. Adjustment And Installation of Plumbing Services

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.

Condition Reason: To ensure compliance with Council's requirements.

67. Completion Of Public Utility Services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any

public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Condition Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

68. Vehicles – Entry and Exit in A Forward Direction Only

All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

Condition Reason: To ensure the safe and efficient operation of the site.

69. Completion Of Landscape and Tree Works

Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

OCCUPATION AND ONGOING USE

70. No illumination

The sign must not be illuminated, at any time.

Condition Reason: To protect the amenity of neighbouring properties.

71. Vehicles – Entry and Exit in A Forward Direction Only

All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.

Condition Reason: To ensure the safe and efficient operation of the site.

72. No Interference with Amenity

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

Condition Reason: To protect the amenity of the surrounding area.

73. Managing Noise

During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Condition Reason: To protect the amenity of the local area.

74. Maintenance of Landscaping

Landscaping is to be maintained in accordance with the approved landscape plan and approved Vegetation Management Plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

Condition Reason: To ensure that any approved landscaping is maintained and preserved for the life of the development.

REASONS FOR APPROVAL

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. One (1) submission of support for the development was received in response to public notification of the proposed development.

- Executive summary

OWNER/S:	<i>Mid-Western Regional Council</i>
APPLICANT:	<i>Mr Daniel Newman</i> <i>Mid-Western Regional Council</i>
PROPERTY DESCRIPTION:	<i>33-39 Saleyards Lane, Mudgee</i> <i>Lot 20 DP 1305817, Lot 29 DP 1307255 and</i> <i>Lot 30 DP 1267151</i>
PROPOSED DEVELOPMENT:	<i>Alterations and Additions to Existing Child Care Centre</i>
ESTIMATED COST OF DEVELOPMENT:	<i>\$1.39 Million</i>
REASON FOR REPORTING TO COUNCIL:	<i>Council development >\$150,000</i>
PUBLIC SUBMISSIONS:	<i>1 submission (support)</i>

Council is in receipt of Development Application DA0074/2025 that seeks approval for Alterations and Additions to an Existing Child Care Centre known as the Lady Gowrie Mudgee Early Childhood Centre, located at 33-39 Saleyards Lane MUDGEE NSW 2850, legally identified as Lot 20 DP 1305817, Lot 29 DP 1307255 and Lot 30 DP 1267151, received by Council on 10 October 2024.

The proposed development involves alterations and additions to the existing childcare centre as shown in the submitted plans (refer to **Attachment 1**) which includes:

- Demolition of internal and external walls and service areas of the child care building, concrete car park, an existing metal shed, existing landscaping and decommissioning of an existing bore.
- Alterations and additions to the existing building increasing the total floor area of the centre from 376.28m² to 790.50m². This will enable an increase in the total number of children from 56 to 88 placements.

- New outdoor landscaping, play spaces with shade sails, new 24m² metal storage shed, fencing, a secondary driveway and new parking area for up to 22 vehicles (including 1 accessible space).
- Alterations to stormwater, plumbing and drainage to facilitate the proposal.

As the subject land is currently made up of three (3) land titles, consolidation of the land will also be required to ensure buildings/works are not constructed over the boundaries.

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 consideration as it exceeds staff's *Delegation of Authority*, in that Council is the owner or manager of the land and the development exceeds a construction value of more than \$150,000 (total value of work is \$1,390,000).

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed report

Development Application DA0074/2025 seeks approval for Alterations and Additions to Existing Child Care Centre known as the Lady Gowrie Mudgee Early Childhood Centre.

Subject Site

The subject site is located on the southern side of Saleyards Lane and is legally identified as Lot 20 DP 1305817, Lot 29 DP 1307255 and Lot 30 DP 1267151 (see Figure 1 below). The current site has a total area of approximately 2,568.4m², noting that a partial road closure is also required to be registered to enable the proposed development to proceed. The Subdivision Certificate for the partial road closure (reference SC013/2025) has also been approved but is not yet registered at the time of the report preparation.

The site has direct access to Saleyards Lane via an existing access cross over with all required utility services available. A 3m sewer easement burdens the frontage of the site and the proposed building works will not impact upon any existing easements.

Current Lot 30 (formerly known as 43 Saleyards Lane – Lot 399 DP 1132580) has approval for an "Early Childhood Education Centre" under DA0206/2015 and CCC0147/2015. Prior to the redevelopment of this lot as part of the residential subdivision of the Saleyards Lane precinct, the site was formerly used as part of the Mudgee Saleyards prior to its relocation.



Figure 1: Existing Site Location Plan

Development details

The proposed development involves the following key works as depicted in Figure 2 below:

- Demolition of internal and external walls and service areas of the childcare building, concrete car park, an existing metal shed, existing landscaping and decommissioning of an existing bore.
- Alterations and additions to the existing building increasing the total floor area of the centre from 376.28m² to 790.50m². This will enable an increase in the total number of children from 56 to 88 placements.
- New outdoor landscaping, play spaces with shade sails, new 24m² metal storage shed, fencing, a secondary driveway and new parking area for up to 22 vehicles (including 1 accessible space).
- Alterations to stormwater, plumbing and drainage to facilitate the proposal.
- Consolidation of the land will also be required to ensure buildings/works are not constructed over the boundaries.

A copy of the development plans are included as **Attachment 1** to this report.

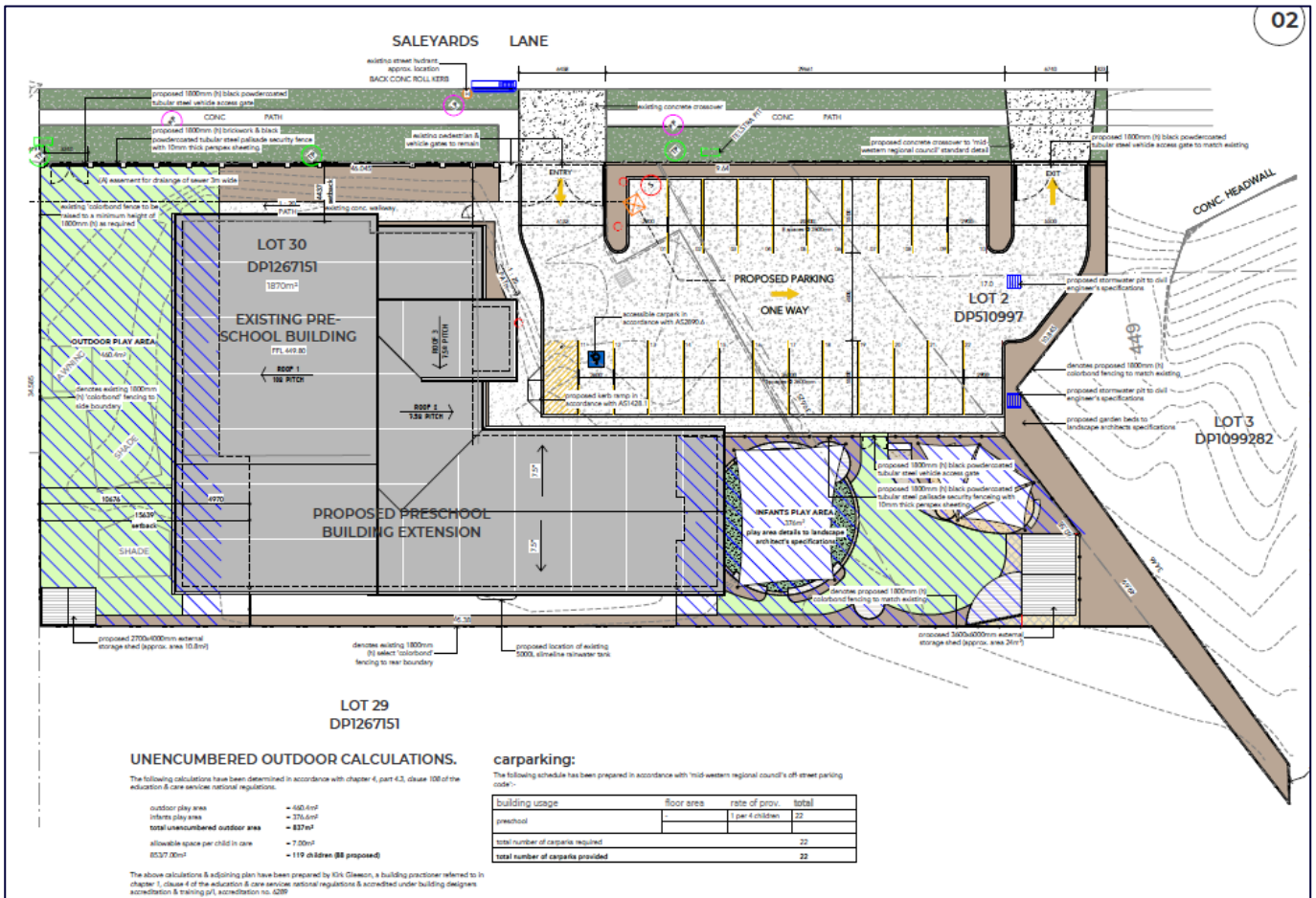


Figure 2: Proposed Site Plan

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Whilst the proposed development site does not have any watercourses within the land, a 2nd order water course is located on the land immediately to the east. This watercourse connects via an existing culvert under Saleyards Lane.

As Council is a public authority, and a portion of the proposed development is located within 40m of the second order water course, the development is not integrated development pursuant to the Water Management Act and associated Regulations as Council works are identified as exempt from the need to obtain a Controlled Activity Approval.

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.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposed development involves one (1) new business identification sign to be located on the 1.8m high fence fronting Saleyards Lane. Two (2) existing business identification signs are located on the front and side elevations of the building, which is also proposed to be replaced, as shown below in Figure 3. The current signage on the building refers to “Gowrie Mudgee” and the updated signed proposes the wording “Gowrie Preschool”.

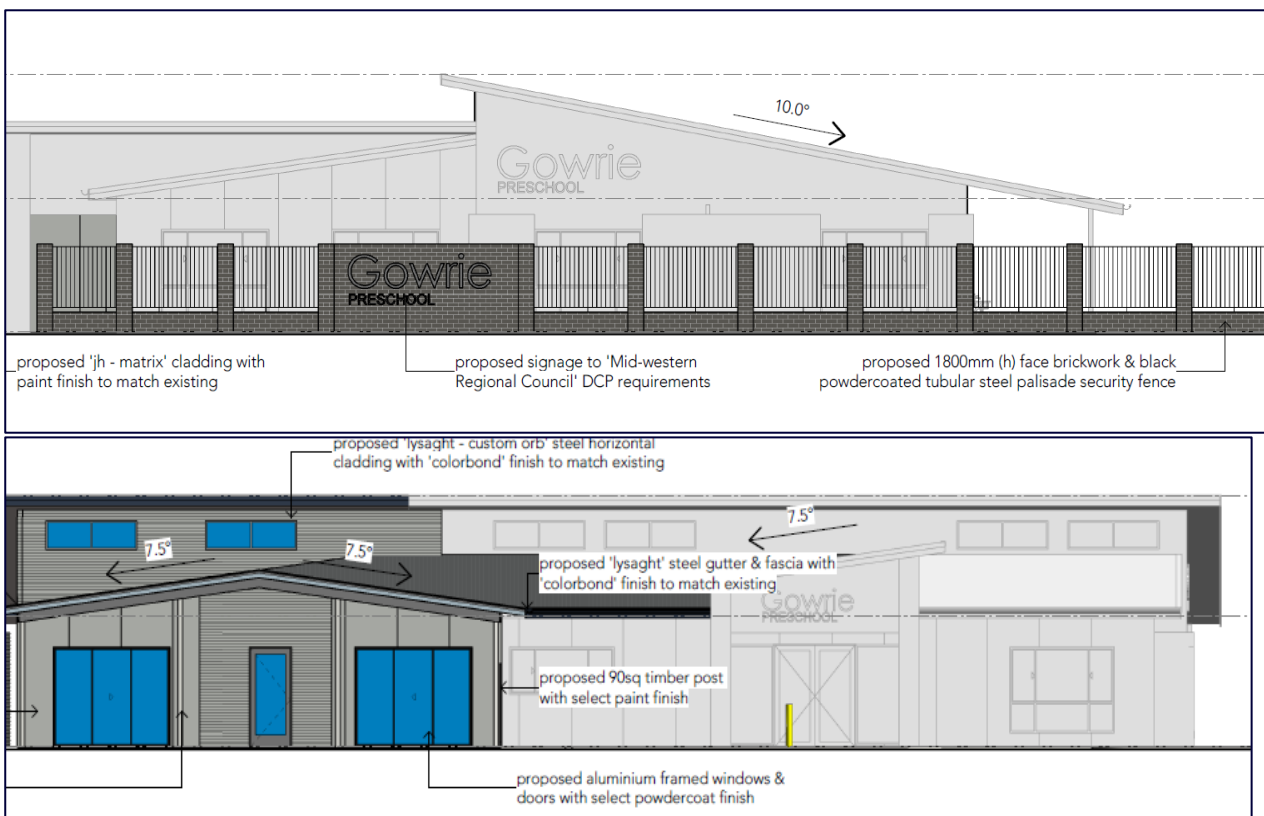


Figure 3: Proposed Elevation Plans with Signage

In accordance with Section 3.6 and schedule 5 of the SEPP, the proposed signage must be consistent with the objectives of section 3.1(1)(a) and schedule 5 (assessment criteria). Section 3.1(1)(a) aims:

- (a) to ensure that signage (including advertising)—*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish,*

It is considered that the proposed signage is compatible with the amenity and visual character of the established area, providing a low impact, high quality design on the streetscape whilst clearly identifying the business activity onsite.

The requirements of Schedule 5 is also assessed below:

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is of low impact and considered to be consistent with the established character of the area.	YES
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage will not detract from the amenity of visual quality of the residential area.	YES
3 Views and vistas		
Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The signage does not compromise any views or vistas or dominate the skyline.	YES
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	The signage is considered to be appropriate for the scale of the development and the building and provides a low impact, high quality, yet simplified design. The signage does not dominate the streetscape and will not protrude above buildings or tree canopies.	YES
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the	The signage is considered to complement the building and fencing proposed on the site.	YES

<p>proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>		
<p>6 Associated devices and logos with advertisements and advertising structures</p>		
<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>No lighting or other devices are proposed.</p>	<p>YES</p>
<p>7 Illumination</p>		
<p>Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?</p>	<p>The signage is not proposed to be illuminated.</p>	<p>YES</p>
<p>8 Safety</p>		
<p>Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The signage does not impact upon the safety of the public road network or upon the general public.</p>	<p>YES</p>

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The proposed development is not State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Pursuant to section 4.6 of the Policy, Barnson Pty Ltd undertook a Preliminary Site Investigation (PSI) – dated August 2024. The desktop assessment for the area of the site subject to the extension to the existing childcare centre confirmed that there has been potential for contamination due to historical activities associated with the former saleyard operations along with building materials, fill and waste.

The site investigation and confirmatory sampling provided within the PIS report has revealed no evidence of contamination on the site. The concentrations of all contaminants investigated within the PSI were identified to be below screening criteria in all surface soil samples collected from the subject site. Further, the report states that *the screening criteria used in the evaluation of the contaminant concentrations were appropriately conservative and suitable for assessment of the continued use of the site for educational purposes*. As a result, it has been concluded that *the subject site represents no potential risk to human health and the environment, and the site is suitable for the proposed development*.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Section 2.48 - Determination of development applications—other development

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site, and all existing services are located within Saleyards Lane. Furthermore, no new works are required within 5 metres of an exposed overhead powerline and therefore no referral to Essential Energy is required in accordance with this policy.

Section 3.23 Centre-based childcare facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

Comment: An assessment of the current 2021 Guideline has been undertaken in relation to the key objectives and space requirements for the proposed development. It is confirmed that the proposed design is capable of achieving compliance with the 2021 Guideline. A condition is recommended to be imposed to ensure that the proposal continues to achieve compliance during the construction certificate stage of the development.

Section 3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities

Not applicable to the proposal as it is not located within a 'prescribed zone'.

Section 3.25 Centre-based child care facility—floor space ratio

Not applicable to the proposal as it is not identified to be located within R2 Low Density Residential Zone.

Section 3.26 Centre-based child care facility—non-discretionary development standards

The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

(a) **location**—*the development may be located at any distance from an existing or proposed early education and care facility,*

(b) **indoor or outdoor space**

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

*(c) **site area and site dimensions**—the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

*(d) **colour of building materials or shade structures**—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

(3) To remove doubt, this section does not prevent a consent authority from—

(a) refusing a development application in relation to a matter not specified in subsection (2), or

(b) granting development consent even though any standard specified in subsection (2) is not complied with.

Comment: The proposed development is able to achieve compliance with section 3.26, including the requirements of the Education and Care Services National Regulations.

Section 3.27 Centre-based child care facility—development control plans

Not applicable - no development control plans are in force for a centre based child care facility.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as alterations and additions to an existing centre based child care facility which is defined as:

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

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 alterations and additions to the existing centre based childcare centre 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 Not relevant to the proposed development.

2. *To provide for a variety of housing types and densities.*

Comment Not relevant to the proposed development.

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 with the centre providing additional child care placements for the benefit of residents.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of internal and external walls and services within the existing building, an existing metal storage shed and the current concrete carpark. Conditions have been imposed accordingly to manage the demolition phase of the development.

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 with an overall height of 5.28 metres to the ridgeline, noting that a maximum of 500mm of cut and fill is proposed over the site. The proposal therefore complies with the LEP standard.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

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

Clause 5.21 Flood planning

The Mudgee Flood Study 2021 mapping indicates that the expansion of the building is to be located within the low flood risk area or probable maximum flood (PMF) zone. Additionally, the site is mildly affected by overland flow flooding during the 1% AEP flood event. Refer to Figure 4 below.

The proposed site within existing Lot 29 DP1307255, is within the 1:100 year overland flood event and the proposed external storage shed is within medium flood risk zone.

The mapping of this site shows flooding to a level of approximately RL 449.50m AHD within a 1:100 flood event. The submitted civil plans show the minimum finished car park level at RL 449.300m AHD at the proposed on-ground OSD, although the carpark is generally set at RL 449.50 AHD or higher.

The proposed building extension is out of the 1:100-year flood zone along with having a finished floor level (FFL) of RL 449.80 AHD. This arrangement is considered acceptable, and engineering conditions have been recommended accordingly.

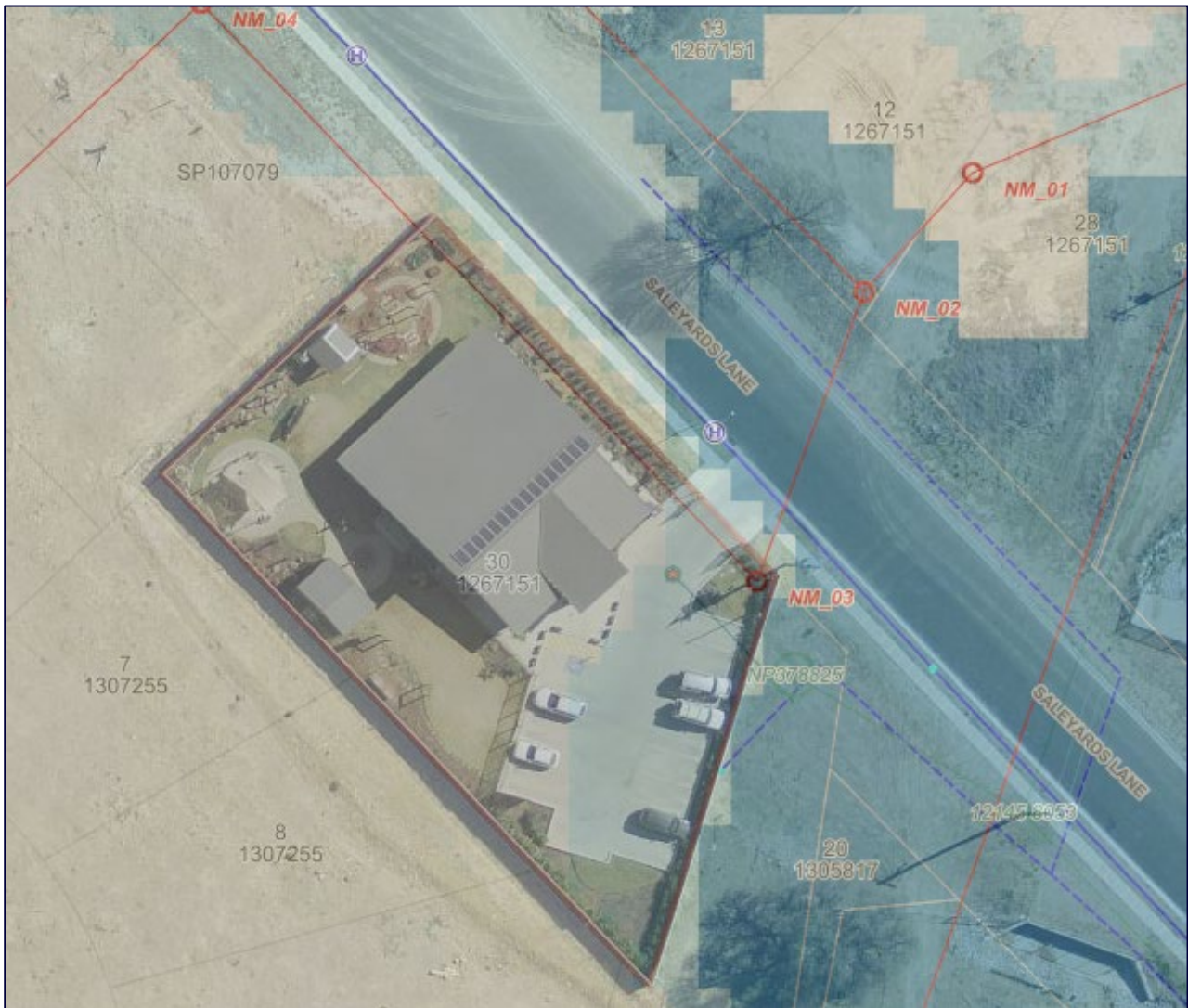


Figure 4: Mudgee Flood Study 2021 – Flood Mapping

As a result of the above, the development is to satisfy the provisions of clause 5.21(2) as discussed below.

(a) *The development is compatible with the flood hazard of the land, and*

Comment The proposal, being alterations and additions to a childcare centre is identified as a compatible land use in accordance with the Urban Floodplains Matrix contained within the MWRDCP 2013 as it is to be located in the low flood risk area of the site, with the centre proposed outside of the 1:100 year event, with the finished floor level of the building proposed at 449.80 AHD.

(b) *The development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

Comment The proposed development will not adversely impact floor behaviour or increase the flood affectation of other properties as a result of the development proceeding.

(c) *The development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

Comment The proposed development will not adversely impact the safe occupation or evacuation of people in the event of a flood.

(d) *The development incorporates appropriate measures to manage risk to life from flood, and*

Comment As the building is proposed outside the 1 in 100 year flood event and an appropriate floor level has been proposed to address the PMF (low flood risk), it is considered that appropriate measures have been incorporated to manage risk to life from flood.

(e) *The development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment The proposed development will not adversely affect the environment or cause erosion, siltation or impact on any riverbank or watercourse.

Clause 6.1 Salinity

The proposal only involves minimal earthworks (up to 500mm of cut and fill) which is not expected to significantly affect the process of salinisation. No further consideration of clause 6.1 is therefore necessary.

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. The proposal includes the decommissioning of an existing bore located upon the site, which will require the separate approval / notification to Water NSW. A condition of consent is recommended in this regard.

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

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity' noting that the site has already been developed in accordance with the former approvals granted for subdivision of the land and the existing childcare centre building.

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

- (a) the supply of water – An existing water service is available in Saleyards Lane. An upgrade to the water meter may be required to ensure it is provided with a 32mm supply as shown on the proposed civil plan set. Full details are required to be provided with the construction certificate.
- (b) the supply of electricity – The site is currently connected to electricity. Whilst no upgrades are proposed to the existing service connection, any alterations will require consultation with Essential Energy.
- (c) the disposal and management of sewage – The site is currently provided with a sewer connection with an existing manhole located adjacent to the existing driveway. Internal alterations to the sewer will be required to support the proposal. Full details are required to be provided with the construction certificate.
- (d) stormwater drainage or on-site conservation – Stormwater from the development currently drains to an existing pit within the subject site and the proposed development seeks to extend the internal underground pipe to two new pits to be installed on the site, along with provision of a relocated 5,000L water tank behind the new building addition and new onsite OSD within the car park. Full details are required to be provided with the construction certificate.
- (e) suitable road access – The existing development includes a single access point from Saleyards Lane. The proposed development seeks to include a secondary driveway, providing separate access and egress to/from the site.

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

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

Part 4.4 Signs

As noted under the SEPP assessment above, the development proposes replacement business identification signage on two (2) elevations of the building, and new signage on the new front fencing, facing Saleyards Lane as shown in Figure 5 below. The signage will display the name of the business and will not be flashing or illuminated, appropriate for the existing residential area of Saleyards Lane.

Whilst the replacement wall signage is generally consistent with the existing signage onsite, all proposed signage is proposed to be larger than 1m long and 300mm high, as required by the DCP 2013. The signage on each elevation of the building is also located higher than 1m above ground level, as required by the DCP 2013.

The development therefore seeks a variation to Part 4.4 of the DCP, owing to the nature of the business in a 'residential area'.

In summary, the land use is permissible in the zone and there are no adverse impacts to adjoining property as a result of the proposed replacement signage or new fence signage, as proposed. No objection is therefore raised by the proposed new signage required to identify and support the operations of the centre.



Figure 5: Perspectives of the Proposed Building and Fencing (including signage)

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
Building setback from the street – no minimum	Yes
Side and rear setbacks must comply with BCA	Yes – note consolidation of land will be required and conditioned accordingly.
Signage	
Signage complies with relevant provisions in section 4.4 DCP 2013	Refer to relevant section of report – minor variation to length and height proposed to replacement signage on the wall of the building.
Design	
Buildings interact with the street	Yes. Windows incorporated in the front elevation.
On active street frontages, ground level of building used for business or retail premises	Not applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes. Articulation has been provided in the design to complement the streetscape.
Heritage inclusions	Not applicable
External plant to be screened from public	Yes. Condition of consent
Development on a corner – includes architectural features to address both streets	Not applicable
Landscape buffers to other zones	Proposed works not on zone boundary portion of the site
Scale form and height	

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Complies with LEP height controls – 8.5m maximum height	Yes – total height of the building is proposed at 5.28m to the ridge (+/- a maximum of 500mm of cut and fill over the site).
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Not applicable.
Mortimer and Church Street, Mudgee	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable
Provides variance particularly on upper floor levels, every 20-25m	Not applicable
Articulation and Façade Composition	
Breaks visual bulk with fenestration or change in materials etc	Yes - Articulation is provided to address the visual bulk of the building.
No excessive blank walls in front façade	Yes – no blank walls are found in the front elevation of the building.
Where blank walls are proposed (side or rear), minimise impacts with landscaping, patterning of façade, signage, public art	Whilst there are no blank walls, landscaping, fencing and signage is also proposed to reduce the bulk of the building from Saleyards Lane.
Residential–Commercial interface	
Landscape buffer to residential boundaries	Landscaping is proposed to improve the centres external play areas, this also provides a buffer to nearby residential dwellings.
Ground and first floor do not overlook residential properties	Not applicable. The building is single storey only.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Yes. Sufficient separation to the adjacent residence
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Yes – there is no overshadowing of adjoining properties as a result of the new works proposed.
Utilities and Services	
Building and structures located clear of infrastructure	Yes – there are no works proposed within the drainage/sewer easement located at the front

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	of the site.
Able to be serviced by water, sewer and waste disposal	Yes – all services available to the site and building.
Trade waste application required?	Condition recommended to ensure that any cooking / waste discharge to the sewer is appropriately captured noting that the kitchen within the building is proposed to be relocated to the proposed extension.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes – secondary driveway is proposed to manage one way traffic movements in a forward direction.
All vehicle movement paths are sealed	Yes – concrete is proposed.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes – condition is recommended.
All loading facilities located within the site	Yes - condition is recommended.
All loading facilities designed to comply with Australian Standards	Yes - condition is recommended.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes – secondary driveway is proposed to manage one way traffic movements in a forward direction.
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Not applicable
Convenient and safe access through parking areas	Yes. Parking area is proposed to be upgraded as part of the proposed development.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered by the proposed development.
Parking	
Discussed elsewhere in report	Yes – refer to Part 5.1 below.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Yes, landscaping plan provided and deemed acceptable.
Landscaping to comprise low maintenance, drought and frost resistant species	Yes. Condition of consent

Part 4.7 Tree Preservation Order

No trees are required to be removed that are covered by this Part.

Part 5.1 Car Parking

The existing development has 14 car parking spaces, whereas the proposed extension will allow for 88 children.

The DCP, Section 5.1 – specifies that the DCP requires 1 car space for every 4 children enrolled, and the proposal achieves compliance, proposing 22 car parking spaces, including 1 accessible car parking space.

Part 5.2 Flooding

As noted under the clause 5.21 LEP assessment, the mapping of this site shows flooding to a level of approximately RL 449.50m AHD within a 1:100 flood event for the eastern portion of the site. The submitted civil plans show the minimum finished car park level at RL 449.300m AHD at the proposed on-ground OSD, although the carpark is generally set at RL 449.50 AHD or higher.

The proposed building extension however is proposed to be located out of the 1:100-year flood zone, but is partially located in the PMF event. The building is proposed to have a finished floor level (FFL) of RL 449.80 AHD (300mm above the 1 in 100 year flood level).

Matrix 1 (urban floodplains) referred to under Part 5.2 of the DCP requires that commercial buildings located in the Low Flood Risk area to be located equal to or greater than the 1:100 year flood event, that the building complies with the flood compatible materials below the PMF level, and the flood affectation of the development on other land is to be considered.

The development has demonstrated by setting the floor level of the proposed works at 300mm above the 1 in 100 year event, proposes flood compatible materials and is not diverting flood waters onto adjoining lands that compliance with this part is achieved. Furthermore, flooding has been assessed by Council's engineer which has deemed the proposal as acceptable, with conditions recommended accordingly.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing commercial alterations and additions to the existing childcare centre with a value of works estimated at \$1.39 Million.

In accordance with the Plan, part 2.9 enables for certain developments to be 'exempt' from the application of contributions. This includes '*Public infrastructure to be carried out by or on behalf of any public authority including Council.*'

As the development is not considered 'public infrastructure' and the work exceeds \$200,000, contributions have been calculated at the rate of 1% of the construction value in accordance with the Plan which is calculated at \$13,900.

It should also be noted that the original development application was also levied contributions under DA0206/2015 in accordance with the former contributions plan adopted by Council.

An appropriate condition has been imposed requiring payment of the contribution in accordance with section 7.12 of the EP&A Act.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges. An appropriate condition has been imposed with the total contribution amount to be determined by the Water and Sewer Department in accordance with the DSP plans.

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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

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

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

(A) CONTEXT AND SETTING

The proposal is considered appropriate with regards to the surrounding context and setting. It is an extension to the existing child care centre and is of a suitable design, in compliance with the 2021 Childcare Guidelines.

(B) ACCESS, TRANSPORT AND TRAFFIC

The proposed development incorporates an additional 8 new car parking spaces to accommodate the expansion of the childcare centre. This will have negligible traffic impact on the existing road with minimal influx of cars leaving and entering the site. This impact is further negated, by the proposal introducing an exit and entry, so that there is one way flow through the carpark.

The proposal is considered appropriate.

(C) PUBLIC DOMAIN

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

(D) UTILITIES

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

(E) HERITAGE

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

The site will require a water meter upgrade to a minimum 32mm as shown on the submitted plans.

In terms of stormwater drainage, the subject site falls towards Saleyards Lane, with all proposed building extensions to drain from the roof (and proposed 5,000L tank) to Saleyards Lane through proposed underground stormwater pipes. The car park addition also incorporates an onground detention (OSD). Connection to existing Stormwater and the proposed Stormwater design will be required to be provided at Construction Certificate stage. Conditions have been provided by Council's Engineers with respect to stormwater drainage and management.

(H) SOILS

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination (as confirmed by the Preliminary Site Investigation Report), 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 is currently available for the development site.

(L) ENERGY

To comply with the requirements of the National Construction Code – condition imposed accordingly.

(M) NOISE AND VIBRATION

The proposed development was supported by an acoustic report prepared by Muller Acoustic Consulting (MAC July 2024). The site is located adjacent to the newly established residential estate and the report seeks to quantify emissions from the proposed modifications to the centre along with noise intrusion from surrounding noise sources to the centre.

Note: the proposed development seeks retain the existing hours of operation, 7 am to 6pm Monday to Friday.

MAC undertook both attended and unattended background noise monitoring of surrounding receivers – see Figure 6 below, with the following mitigation measures included in the noise assessment:

1. 1.8m high fencing of the boundary containing a material with a surface density of at least 10kg/m² and not contain any gaps (i.e. lapped and capped timber or equivalent) and
2. Mechanical plant has been modelled assuming 7 x 15kw AC units for the classrooms and administration spaces, located on rooftop of the building to service each area.



Figure 6: Noise Report Mitigation Measures and Receiver Locations (MAC July 2024)

The results of the Noise Assessment report demonstrate that noise emissions from the operation would satisfy the relevant trigger levels at all assessed receivers once noise controls for the project are implemented in accordance with section 6.2 of the report, copied below:

- *the project is constructed as per the site design and plans, which includes the barrier attenuation provided by the project buildings orientation;*
- *construction of an impervious barrier surrounding the project boundary (see Figure 3). The barrier should be constructed to an RL of 1.8m above the relative ground level of the site and consist of materials with a surface density of at least 10kg/m², and not contain any gaps (ie lapped and capped timber or equivalent); and*
- *the mechanical plant for the CCC is yet to be finalised. Therefore, the modelling assumes seven 15Kw AC units to account for the classrooms and admin spaces The AC units are assumed to be located on rooftop of the building over each served area.*

Further, modelled noise emissions from construction activities identify that predicted noise emissions will remain below the applicable construction management levels at all receivers taking into account the standard mitigation measures. This would include:

- notification of works commencing to surrounding residents.
- site inductions, confirming mandatory site requirements including hours of works.
- deliveries to site to occur within the site, away from sensitive receivers and within approved hours of construction works.
- use of shielding to protect residential receivers where possible.

Conditions of consent have been imposed to ensure compliance with the MAC Report recommendations accordingly.

(N) NATURAL HAZARDS

The site is identified as flood prone, however it is identified as 'low risk', within the PMF event. This has been discussed elsewhere in the report with a conclusion stating that there are no adverse impacts on the development or surrounding lands as a result of flooding. Council's Engineers have provided appropriate conditions accordingly.

(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

The proposed development will continue to increase passive surveillance in the area as a result of the proposed development.

(Q) SOCIAL IMPACT IN THE LOCALITY

The proposed development is considered to have a positive social impact on the community and the local region with the increase in child care placements available as a result of the development proceeding.

(R) ECONOMIC IMPACT IN THE LOCALITY

The proposal is considered to have a positive economic impact on the community including during the construction and operational phases of the development with use of local suppliers, materials and employment of trades, and child care workers.

(S) SITE DESIGN AND INTERNAL DESIGN

The overall design of the development is able to achieve compliance with the 2021 Guidelines and achieves compliance with the Mid-Western Regional LEP and DCP requirements.

(T) CONSTRUCTION

To comply with the National Construction Code and recommended conditions of consent during works.

(U) CUMULATIVE IMPACTS

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

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

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments, subject to compliance with the MAC July 2024 Acoustic Report requirements, and there are adequate utilities and transport facilities in the area available for the development.

(B) ARE THE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT?

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

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

(A) PUBLIC SUBMISSIONS

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 30 October 2024. During the notification period, 1 submission of support was received. A copy of the submission has been provided as **Attachment 2** to this report.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

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

No significant issues in the interests of the public are expected as a result of the proposed development. The development will however provide additional child care placements for the benefit of the community.

CONSULTATIONS

(A) HEALTH AND BUILDING

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

(B) TECHNICAL SERVICES

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

(C) HERITAGE ADVISOR

No consultation necessary.

(D) ACCESS COMMITTEE

No consultation necessary.

SUMMARY

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that Council is the owner or manager of the land and the development exceeds a construction value of more than \$150,000 (total value of work is \$1,390,000).

The application is recommended for Approval.

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

Comprehensive Land Use Strategy
Mudgee Town Structure Plan
Mid-Western Local Strategic Planning Statement

Council Policies

Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Community Participation Plan 2019
Mid-Western Regional Developer Servicing Plan 2008

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000
Mid-Western Regional Local Environmental Plan 2012
Roads Act 1993

Financial implications

Council will be required to fund the cost of the project in the event that the project is unable to received grant funding.

Further, contributions will be payable by Council in accordance with the conditions of consent recommended.

Associated Risks

There are no known risks associated with approval of the proposed development.

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

21 November 2024

Attachments: 1. Plans and Documents. (separately attached)
2. Submission. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Planning Proposal - 34 Bruce Road, Spring Flat

REPORT BY THE MANAGER STRATEGIC PLANNING

TO 11 DECEMBER 2024 ORDINARY MEETING

GOV400105, LAN900178

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal - 34 Bruce Road, Spring Flat Lots 42 and 49 DP 756894, for the rezoning part R1 General Residential and part R2 Low Density Residential, with a minimum lot size of part 600m² and part 2000m² and an 8.5m height of buildings limit;**
2. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
3. **undertake community consultation as outlined in any approved Gateway determination.**

Executive summary

The purpose of this report is to provide Council's initial assessment of the Planning Proposal lodged in relation to the subject site, 34 Bruce Road, Spring Flat to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to enable public exhibition of the planning proposal.

The Planning Proposal has been prepared by Barnson Pty Ltd on behalf of the proponent, Mr Roger Hayes.

A Planning Proposal has been submitted to Council which seeks to amend the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012) to rezone the subject site, 34 Bruce Road, Spring Flat (Lots 42 and 49 DP 756894) to facilitate the redevelopment of the site for the purposes of residential development at a density greater than that currently permissible under *Mid-Western Regional Local Environmental Plan 2012*.

The Planning Proposal seeks to rezone the subject site to increase the density of the subject site to achieve approximately residential 146 lots by implementing the following amendments to MWRLEP 2012:

- Amend the Land Zoning Maps from RU4 Primary Production Small Lots to part R1 General Residential and part R2 Low Density Residential.
- Amend the Lot Size Maps from 'AB3' 20Ha to part 'M' 600m² and part 'V' 2000m².
- Amend the Height of Buildings Maps from no control to 8.5m.

It is envisaged that if the Planning Proposal proceeds the land would be developed for fully serviced residential land.

The subject site is identified for this land supply under the Comprehensive Land Use Strategy (CLUS) Part C, Figure 3-1 Mudgee Town Structure Plan, accordingly this proposal is consistent with Council's

CLUS. The proposal represents the realisation of growth in an area committed to by Council. Staff have invested significantly in the design of the required water and sewer infrastructure for this area. Further, the proposal is generally consistent with State and Regional strategic plans and strategies. Council’s assessment of the Planning Proposal has, however, highlighted the need for further information in relation to traffic, flooding and functionality of the final subdivision design.

The staff recommendation is to provide initial support for the Planning Proposal and forward to NSW Department of Planning, Housing and Infrastructure (DPHI) with a request for a Gateway Determination to allow for community consultation to be undertaken. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to the DPHI.

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. DPHI has issued the *Local Environmental Plan Making Guideline*, to provide guidance and information on the process for preparing Planning Proposals and making the amendment to the LEP.

The Gateway Process

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the *Local Environmental Plan Making Guideline* (August 2023).

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 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 prepared by Council	✓	November 2024
Council Decision to Support Proposal	(in progress)	The Planning Proposal is being reported to the 11 December 2024 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		

Proposal Context

Introduction

The Planning Proposal seeks to rezone the subject site to increase the density of the subject site to achieve approximately residential 146 lots by implementing the following amendments to MWRLEP 2012:

- Amend the Land Zoning Maps (Maps LZN_006E and LZN_006H) from RU4 Primary Production Small Lots to part R1 General Residential and part R2 Low Density Residential.
- Amend the Lot Size Maps (LSZ_006E and LSZ_006H) from 'AB3' 20Ha to part 'M' 600m2 and part 'V' 2000m2.
- Amend the Height of Buildings Maps (HOB_006E and HOB_006H) from no control to 'I' 8.5m.

The purpose of this report is to:

1. Provide Council's initial assessment of the Planning Proposal to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to enable public exhibition of the planning proposal.
2. Identify any additional information requirements that might be required prior to the public exhibition stage.

Should Council support the Planning Proposal at this time it is only to the extent that it supports its progression to the next stage (seek Gateway Determination). A further report will be presented to Council to determine if Council supports the making of the LEP amendment and any alterations it seeks to include in the final amendment.

The format of this report and the questions it responds to correlates with those matters set out in the Department of Planning's Local Environmental Plan Making Guideline dated August 2023.

Subject Site

The subject site, 34 Bruce Road, comprises 2 lots (Lots 42 and 49 DP 756894) and is located on the outskirts of Mudgee, just off the Castlereagh Highway. The site is located on the corner of Bruce Road and Spring Flat Road, Spring Flat and is in close proximity to the expanding residential area on the outskirts of Mudgee CBD. The subject site has a total land area of 24.51Ha with a single dwelling and various outbuildings located on the site. The site has previously been used for cropping and grazing and is relatively cleared aside from a number of substantial trees surrounding the existing dwelling.



Figure 1: Subject site (source: MWRC Intramaps)



Figure 2: Subject site (source: Google Earth)



Figure 3: Subject site looking north along boundary with Spring Flat Lane. Tree line present on site.



Figure 4: Subject site looking north west showing existing dwelling, outbuildings and low voltage powerlines.



Figure 5: Subject site looking north west. Existing Manufactured Home estate visible in the background.

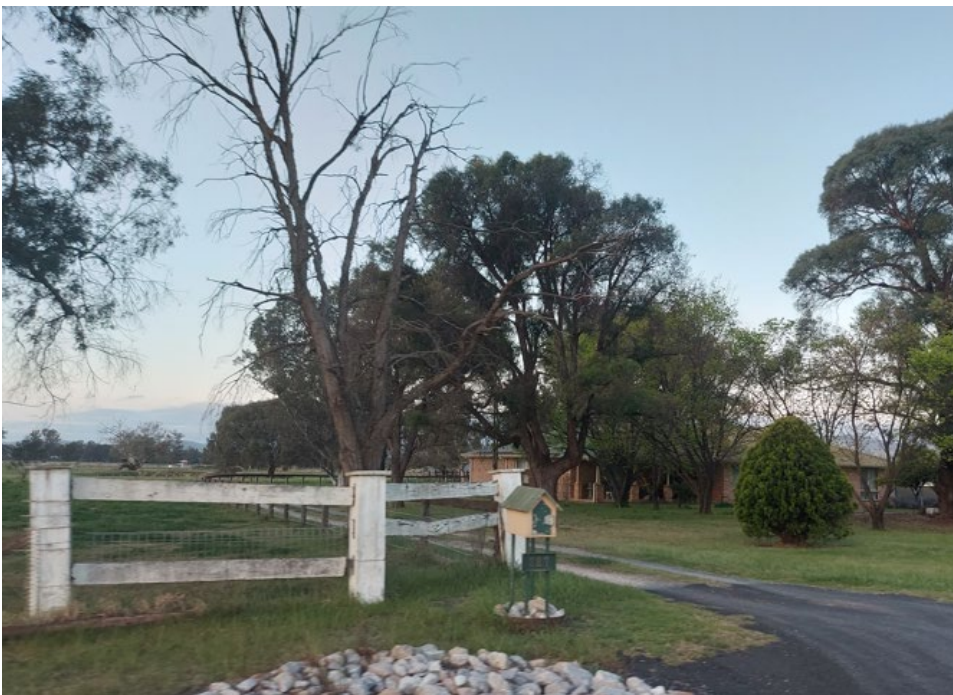


Figure 6: Existing vehicular access to site looking north east towards dwelling on site.

The area immediately surrounding the subject site is transitioning from historically rural lands to uses compatible with the adjacent residential areas of Mudgee. A Manufactured Home Estate is under construction to the immediate north of the site, with an additional Manufactured Home Estate approved to the north east. To the west of the site, the St Mathews Catholic Secondary School adjoins the site.

Proposal

The subject site, 34 Bruce Road, Spring Flat (Lots 42 and 49 DP 756894) has the following planning controls:

- Land zoning: RU4 Primary Production Small Lots.

- Minimum lots size: 20Ha
- Height of building: No maximum height.

The planning proposal seeks to amend Mid-Western Regional Local Environmental Plan 2012 by:

- Rezoning the subject site part of the subject land from RU4 Primary Production Small Lots to part R1 General Residential and part R2 Low Density Residential.
- Amend the Lot Size Maps (LSZ_006E and LSZ_006H) from 'AB3' 20Ha to part 'M' 600m² (for R1 General Residential) and part 'V' 2000m² (R2 Low Density Residential).
- Amend the Height of Buildings Maps (HOB_006E and HOB_006H) from no control to 'I' 8.5m over the entire site.

The Planning Proposal seeks a range of amendments to the LEP to facilitate the proposed development on the site as summarised below:

Planning control	Existing development controls	Proposed development controls
Zoning	RU4 Primary Production Small Lots	R1 General Residential R2 Low Density Residential
Minimum Subdivision Lot Size	20Ha	R1 General Residential 600m ² R2 Low Density Residential 2000m ²
Minimum Subdivision Lot Size – Dual Occupancy, manor houses, multi dwelling housing and residential flat buildings	N/A	R1 General Residential: Dual Occupancy (attached) - 600m ² Dual Occupancy (detached) - 800m ² Multi dwelling housing – 1200m ² Residential flat building – 1200m ² Manor house – 1200m ² R2 Low Density Residential – N/A
Height of Buildings (HOB)	N/A	8.5m

The Planning Proposal is a map only amendment. No amendments to the written provisions are proposed.

The Planning Proposal in full is provided as Attachment 1.

Council's Assessment of Planning Proposal

The initial assessment of the Planning Proposal is outlined in the following sections, the format of which correlates with those matters set out in the Department of Planning's Local Environmental Plan Making Guideline dated August 2023.

Objectives of Proposal

The objective of the Planning Proposal is to rezone the subject site and to reduce the minimum lot size to enable the future subdivision of the land for general residential purposes to meet the rising demand for housing in the area.

The purpose of this report is to provide Council's initial assessment of the Planning Proposal, as submitted, to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination to enable public exhibition of the planning proposal.

The Planning Proposal was prepared independently from Council by Barnson Pty Ltd on behalf of the proponent, Mr Roger Hayes.

The Planning Proposal has been based on the following objective:

To amend the Mid-Western Regional Local Environmental Plan 2012 to enable general residential development, including zoning, height of building and minimum lot size requirements.

The intended outcomes of the Planning Proposal are:

- Rezoning of the subject site to part R1 General Residential and part R2 Low Density Residential.
- Amend the Lot Size Map to reduce the permitted land size from 20Ha to part 600m² and part 2000m².
- Amend the Height of Buildings Maps which currently has no controls on the subject site to implement a height of buildings control of 8.5m.
- The provisions of Cl 4.1A Minimum Subdivision Lot Size – Dual Occupancy, manor houses, multi dwelling housing and residential flat buildings to apply to the land proposed to be zoned R1 General Residential.
- To provide additional land to support the continuous growth of the residential area on the outskirts of Mudgee.
- Provide provisions for additional housing and land supply for the LGA.

In assessing a Planning Proposal, Council must consider whether the Planning Proposal is the best means of achieving the intended objectives and outcomes.

A Clause 4.6 variation to the Mid-Western Regional Local Environmental Plan 2012 is an avenue available to development which provides a degree of flexibility in applying certain development standards to particular development and enables achieving better outcomes for and from development by allowing flexibility in particular circumstances. However, given the significant increase in residential density proposed by the Planning Proposal and the implementation of height of building restrictions and lot size restrictions under Cl 4.1A of the LEP, an alteration to the LEP is considered the best means to achieve the intended objectives and outcomes.

At this stage, maps consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps guidelines have not been provided by the proponent. It is expected that draft mapping will be provided by the proponent to ensure accuracy of the changes proposed.

Explanation of Provisions

The Planning Proposal seeks a range of amendments to the LEP to facilitate the proposed development on the site as outlined in the sections below.

Land Zoning Map (LZN)

Figure 8 and Figure 9 below demonstrate the existing and proposed zonings maps (adapted from Mecone Mosaic base mapping).

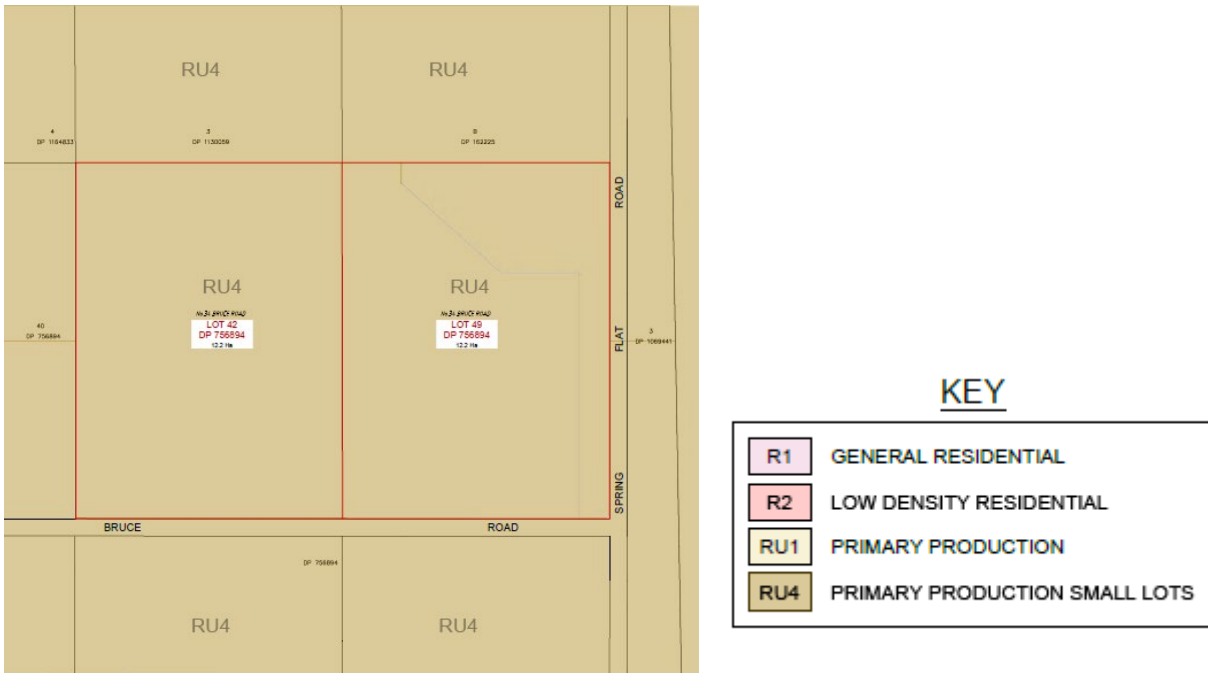


Figure 8: Existing – Land Zoning Map (Planning Proposal Documentation prepared by Barnson)

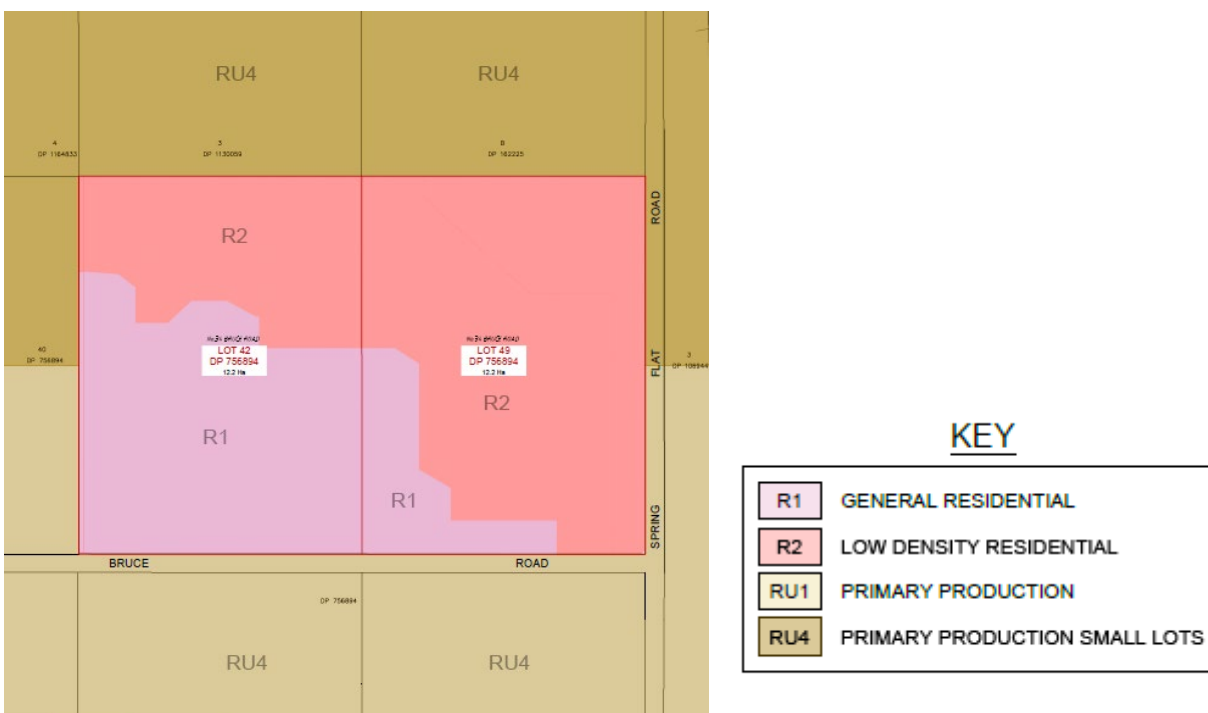


Figure 9: Proposed – Land Zoning Map (Source: Planning Proposal documentation prepared by Barnson)

The amendment of the R1 General Residential and R2 Low Density Residential zones is the most appropriate mechanism to achieve the residential density outcomes sought in the Planning Proposal.

Lot Size Map (LSZ)

The current minimum lot size for the erection of a dwelling that applies to the site is 20ha as seen in Figure 10 below. In order to achieve the residential density outcomes sought in the Planning Proposal, the Planning Proposal seeks to reduce the permitted land size from 20Ha to part 600m² and part 2000m² relevant to the proposed R1 General Residential and R2 Low Density Residential zones as shown in Figure 11 below.

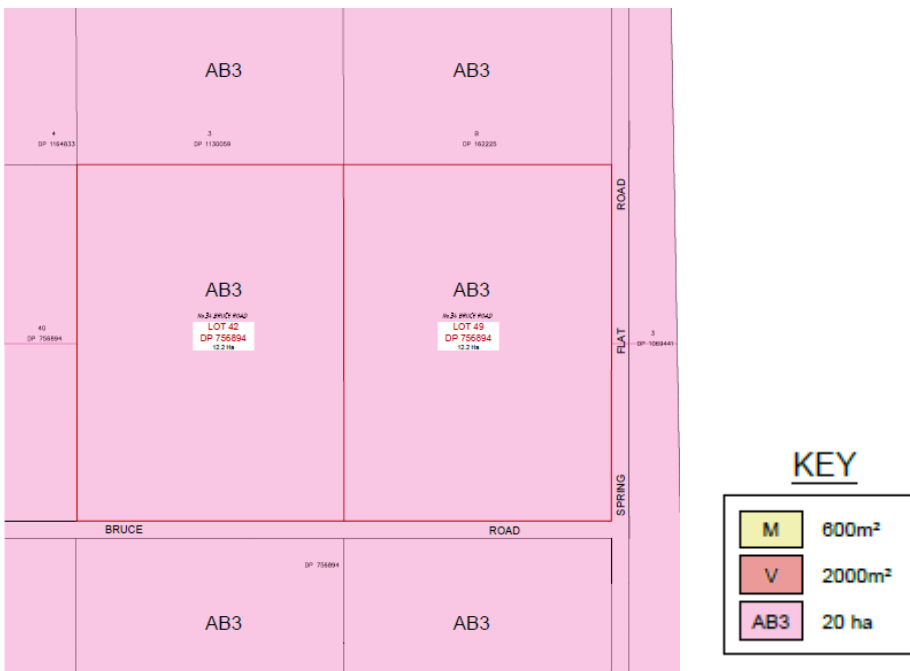


Figure 10: Existing – Minimum Lot Size Map (Source: Mecone Proposal documentation prepared by Barnson)

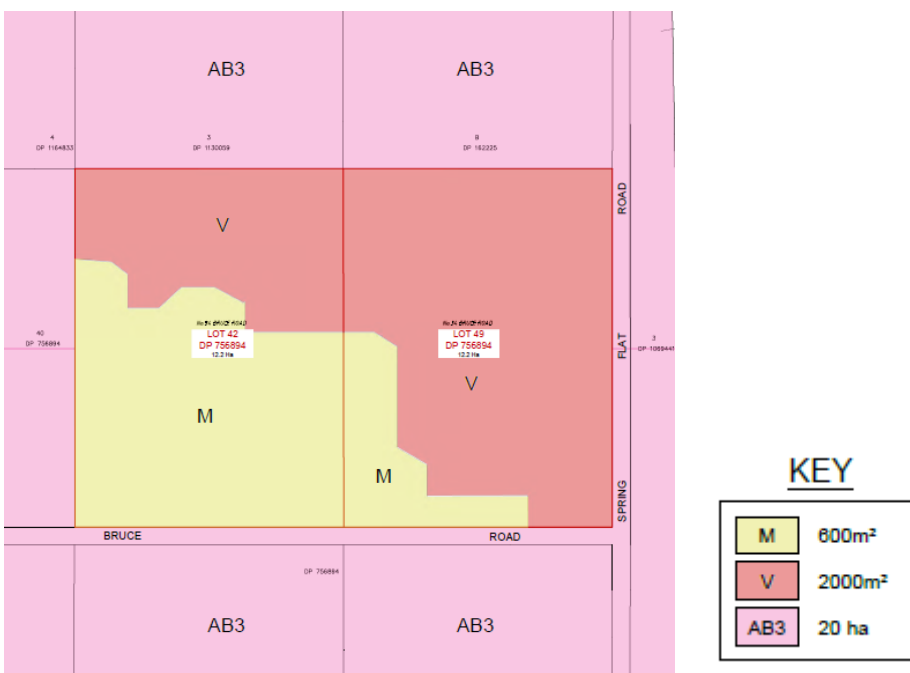


Figure 11: Proposed – Minimum Lot Size Map (Source: Mecone Proposal documentation prepared by Barnson)

The amendment to the Minimum Lot Size map is the most appropriate mechanism to achieve the residential density outcomes sought in the Planning Proposal.

Height of Buildings (HOB)

There is currently no height of buildings limit that applies to the subject site. To ensure the Planning Proposal results in appropriate development that is consistent with the existing planning controls under the LEP, the Planning Proposal seeks to implement a height of buildings restriction of 8.5m across the entire subject site.

Minimum Subdivision Lot Size – Dual Occupancy, manor houses, multi dwelling housing and residential flat buildings

Currently, the provisions of CI 4.1A Minimum Subdivision Lot Size – Dual Occupancy, manor houses, multi dwelling housing and residential flat buildings do not apply to the subject site. Should the land be part rezoned R1 General Residential, the provisions of CI 1.4A will apply.

The Planning Proposal is the best and only means of rezoning the subject site by amending the Land Zoning map within the Mid-Western LEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

Further, the Minimum Lot Size map and Height of Building map must also be amended to reflect the surrounding development control. This can only be achieved through a planning proposal.

Assessment of Strategic Merit

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is considered against relevant planning strategies at the local, regional and state levels, including:

- Central West and Orana Regional Plan 2041.
- Mid-Western Regional Comprehensive Land Use Strategy (CLUS) 2010 prepared by Parsons Brinckerhoff.
- Our Place 2040 – Mid Western Regional Local Strategic Planning Statement (LSPS).
- Mudgee and Gulgong Urban Release Strategy (2023 Update) prepared by HillPDA (update to the 2014 Strategy) (URS).

The Planning Proposal is supported by the Council's and DPHI endorsed CLUS, Council adopted LSPS and URS, as outlined below:

CLUS

The CLUS provides the strategic framework to guide urban planning and land use decisions within the LGA over a 25 year period. It includes 'town structure plans' for Mudgee, Gulgong, Rylstone and Kandos. These town structure plans identify future residential land supply and identifying suitable areas for residential development and expansion areas. The CLUS provided mapping for opportunity areas for future development. The subject site has been mapped as an area dedicated for future 'urban purposes.'

The Planning Proposal is consistent with the land use direction for the site identified in the CLUS. This section of the CLUS states:

"This strategy recognises the need to provide a physical limitation to the growth of the urban land uses into the productive agricultural area to the south east. However, this area provides a unique opportunity, in the context of Mudgee, to provide for master-planned residential urban development, which can address the visual amenity of the entrance to the town and provide a new entry point".

As the subject site has been mapped as an area dedicated for future 'urban purposes' the proposal is consistent with the provisions of the CLUS. Additionally, a protection area is mapped along the eastern boundary of the subject site, which is consistent with the intentions of the CLUS:

"To protect main entrance corridors to the town, provide setback criteria for development".

This area shall be landscaped in future which will create a town entrance buffer and also greenspace/parklands for future residents in the locality.

LSPS

The LSPS supports the planning proposal through Planning Priority 2. Planning Priority 2 Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The planning proposal supports this priority by contributing to housing stock which in turn, will attract new residents to the Region or ensure existing residents have a choice of housing that suits their needs as their circumstances change.

“Planning Priority 2: Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning”.

The planning proposal supports this priority by contributing to housing stock available and diversity which in turn, will attract new residents to the Region and in line with the LSPS will ensure existing residents have a choice of housing that suits their needs as their circumstances change.

“Planning Priority 5: Ensure land use planning and management enhances and protects biodiversity and natural heritage”.

The Planning Proposal is in close proximity to Mudgee CBD and Mudgee residential areas, including and amenities and services.

The Mudgee Structure Plan (LSPS Figure 4) was based on land zoned at that time and did not include land identified for future growth under the CLUS. The proposal is consistent with land use direction for the site identified in the CLUS and is located adjacent to lands already zoned residential under the LEP and identified as Residential in the Mudgee Structure Plan of the LSPS.

URS

The overall purpose of the Mudgee and Gulgong Urban Release Strategy (2023 Update) was to update the 2014 Strategy and provide a land audit of available land to help inform the preparation of the Mid-Western Regional Housing Strategy. The subject site was identified in the 2014 Urban Release Strategy, and the 2023 update as a potential Urban Release Area, as required land supply and the constraints identified by this strategy have been addressed in the Planning Proposal.

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

Yes, the Planning Proposal will give effect to the Central West and Orana Regional Plan 2041. The Planning Proposal supports the NSW Government’s priority to boost housing supply by creating a housing supply pipeline. The Planning Proposal aims to rezone land in close proximity to the Mudgee CBD with the intent to provide additional housing (exact number of dwellings to be determined during the detailed design phase and submission of a development application in the future) and consistency with the objectives of the Plan is outlined below.

Objective 13: Provide well located housing options to meet demand.

The Planning Proposal is in close proximity to Mudgee CBD and Mudgee residential areas, including and amenities and services.

Strategy 13.1

To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:

- *respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities*
- *consider how proposed release areas could interact with longer term residential precincts*
- *provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.*

- *Identify a pipeline of housing supply that meets community needs and provides appropriate opportunities for growth.*

The proposed location is consistent with the residential expansion to the east of Mudgee, supplying much needed housing opportunities.

Future housing on the site will be infill development, being in close proximity to Mudgee CBD and will utilise existing infrastructure capacity.

Objective 14: Plan for diverse, affordable, resilient and inclusive housing.

The Planning Proposal will rezone the subject site to R1 General Residential and R2 Low Density Residential. It is likely that the future development will be in the form of single dwelling or dual occupancy housing.

Strategy 14.1

To improve housing diversity, strategic and local planning should:

- *allow a diversity of housing, including affordable housing, student housing, shop top housing, more dense housing types and housing choices for seniors close to existing services, and on land free from hazards*
- *improve certainty of development outcomes and streamline development processes.*

The planning proposal allows a diversity of housing on a large parcel of land free of hazards and constraints. Again, the site is well located to existing services and infrastructure and would appeal to downsizers, first home buyers and those residents looking for a low maintenance more affordable dwelling than a single dwelling on a large lot.

Strategy 14.2

Plan for a range of sustainable housing choices in strategic planning and local plans including:

- *a diversity of housing types and lot sizes, through appropriate development standards, including minimum lot sizes, minimum frontage and floor space ratio*
- *housing that is more appropriate for seniors, including low-care accommodation*
- *considering development incentives or reduced contributions to boost construction of secondary dwellings • innovative solutions for older people, multigeneration families, group housing, people with special needs or people from different cultural backgrounds*
- *sustainable housing solutions that can reduce costs and environmental impacts of household operations.*

The planning proposal allows for a range of housing types through appropriate development standards, including minimum lot sizes to provide greater housing choice.

Objective 15: Manage rural residential development.

The Planning Proposal aims to rezone the land from RU4 Primary Production Small Lots to R1 General Residential and R2 Low Density Residential.

Strategy 15.1

When planning for new rural residential development consider:

- *proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services*
- *avoiding primary production zoned agricultural land and mineral resources and consider land use conflict when in proximity to such land*
- *avoiding areas of high environmental, cultural or heritage significance, or areas affected by natural hazards*

- *provision of a sustainable water supply through reticulated water supply, roof catchment and/or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000*
- *impacts on the groundwater system*
- *future growth opportunities of the closest local centre, nearby urban land uses and any across LGA-boundary land use compatibility issues*
- *context in terms of supply and demand across the subregion*
- *cost effective service supply.*

The subject site is not considered prime agricultural land due to its location and proximity to emerging residential developments in close proximity to the subject site and small lot agricultural pursuits currently being undertaken. Additionally, the is not considered to contain any high environmental, cultural or heritage significance areas and natural hazard of flooding can be mitigated.

Is the planning proposal consistent with applicable State Environmental Planning Policies and Ministerial Directions (Section 9.1 Directions)?

The Planning Proposal is generally consistent with the applicable Ministerial Directions and State Environmental Planning Policies. These have been addressed in the submitted Planning Proposal.

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

The subject site is generally cleared of vegetation, given the past and current rural land use. It is highly unlikely that there will be any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Site specific constraints will be considered during the assessment of any future development applications within the subject area.

Council is satisfied that, as a result of the Planning Proposal, critical habitat, threatened species, populations or ecological communities will not be adversely affected by the rezoning. The subject site does not provide habitat for vulnerable or endangered species.

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

As set out in Department’s Local Environmental Plan Making Guideline (August 2023), the purpose of this question is to ascertain the likely environmental effects that may be relevant.

Council has considered the following likely environmental effects as a result of the Planning Proposal:

Constraint	Comment
Flooding	<p>The subject site is not mapped as being flood prone land under the Mid-Western Regional Local Environmental Plan 2012. However, the site is identified within the Mudgee Flood Study 2021.</p> <p>The Planning Proposal documentation indicates that, as part of the future subdivision of the site, all stormwater from the eastern side of the site (school) will be directed to an open swale on the eastern side of the subject site. From there, it would be directed into existing swales constructed part of the adjacent development to the north. It is also proposed that a new kerb and gutter with stormwater infrastructure be constructed for the full frontage of the development on the northern side of Bruce Road. Any stormwater run-off from the southern side (Bruce Road) would be directed to new kerb and gutter and associated stormwater pits and pipes as part of the Bruce Road upgrade.</p> <p>Any stormwater run-off from within the subdivision will be directed to a proposed detention basin located north east of the site within the reserve area. This measure, along with the flood diversion channel has been proposed to ensure that overland flows are diverted around the site so the future Lots are not burdened by 1% AEP flood events.</p>

	<p>Council support the proposal on the condition that a flood study/report will be required with any future development application. This report/study will need to indicate the habitable FFLs for each lot in the subdivision (after all the civil works are carried out).</p>
Traffic	<p>A Traffic Impact Assessment has been undertaken by the proponent (prepared by Barnsons, reference 39720-TIA_0, dated 24/06/2024) and the application was referred to Transport for NSW for the comment (comments below).</p> <p>Council have reviewed the Traffic Impact Assessment submitted with the documentation and note that it has been based on the 2002 Traffic Generating Developments document. A new Traffic Impact Assessment report is required to be prepared in accordance with the Guide to Traffic Impact Assessment (TS00085, Version 1.1) and addresses all relevant concerns raised by Transport for NSW (TfNSW). It is recommended this requirement be included as a condition of any future Gateway Determination.</p>
Contamination	<p>A Preliminary Site Investigation undertaken by the proponent (prepared by Barnsons, reference 41872-ER01_A, dated 27/06/2024) which concluded that there is minimal presence of contamination and that the site is suitable for residential land use.</p>
Aboriginal Heritage	<p>The site is not within lands identified as a heritage item or a heritage conversation area.</p> <p>An Aboriginal Heritage Information Management System search was undertaken by the proponent for the subject site. Six Aboriginal Sites were recorded in the AHIMS in proximity to the site. These sites are located closer to Broadhead Road, over 300m from the proposed development site. There were no known items or sites of significance been identified as being recorded on the subject site.</p>
Agricultural Land Capability	<p>As noted above, the subject site is identified as Class 3 (High capability land). It is acknowledged the agricultural value of the land. However, the immediate area is transitioning from rural land uses to residential given its proximity to the Mudgee CBD.</p> <p>The subject site is not considered to be prime agricultural land as the site adjoins existing and emerging urban development. Small scale agricultural activities are not considered the best use of the site, especially considering the proximity to the St Matthews School and nearby Manufactured Home Estate.</p> <p>The Planning Proposal aims to facilitate the redevelopment of the site for the purposes of residential development at a density consistent with the nearby residential land but greater than that currently permissible under the LEP. The proposal does not result in the fragmentation of productive rural land. Buffer areas have been implemented to soften the potential visual impact of the proposal from the Castlereagh Highway, the main entrance to Mudgee from Sydney.</p> <p>The Planning Proposal is consistent with the relevant planning strategies with the CLUS, LSPS and URS identifying the site as an opportunity area for development.</p>

The Planning Proposal can be supported in its current form, provided additional information in relation to traffic and a flood study/report be required as part any future Gateway Determination.

How has the planning proposal adequately addressed any social and economic effects?

The social and economic effects of the planning proposal are positive for Mid-Western LGA and the local and future residents. The planning proposal will facilitate future development to enable the subdivision of the land to meet the rising demand for housing in the area.

The site is located on the outskirts of Mudgee and in close proximity to existing residential land. The Planning Proposal aims to facilitate the redevelopment of the site for the purposes of residential development at a density consistent with the nearby residential land but greater than that currently permissible under the LEP.

The Planning Proposal will result in an increase in jobs during construction and provide greater housing choice for future residents in close proximity to the services, jobs and amenities within Mudgee, Mid-Western’s largest and main township.

Is there adequate public infrastructure for the planning proposal?

Yes, the Planning Proposal and support the proposal on the basis of the availability of water and sewer, albeit with some upgrades to infrastructure, required to service possible future development, as outlined below:

Constraint	Comment
Servicing	<p>Stormwater All stormwater generated on the site (overland flow and future roof water) shall be directed into the kerb and guttering for the new roads. The kerb and gutter will then feed into the proposed On-Site Detention basin positioned northeast of the subdivision within the reserve.</p> <p>Council support the proposal provided the future design of stormwater infrastructure is based on a 1 in 20-year ARI, as the site is subject to potential flooding, as indicated by the Mudgee Flood Study 2021. This design will need to be submitted with any future development application.</p> <p>Sewer Council supports the proposal on the basis the proponent is to allow for gravity sewer to service any future subdivision with associated sewer easements located within the boundaries of the site and obtain those across adjoining sites.</p> <p>Water An existing water main is located to the west of the site at the corner of Bruce Road and Broadhead Road. It would be proposed to extend the water main from this connection along Bruce Road and into the proposed future subdivision site.</p> <p>Council supports the extension of the existing water main and for the proposal to provide a link from Lions Drive to Broadhead Road via both, Spring Flat and Bruce Roads. Council have a determined design and this will be packaged up for construction within a four-year delivery program. If the proponent wishes to develop out of sequence, it must be completed at their own expense and to the specifications of Council.</p> <p>Concept subdivision layout The concept subdivision submitted layout needs to be amended to allow for no less than 2 entry points for the water main to service the new reticulation system. Further, consideration should be given to avoiding the inclusion of battleaxe-shaped blocks in the proposed development, where possible, to improve the overall layout and functionality of the subdivision. It is recommended this requirement be included as a condition of any future Gateway Determination.</p>

The Planning Proposal can be supported in its current form, provided additional information in relation to stormwater is provided as part any future Gateway Determination.

Additionally, the concept subdivision submitted layout needs to be amended to allow for no less than 2 entry points for the water main to service the new reticulation system and to avoiding the inclusion of battleaxe-shaped blocks to improve the overall layout and functionality of the subdivision.

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

Council has undertaken preliminary engagement with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Biodiversity, Conservation and Science Directorate, Department of Primary Industries and Regional Development (DPI) - Agriculture and Land use and Transport for NSW. Comments have been included in this assessment of this Planning Proposal. The formal views of authorities and government agencies will be sought as detailed in any future Gateway Determination. Any future Gateway Determination will stipulate which authorities or government agencies are required to be consulted with.

Mapping

The Planning Proposal is a map only amendment. Maps submitted to the Department post Gateway determination will be consistent with the Department’s *Standard Technical Requirements for Spatial Datasets and Maps*.

The following maps will be subject to amendments:

Map Name	Map Type
Land Zoning Map	LZN_006E
Land Zoning Map	LZN_006H
Lot Size Map	LSZ_006E
Lot Size Map	LSZ_006H
Height of Buildings Map	HOB_006E
Height of Buildings Map	HOB_006H

Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Department's *Local Environmental Plan Making Guideline* (August 2023) and requires a minimum public exhibition period of 20 days.

Council anticipates that following the Gateway Determination and Council satisfying any conditions imposed prior to the public exhibition period, the Planning Proposal will be placed on public exhibition for the required period of 28 days in accordance with the *Mudgee Community Participation Plan* (or a different period of public exhibition if specified in the Gateway Determination).

Public exhibition will be undertaken in accordance with any issued Gateway Determination and Council policy.

Should it be deemed necessary, Council will notify the relevant government public authorities concurrently within the public exhibition period with respect to the Planning Proposal.

Recommended Gateway conditions

It is recommended that, at a minimum, the following conditions are imposed by DPHI as conditions of their Gateway Determination:

- a) A new Traffic Impact Assessment report is required to be prepared in accordance with the Guide to Traffic Impact Assessment (TS00085, Version 1.1) and addresses all relevant concerns raised by Transport for NSW (TfNSW).
- b) The concept subdivision (multiple allotment are proposed) layout needs to be amended to allow for no less than 2 entry points for the water main to service the new reticulation system. Further, consideration should be given to avoiding the inclusion of battleaxe-shaped blocks in the proposed development, where possible, to improve the overall layout and functionality of the subdivision.

Note: for any future development application for the site - a flood study/report will be required with any future development application. This report/study will need to indicate the habitable FFLs for each lot in the subdivision (after all the civil works are carried out).

Conclusion and Next Steps

The purpose of this report is to provide Council's initial assessment of the Planning Proposal lodged in relation to the subject site, 34 Bruce Road, Spring Flat to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to enable public exhibition of the planning proposal.

If Council supports the recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to the DPHI seeking a Gateway Determination.

Community Plan implications

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

Strategic implications

Council Strategies

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

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.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

26 November 2024

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Planning Proposal - Henry Lawson Drive, Gulgong

REPORT BY THE STRATEGIC PLANNING CO-ORDINATOR
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, LAN900190

RECOMMENDATION

That Council:

1. **receive the report by the Coordinator, Strategic Planning on the Planning Proposal at Henry Lawson Drive, Gulgong (Lot 56, Lot 129, Lot 264, and Lot 415 DP755433) for the rezoning of land and reduction in the minimum lot size;**
2. **remove Lot 264 DP755433 from the Planning Proposal;**
3. **increase the minimum lot size from 10 hectares to 12 hectares of the Planning Proposal, to better align with the objectives of the R5 Large Lot Residential zoning;**
4. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
5. **undertake community consultation as outlined in any future approved Gateway determination.**

Executive summary

A Planning Proposal has been submitted to Mid-Western Regional Council seeking an amendment to *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone Lot 56, Lot 129, Lot 264, and Lot 415 DP755433 from RU1 Primary Production to R5 Large Lot Residential and reduce the Minimum Lot Size from 100 hectares to 10 hectares.

The Planning Proposal has been prepared by De Witt Consulting Pty Ltd on behalf of the proponents, Melinda Westaway, Nathan and Sephanie Martyn, and Sniper Mining Pty Ltd.

The intended outcome of the Planning Proposal is to provide additional rural residential land within and near the Gulgong urban area. A concept subdivision plan has been prepared to demonstrate the lot layouts that may be achieved on site.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department Planning, Housing and Infrastructure (DPHI) *Local Environmental Plan Making Guideline* (August 2023). The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The majority of the subject site is located within Area F on Figure 4-4 Rural Lifestyle Opportunities – 5m offset area surrounding Gulgong of the Mid-Western Comprehensive Land Use Strategy (CLUS). Accordingly, the Planning Proposal is consistent with the CLUS. Further, the Planning Proposal is generally consistent with State and Regional strategic plans and strategies.

The minimum lot size for Area F (and all rural lifestyle opportunities) stipulated in the CLUS is 12 hectares. Following staffs assessment of the Planning Proposal, it is recommended the minimum

lot size be increased from 10 hectares to 12 hectares. Council staff are not satisfied with the justification provided for the proposed reduction from 10 to 12 hectares. Staff and are of the opinion that a 12 hectare Minimum Lot Size better aligns with the objectives of the R5 Large Lot Residential zoning.

Further, a Biodiversity Assessment is required to be prepared by the proponent prior to public exhibition given portions of the site as identified as containing high biodiversity.

The staff recommendation is to provide initial support for the Planning Proposal and forward to the Department of Planning, Housing and Infrastructure (DPHI) with a request for a Gateway Determination to allow for community consultation to be undertaken. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to the DPHI.

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. DPHI has issued the *Local Environmental Plan Making Guideline*, to provide guidance and information on the process for preparing Planning Proposals and making the amendment to the LEP.

The Gateway Process

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the *Local Environmental Plan Making Guideline* (August 2023).

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 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 prepared by Proponent and submitted to Council	✓	November 2024
Council Decision to Support Proposal	(in progress)	The Planning Proposal is being reported to the December 2024 meeting for Council's decision.
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		

PROPOSAL CONTEXT

The Planning Proposal seeks to rezone the site from RU1 Primary Production to R5 Large Lot Residential (LZN_005E) and reduce the Minimum Lot Size from 100 hectares to 10 hectares for each lot (LSZ_005E).

The below map demonstrates the area subject to the Planning Proposal. Access to Lot 129 DP755433 is via Canadian Lead Road, access to Lots 56 and 415 is via Henry Lawson Drive, and access to Lot 264 is via Ridout Lane.

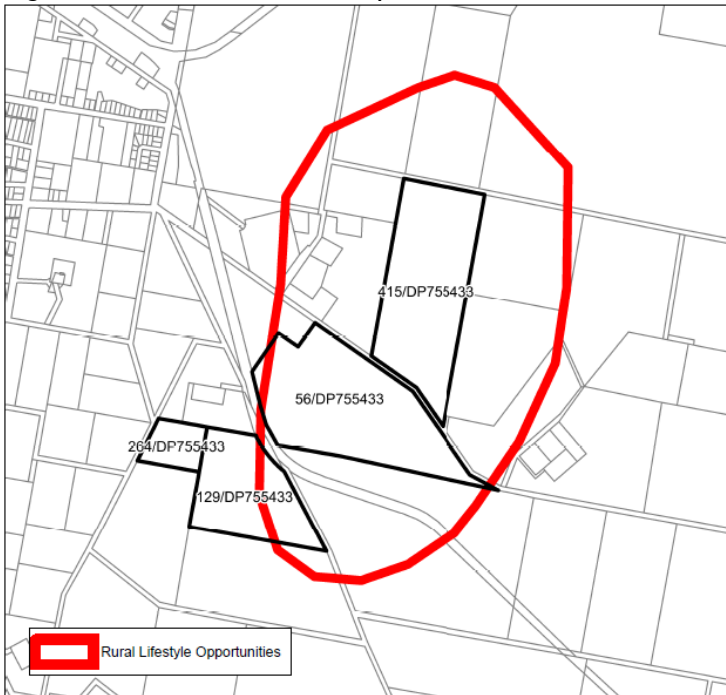
Figure 1 – Location Plan



Source: MWRC

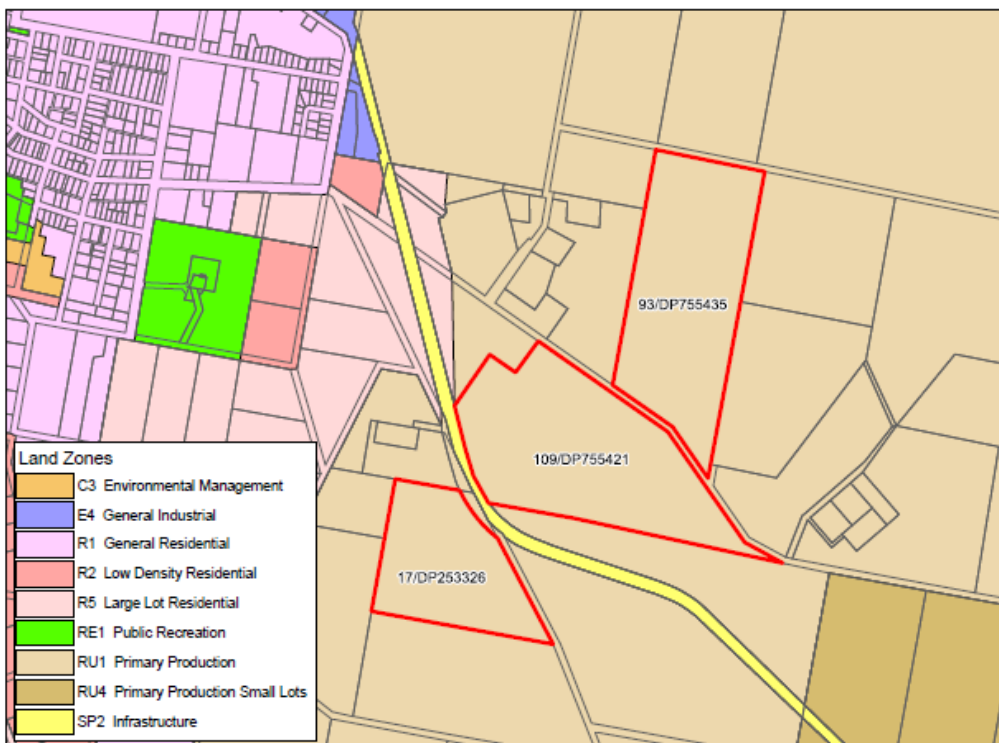
The map below highlights the relation with the Mid-Western Comprehensive Land Use Strategy, which identifies Lots 56, 129, and 415 of DP 755433 as opportunity area 'F'. Lot 264 is located outside of the opportunity area and therefore it is recommended that a future condition of Gateway Determination resolves to exclude Lot 264 from this Planning Proposal. Further, the same lot yield can be achieved when excluding Lot 264 DP755433.

Figure 2 – Mid-Western Comprehensive Land Use Strategy Mapping

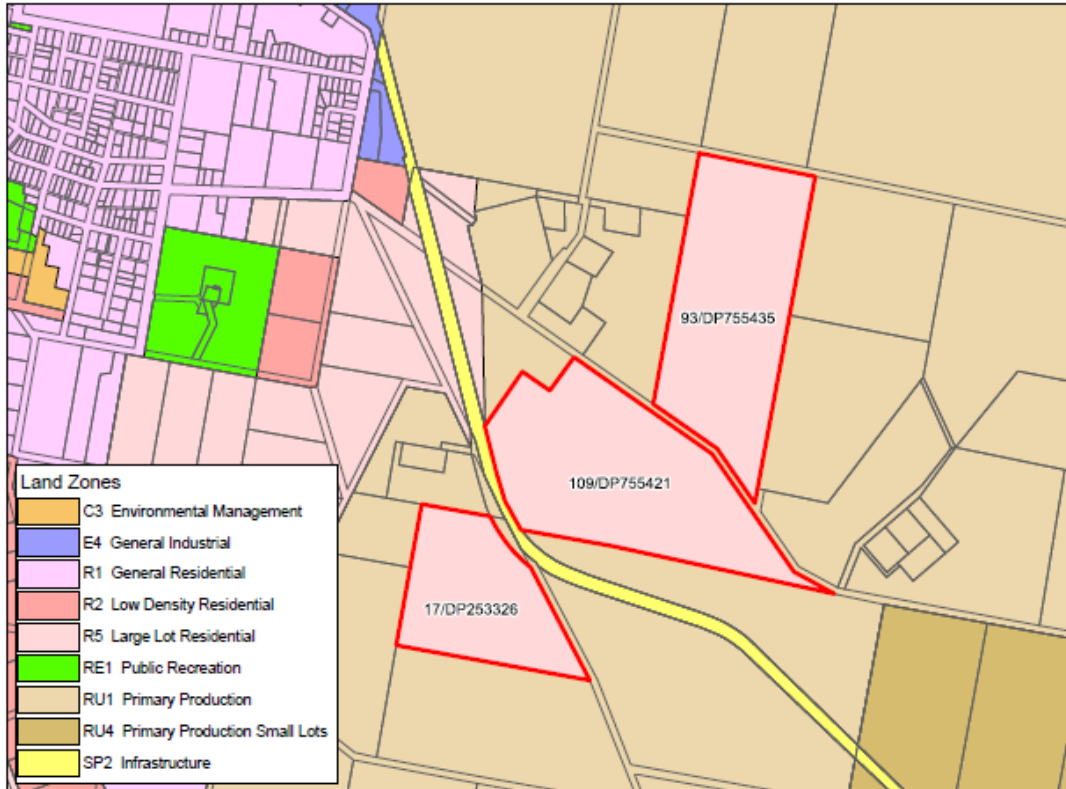


The maps below highlight the existing and proposed land use zoning.

Figure 3 – Existing & Proposed Land Use Zoning



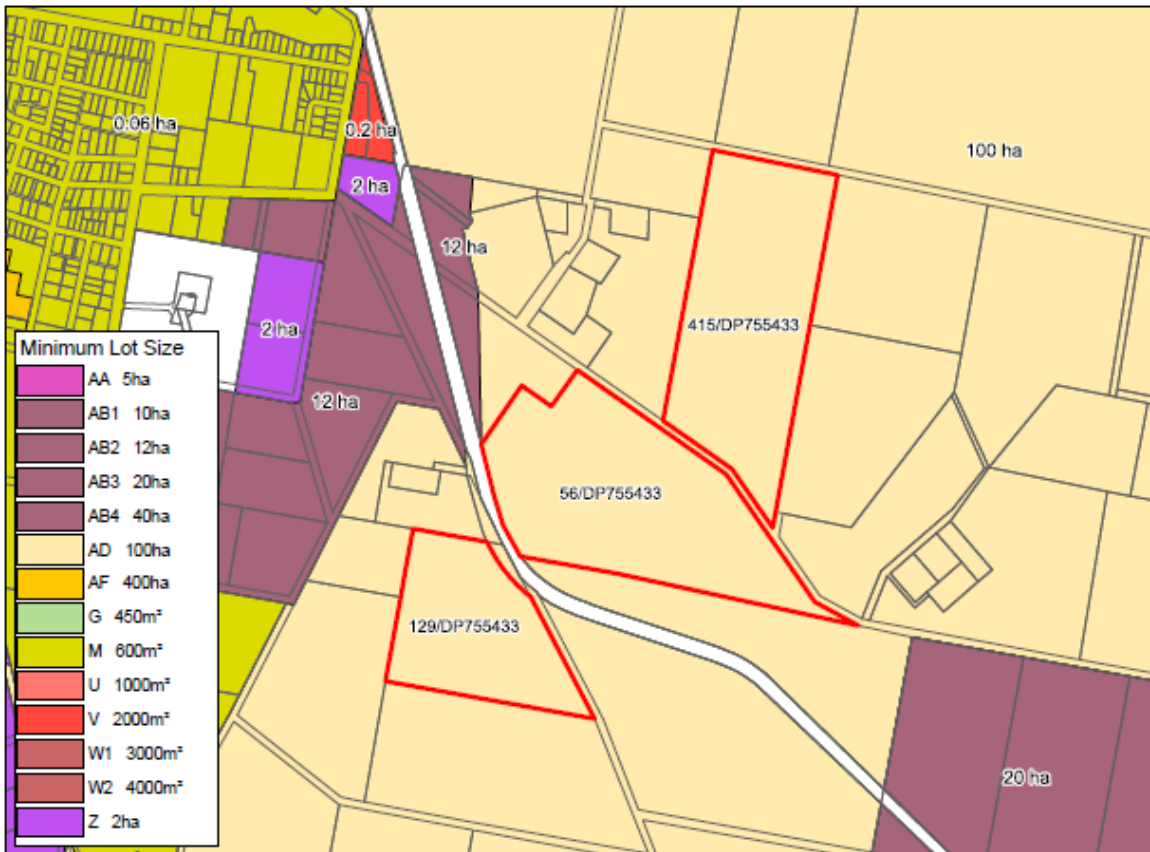
Existing – Zoning (Source: MWRC)



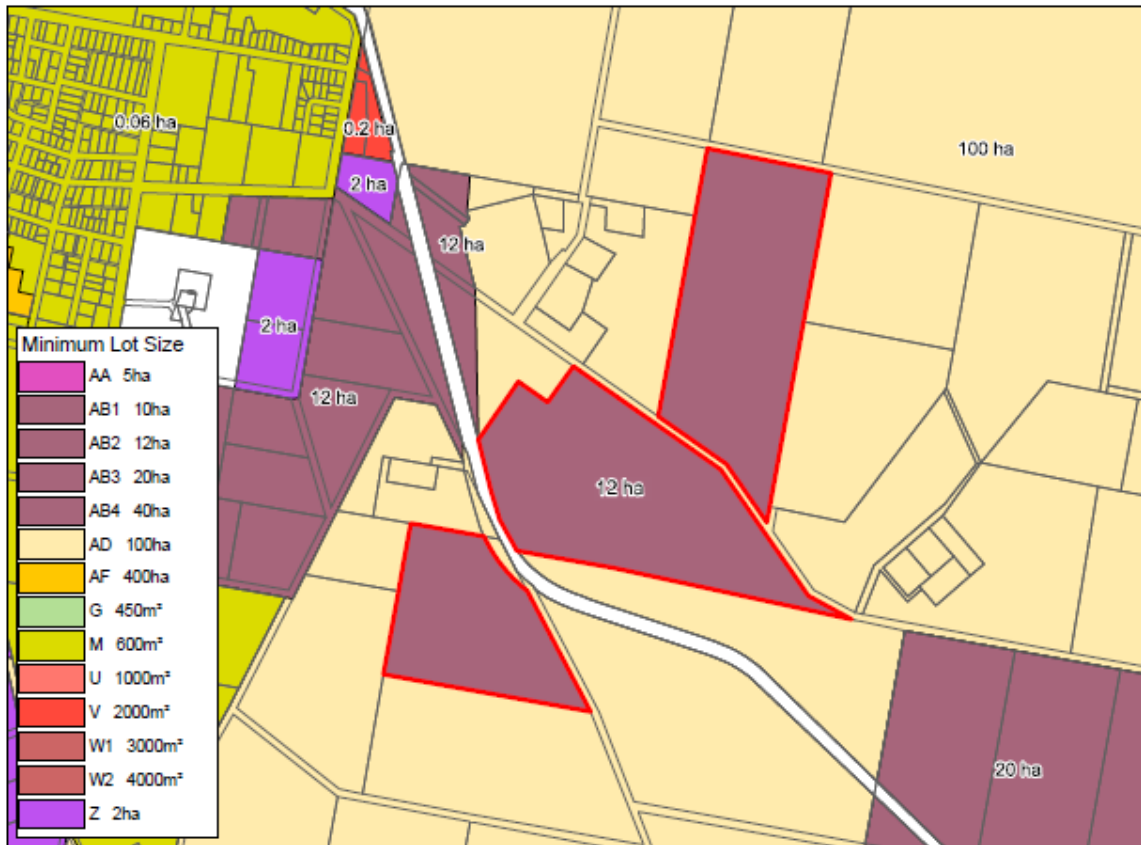
Proposed – Zoning (Source: MWRC)

The maps below highlight the existing and proposed minimum lot size.

Figure 4 – Existing & Proposed Minimum Lot Size



Existing – Minimum Lot Size (Source: MWRC)



Proposed – Minimum Lot Size (Source: MWRC)

INTENDED OUTCOMES

The intended outcomes of the Planning Proposal are to:

- Amend the Land Use Zone Map to rezone the site from RU1 Primary Production to R5 Large Lot Residential, and
- amend the Lot Size Map for all lots from 100 hectares to 12 hectares.

EXPLANATION OF PROVISIONS

The Planning Proposal details how the objectives and intended outcomes will be achieved by:

1. Amending the zoning from RU1 Primary Production to R5 Large Lot Residential as indicated on LZN_005E and amend the Lot Size Map from 100 hectares to 12 hectares on LSZ_005E.

JUSTIFICATION

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

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

The Planning Proposal is supported by Council's endorsed Local Strategic Planning Statement (LSPS) and the Mudgee and Gulgong Urban Release Strategy (2023 Updates).

Our Place 2040 – Mid-Western Regional LSPS supports the planning proposal through Planning Priority 2; make available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The planning proposal supports this priority by contributing to housing

stock and diversity which in turn, will ensure existing or future residents have a choice of housing that suits their needs as their circumstances change.

The site is predominately located within opportunity area 'F' which is categorised as a medium-term priority of Class 3 (otherwise unconstrained) land within the Mid-Western Comprehensive Land Use Strategy. These lots are also identified as 'Class 3 Land (otherwise unconstrained)' within the Comprehensive Land Use Strategy. As noted earlier in this report, Lot 264 is located outside of the opportunity area and it is staff's recommendation to not include this Lot within the scope of this Planning Proposal.

Council's recommendation is for the Minimum Lot Size for this Planning Proposal be increased from 10 to 12 hectares and an updated concept subdivision plan be provided prior to public exhibition. Council staff are not satisfied at the level of justification provided as to why 10 hectares is a more appropriate lot size than 12 hectares and are of the opinion that a 12ha Minimum Lot Size better aligns with the objectives of the R5 Large Lot Residential zoning.

With a Minimum Lot Size of 12 hectares, the Planning Proposal will meet the identified need for large lot residential development within proximity to Gulgong, and demonstrate the land is suitable for residential development.

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

A Planning Proposal is the best means of achieving the objectives and intended outcomes, since the proposal involves rezoning the site and amending the minimum lot size, subsequently resulting in required amendments to the Land Use Zone Map and the Lot Size Map contained within the MWLEP.

Is the planning proposal consistent with applicable State Environmental Planning Policies and Ministerial Directions (Section 9.1 Directions)?

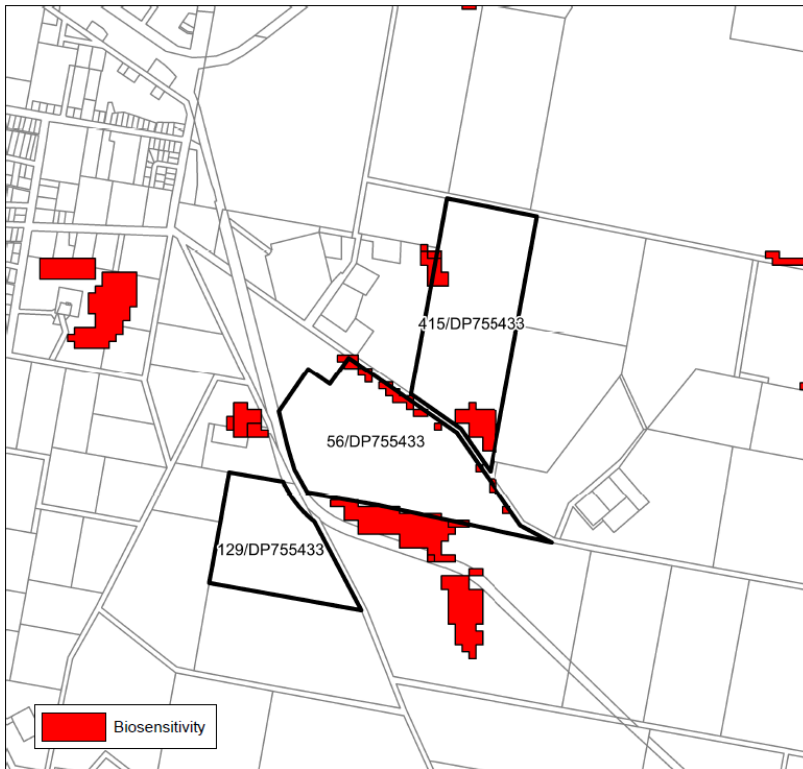
The Planning Proposal is generally consistent with the applicable Ministerial Directions and State Environmental Planning Policies. These have been addressed in the submitted Planning Proposal.

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

Multiple lots contain scattered mapped biodiversity, which is generally located on the perimeter of the lots. It is noted that a Biodiversity Assessment has not been prepared to support the Planning Proposal, and instead, future subdivision and/or development on site would be required to consider the impacts of the mapped biodiversity area. However, it is Council's recommendation that this technical report is to be provided as part of the Planning Proposal process, prior to any public exhibition as a condition of the Gateway Approval.

It is unlikely that there will be any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats as a result of the proposed amendments to the LEP. Site specific constraints will be considered during the assessment of any future development applications within the subject area.

Figure 5 – Biodiversity Mapping



(Source: MWRC)

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

The social and economic effects of the Planning Proposal are positive for the Mid-Western LGA and the local and future residents. The planning proposal will facilitate the future development of additional rural housing opportunity within close proximity to Gulgong, contributing to additional housing supply and diversity. The site is within proximity of the Gulgong town centre, which features many amenities including schools, childcare, retail and commercial services.

Further, there are opportunities for future residents to contribute to Gulgong's local economy through employment opportunities.

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

The views of authorities and government agencies will be sought post Gateway. The Gateway determination will stipulate which authorities or government agencies are required to consult with.

Mapping

The Planning Proposal is a map only amendment. Maps submitted to the Department post Gateway determination will be consistent with the Department's *Standard Technical Requirements for Spatial Datasets and Maps*.

Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Department's *Local*

Environmental Plan Making Guideline (August 2023) and requires a minimum public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination and Council policy.

Recommended Gateway conditions

It is recommended that, at a minimum, the following condition are imposed by DPHI as conditions of their Gateway Determination:

- a) A biodiversity assessment report is to be prepared prior to community consultation.

Conclusion and Next Steps

The purpose of this report is to provide Council's initial assessment of the Planning Proposal lodged in relation to the subject site to determine if Council supports progression of the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to enable public exhibition of the planning proposal.

If Council supports the recommendation, the next step will involve forwarding the Planning Proposal and a Council resolution of initial support to the DPHI seeking a Gateway Determination.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Comprehensive Land Use Strategy.

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.

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.

ZOE GLEESON
STRATEGIC PLANNING CO-ORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

15 November 2024

- Attachments:*
1. Planning Proposal - Henry Lawson Dr, Gulgong. (separately attached)
 2. Attachment 1 to Planning Proposal - Concept Subdivision Plan - Henry Lawson Dr, Gulgong. (separately attached)
 3. Attachment 2 to Planning Proposal- Utility and Infrastructure Report -Henry Lawson Dr, Gulgong. (separately attached)
 4. Attachment 3 to Planning Proposal - AHIMS Search - Henry Lawson Dr, Gulgong. (separately attached)
 5. Attachment 4 to Planning Proposal - Comprehensive Land Use Strategy Opportunities Map - Henry Lawson Dr, Gulgong. (separately attached)
 6. Attachment 5 to Planning Proposal - DPs & PP - Henry Lawson Dr, Gulgong. (separately attached)
 7. Attachment 6 to Planning Proposal - Certificates of Title - Henry Lawson Dr, Gulgong. (separately attached)
 8. Attachment 7 to Planning Proposal - Preliminary Contamination Investigation - Henry Lawson Dr, Gulgong. (separately attached)
 9. Attachment 8 to Planning Proposal - Assessment of Potential for Basic Landholder Rights - Henry Lawson Dr, Gulgong. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Acceptance of NSW and Australian Government Grants

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, GRA600020

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of NSW and Australian Government Grants;**
2. **if successful, accept funding from the Regional Airports Program Round 4. In 2024/25 set an expenditure budget of \$440,000 for Mudgee Regional Airport Stormwater Drainage Upgrade. \$220,000 to be funded by grants, and \$220,000 to be funded by unrestricted cash;**
3. **if successful, accept funding from the Crown Reserves Improvement Fund. In 2025/26 set an expenditure budget of \$710,642 to be funded by grants for the Cudgegong Waters Caravan Park Amenities Building Replacement; and**
4. **authorise the General Manager to finalise and sign the funding agreements.**

Executive summary

Council have applied to multiple funding bodies for projects that will support the overall goals of the Community Plan.

The funding bodies identified in this report include:

- Regional Airports Program Round 4
- Crown Reserves Improvement Fund 2024/25

It is recommended that if Mid-Western Regional Council is successful in the above applications, that Council accepts the grant funding, and authorises the General Manager to sign the funding agreements and amend Council's budgets for 2024/25 and 2025/26.

Disclosure of Interest

Nil

Detailed report

Regional Airports Program – Round 4

Round 4 of the Regional Airports Program aims to improve the safety and accessibility of airports or aerodromes in regional areas of Australia by assisting airport or aerodrome owners/operators to undertake essential works, promoting aviation safety, access for regional communities, climate resilience and assist air services transition to net zero emissions.

The following project was identified as relevant and meeting the criteria of the grant fund:

- Mudgee Regional Airport Stormwater Drainage Upgrade \$220,000

Mudgee Regional Airport experienced a significant stormwater event in October 2022, resulting in the inundation of primary runway, 04/22. This event caused substantial disruption to critical air services, including medical flights and commercial operations for a period of 10 days. To mitigate future risks and ensure the Airport's resilience, this project proposes upgrading the stormwater mitigation embankment on the eastern side of the runway and remediation of the open drainage system to achieve an Annual Exceedance Probability AEP of 1 %.

This project will:

- enhance runway resilience by mitigating the risk of future inundation and ensure the uninterrupted operation of the main runway;
- protect critical air services by safeguarding essential medical flights and commercial operations; and
- improve airport infrastructure by implementing a sustainable stormwater management solution to protect the Airport's assets.

Based on a detailed stormwater plan commissioned by Council and flood modelling using TU FLOW, the proposed solution involves the following key components:

- embankment extension: extend the existing embankment parallel to the main runway by 240 meters and raise it to a height of 1 metre. This will effectively protect the runway from future inundation;
- open channel clearing: clear vegetation and debris from the open channel adjacent to the eastern boundary of the airport to increase its conveyance capacity; and
- channel extension: extend the eastern open channel drain at the end of runway 04 to connect to a retention dam for controlled release into a designated creek system.

Crown Reserves Improvement Fund 2024/25

The Crown Reserves Improvement Fund 2024/25 provides financial support for the maintenance, improvement or development of Crown reserves.

The following project was identified as relevant and meeting the criteria of the grant fund:

- Cudgegong Waters Caravan Park Amenities Building Replacement \$710,642

This project will include the demolition of an old male toilet block and construction of a new, inclusive amenities building with bathrooms, laundry, and a camp kitchen at the Cudgegong Waters Caravan Park. Expected outcomes include increased visitation and visitor satisfaction, improved accessibility, and enhanced community health, wellbeing, and recreation opportunities.

The project aligns with Council's goals of enhancing health, safety, and wellbeing, promoting inclusivity and accessibility for people with disabilities. Stakeholder collaboration, including input from NSW Crown Lands and CWCP lessees, ensures the new facility meets user needs and community expectations.

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

The identified projects support a number of Council strategies as identified in the Community Plan including:

- Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles;
- Provide infrastructure and services to cater for the current and future needs of our community;
- Provide equitable access to a range of places and spaces for all in the community;
- Provide a water and sewer network that balances asset conditions with available resources and community needs;
- Support the attraction and retention of a diverse range of businesses and industries;
- Promote the region as a great place to live, work, invest and visit;
- Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region;
- Support the expansion of essential infrastructure and services to match business and industry developments in the region; and
- Support projects that create new jobs in the region and help to build a diverse and multi-skilled workforce.

Council Policies

Open Space and Recreational Asset Management Plan
 Asset Management Plan Policy
 Mudgee Regional Airport Master Plan

Legislation

Nil

Financial implications

Regional Airports Program Round 4 - Mudgee Regional Airport Stormwater Drainage Upgrade

In 2024/25 set an expenditure budget of \$440,000. \$220,000 to be funded by grants, and \$220,000 to be funded by unrestricted cash.

Crown Reserves Improvement Fund 2024/25 - Cudgegong Waters Caravan Park Amenities Building Replacement

In 2025/26 set an expenditure budget of \$710,642 to be funded by grants.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2024/25	-	X	X
Future Years	-	X	X

Associated Risks

If the grant funding for the above-named projects is successful and not accepted by Council, the projects may not be able to proceed or may be delayed due to funding restraints. There is a project delivery risk for each project. These risks are managed through Council's policies and procedures.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

25 November 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400103, A0420109

RECOMMENDATION

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined.

Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation to development assessment and determination of applications.

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of **November 2024** Development Applications determined and Development Applications processing.

The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information;
- Median and average processing times for development applications;
- A list of determined development applications;
- Currently processing development applications and heritage applications; and
- Variations to the Mid-Western DCP.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

25 November 2024

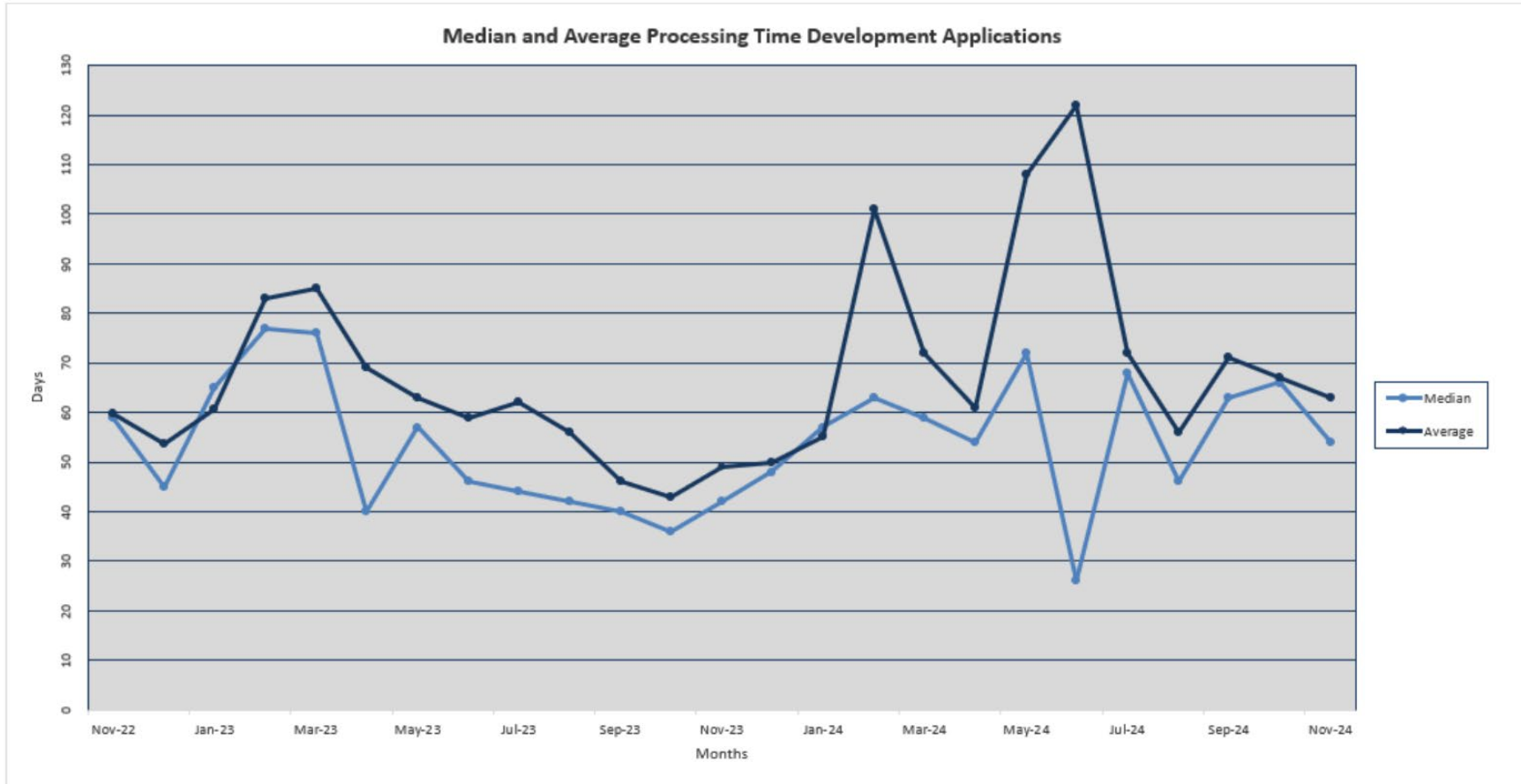
Attachments: 1. Monthly Development Applications Processing and Determined - November 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

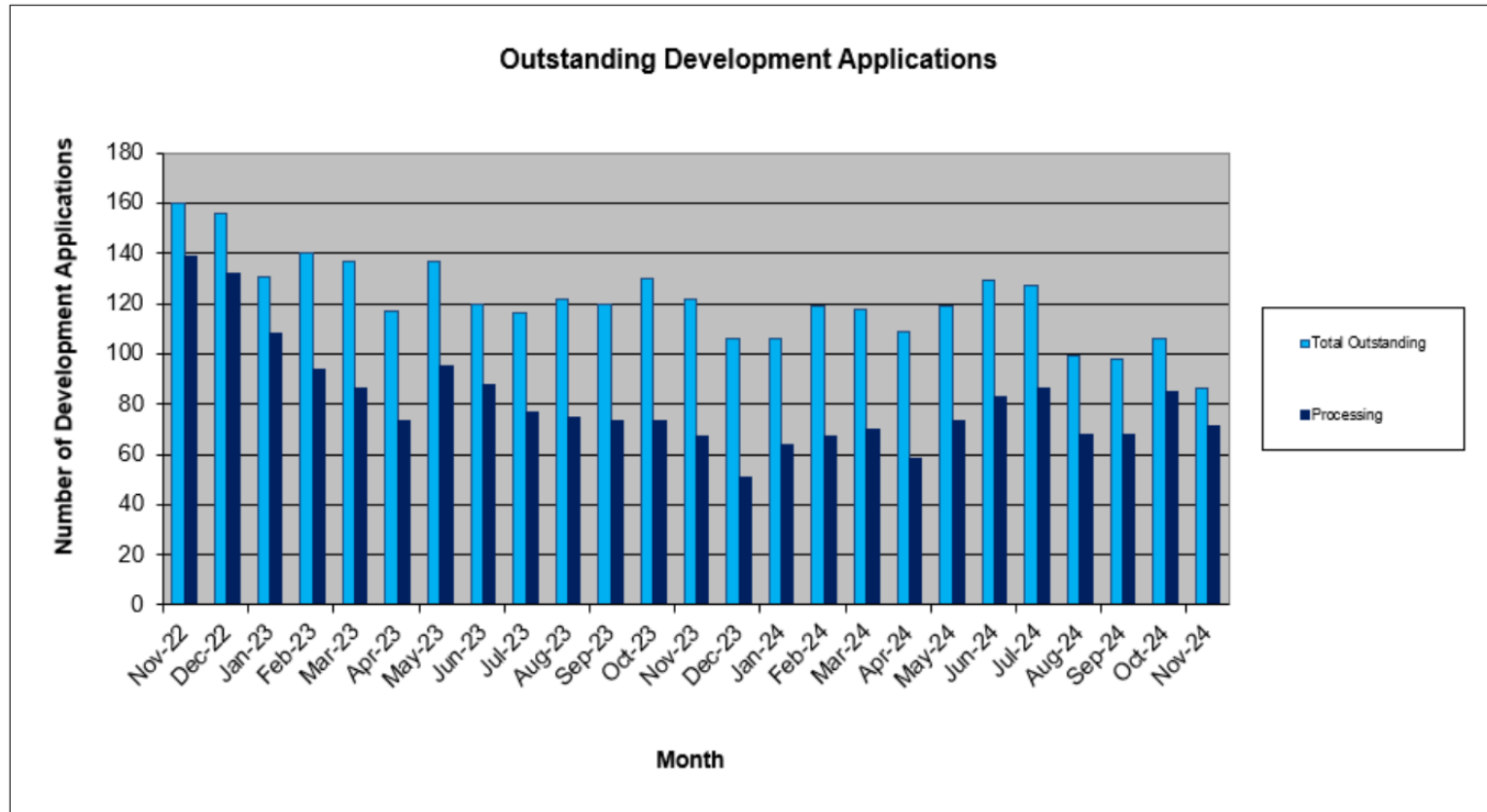
Monthly Development Application Processing Report – November 2024

This report covers the period for the month of October 2024. Graph 1 indicates the processing times up to 30 November 2024 with the month of November having an average of 63 days and a median time of 54 days.



Monthly Development Application Processing Report – November 2024

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 71 and the number on “stop clock” is 15.



The Planning and Development Department determined 20 Development Applications either by Council or under delegation during November 2024.

Monthly Development Application Processing Report – November 2024

Development Applications Determined – November 2024

Appl/Proc ID	Description	House No	Street Name	Locality
DA0205/2024	Indoor Recreation Facility - Dance Studio	12	Sydney Road	MUDGEE NSW 2850
DA0269/2024	Subdivision - Torrens Title	42	Guntawang Street	GULGONG NSW 2852
DA0281/2024	Subdivision - Torrens Title	1	Tallawang Road	GULGONG NSW 2852
DA0305/2024	Cafe	36	Church Street	MUDGEE NSW 2850
DA0332/2024	Dual Occupancy	839	Hill End Road	ERUDGERE NSW 2850
DA0336/2024	Dual Occupancy	150	Gladstone Street	MUDGEE NSW 2850
DA0017/2025	Residential Alterations & Additions	37	Gladstone Street	MUDGEE NSW 2850
DA0022/2025	Secondary dwelling	55	Henry Lawson Drive	BOMBIRA NSW 2850
DA0037/2025	Industrial training facility	2	Marsh Avenue	CAERLEON NSW 2850
DA0056/2025	Residential Alterations & Additions	631	Black Soil Road	GRATTAI NSW 2850
DA0060/2025	Residential Alterations & Additions	23	Bayly Stree	GULGONG NSW 2852
DA0064/2025	Attached Patio Cover	10	Hardwick Avenue	MUDGEE NSW 2850
DA0071/2025	Dwelling House	397	White Rock Road	PINNACLE SWAMP NSW 2849
DA0077/2025	Shed	7	Bulga Street	GULGONG NSW 2852
DA0079/2025	Shed	22	Herbert Street	GULGONG NSW 2852
DA0080/2025	Dwelling House	17	Harvey Street	BOMBIRA NSW 2850
DA0081/2025	Residential Alterations & Additions	149	Mortimer Street	MUDGEE NSW 2850
DA0097/2025	Dwelling House	686	Springfield Lane	GULGONG NSW 2852
DA0104/2025	Dwelling House	24	Marshfield Lane	MUDGEE NSW 2850
DA0115/2025	Carport	7	Bulga Street	GULGONG NSW 2852

***NOTE – 1x Development Applications were approved with a variation to the DCP during November 2024.**

- DA0332/2024

Monthly Development Application Processing Report – November 2024

Development Applications currently being processed – November 2024.

App/Proc ID	Description	House No	Street Name	Locality
DA0327/2011	Shed	23	Horatio Street	MUDGEES NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEES NSW 2850
DA0089/2019	Change of Use	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEES NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTA BUCCA NSW 2850
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEES NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way (Crown Land)	BREAKFAST CREEK 2849
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEES NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0143/2024	Subdivision – 1 into 3 lots	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEES NSW 2850
DA0242/2024	Caravan Park	313	Magpie Lane	GALAMBINE NSW 2850
DA0250/2024	Extractive Industry	2152	Goolma Road	TWO MILE FLAT NSW 2852
DA0256/2024	Multi dwelling housing	10	Burrundulla Avenue	MUDGEES NSW 2850
DA0258/2024	Subdivision - Torrens Title	24	Flirtation Hill Lane	GULGONG NSW 2852
DA0293/2024	Industrial training facility	87	Lions Drive	MUDGEES NSW 2850
DA0302/2024	Transport depot	4	Industrial Avenue	GULGONG NSW 2852
DA0314/2024	Dual Occupancy	66	Pipeclay Lane	BUDGEES BUDGEES NSW 2850
DA0316/2024	Dwelling House	95	Bellevue Road	MUDGEES NSW 2850
DA0323/2024	Subdivision - Torrens Title	1188	Wallawaugh Road	HARGRAVES NSW 2850
DA0327/2024	Residential Shed	16	Swords Court	MUDGEES NSW 2850

Monthly Development Application Processing Report – November 2024

DA0339/2024	Dual Occupancy	2	Margaret Lane	CAERLEON NSW 2850
DA0343/2024	Subdivision - Torrens Title	39	Rifle Range Road	MUDGEE NSW 2850
DA0002/2025	Farm stay accommodation	122	Strikes Lane	EURUNDEREE NSW 2850
DA0013/2025	Moveable dwelling	295	Putta Bucca Road	BOMBIRA NSW 2850
DA0016/2025	Subdivision - Torrens Title	11	Quinn Place	MUDGEE NSW 2850
DA0024/2025	Storage Premises	5	Lillie Close	CAERLEON NSW 2850
DA0039/2025	Dwelling House	1127	Bocoble Road	BOCOBLE NSW 2850
DA0042/2025	Dual Occupancy	6	Davis Crescent	CAERLEON NSW 2850
DA0044/2025	Multi dwelling housing	30	Robertson Street	MUDGEE NSW 2850
DA0045/2025	Subdivision - Torrens Title	18	Banjo Paterson Avenue	MUDGEE NSW 2850
DA0046/2025	Dwelling House	194	Hill End Road	CAERLEON NSW 2850
DA0047/2025	Dual Occupancy	253	Burrundulla Road	BURRUNDULLA NSW 2850
DA0055/2025	Alterations & Additions	131	Nangawooka Road	GREEN GULLY NSW 2850
DA0058/2025	Subdivision - Torrens Title	76	Zimmer Lane	GULGONG NSW 2852
DA0063/2025	Subdivision - Torrens Title	3	Mellon Street	RYLSTONE NSW 2849
DA0068/2025	Group home	162	Ulan Road	BOMBIRA NSW 2850
DA0069/2025	Water storage facility	259	Melrose Road	MOUNT FROME NSW 2850
DA0070/2025	Extractive Industry	1848	Castlereagh Highway	TALLAWANG NSW 2852
DA0074/2025	Child Care Centre	39	Saleyards Lane	MUDGEE NSW 2850
DA0078/2025	Dwelling House	61	School Lane	BUDGEE BUDGEE NSW 2850
DA0083/2025	Secondary dwelling	24	Brewers Lane	ST FILLANS NSW 2850
DA0085/2025	Internal alterations to managers residence	58	Pitts Lane	PUTTA BUCCA NSW 2850
DA0086/2025	Recreation facility (outdoor) Playground	1896	Windeyer Road	WINDEYER NSW 2850
DA0089/2025	Shed	97	Winchester Crescent	COOKS GAP NSW 2850
DA0090/2025	Dual Occupancy	1318	Henry Lawson Drive	ST FILLANS NSW 2850
DA0091/2025	Secondary dwelling	119	Saints Lane	ST FILLANS NSW 2850
DA0092/2025	Dwelling House	24	Farrelly Street	CLANDULLA NSW 2848
DA0093/2025	Subdivision - Torrens Title	31	Melton Road	MUDGEE NSW 2850
DA0094/2025	Dual Occupancy	19	Shearman Street	Caerleon NSW 2850
DA0095/2025	Advertising Structure	93	Angus Avenue	KANDOS NSW 2848
DA0096/2025	Dwelling House	42	Saleyards Lane	MUDGEE NSW 2850

Monthly Development Application Processing Report – November 2024

DA0101/2025	Residential Shed	34	Hughson Ave	MUDGEE NSW 2850
DA0102/2025	Dual Occupancy	34	Marshfield Lane	MUDGEE NSW 2850
DA0105/2025	Secondary dwelling	14	Eleanor Dark Court	MUDGEE NSW 2850
DA0107/2025	Shed	1868	Coricudgy Road	KELGOOLA NSW 2849
DA0109/2025	Alterations & Additions	14	Baskerville Drive	MUDGEE NSW 2850
DA0110/2025	Residential Shed	23	Fairydale Lane	MUDGEE NSW 2850
DA0112/2025	Alterations & Additions	45	Breakfast Creek Road	BREAKFAST CREEK NSW 2849
DA0113/2025	Subdivision - Torrens Title	247	Putta Bucca Road	PUTTA BUCCA NSW 2850
DA0114/2025	Secondary dwelling	185	Church Street	MUDGEE NSW 2850
DA0116/2025	Secondary dwelling	435	Kaludabah Road	PIAMBONG NSW 2850
DA0117/2025	Residential Shed	36	Rouse Street	GULGONG NSW 2852
DA0118/2025	Subdivision - Torrens Title	20	Donoghue Street	KANDOS NSW 2848
DA0121/2025	Dwelling House	851	Old Grattai Road	GRATTAI NSW 2850

Heritage Development Applications currently being processed – November 2024.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of Use	110	Church Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0313/2024	Dual Occupancy	94	Horatio Street	MUDGEE NSW 2850
DA0341/2024	Dual Occupancy	127	Gladstone Street	MUDGEE NSW 2850
DA0049/2025	Dwelling House	34	Gladstone Street	MUDGEE NSW 2850
DA0052/2025	Place of Public Worship	4	Church Street	MUDGEE NSW 2850
DA0053/2025	Demolition of shed and new car parking	67	Perry Street	MUDGEE NSW 2850
DA0061/2025	Alterations & Additions	67	Denison Street	MUDGEE NSW 2850
DA0062/2025	Commercial Premises	140	Mayne Street	GULGONG NSW 2852
DA0067/2025	Carport	49	Mudgee Street	RYLSTONE NSW 2849
DA0073/2025	Carport	77	Mayne Street	GULGONG NSW 2852
DA0106/2025	Dwelling House	7	Armstrong Street	RYLSTONE NSW 2849
DA0108/2025	Subdivision - Torrens Title	29	Short Street	MUDGEE NSW 2850

Item 9: Corporate Services

9.1 Monthly Budget Review - November 2024 Budget Variations

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - November 2024 Budget Variations; and
 2. amend the 2024/25, 2025/26, 2026/27 and 2027/28 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.
-

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

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

Strategy	Prudently manage risks associated with all Council activities
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Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2021, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2024/25	✘	-	-
Future Years	-	-	✔

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

26 November 2024

Attachments: 1. Monthly Budget review - November 2024 Attachment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Monthly Statement of Investments as at 30 November 2024

REPORT BY THE FINANCIAL PLANNING COORDINATOR AND CHIEF FINANCIAL OFFICER
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 November 2024; and**
2. **note the certification of the Responsible Accounting Officer.**

Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 30 November 2024.

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

It is noted that due to a reduced cash and investment balance, previously placed term deposits with BBB+ and BBB rated institutions now make up more of the investment portfolio that is recommended in Council's Investment Policy. In accordance with policy for this type of breach of limit staff will apply an immediate freeze on the acquisition of new investments in the relevant category until the portfolio can be effectively managed back to accord with the requirements of this policy. All investments still comply with the Ministerial Local Government Investment order and Local Government regulation.

Community Plan implications

Theme	Good Government
-------	-----------------

Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks associated 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 2021 the Responsible Accounting Officer certifies that:

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act; and
- b) all investments have been made in accordance with the Act and the regulations.

Financial implications

Not Applicable

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

21 November 2024

Attachments: 1. Statement of Investments November 2024.

APPROVED FOR SUBMISSION:

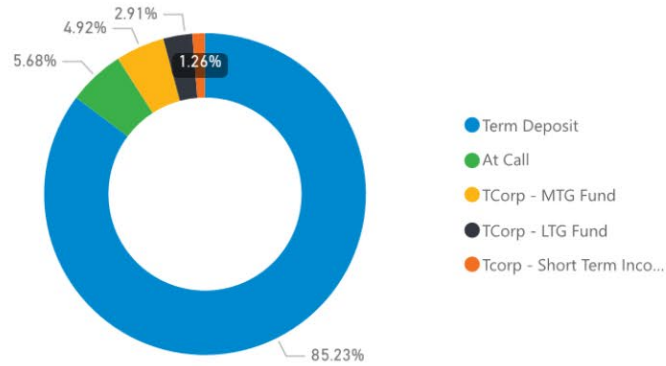
BRAD CAM
GENERAL MANAGER

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

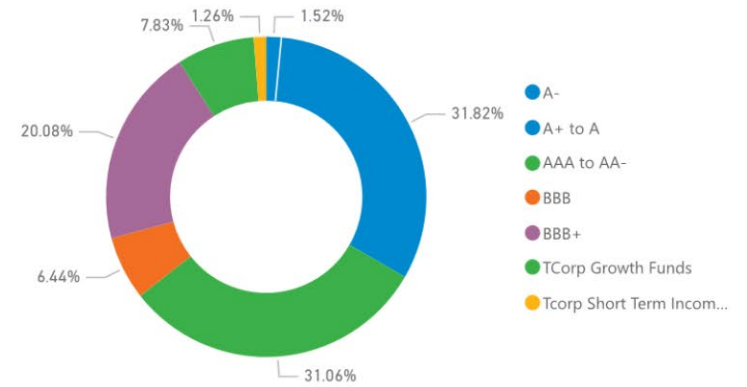
Total Investment Portfolio (\$)

132.00M

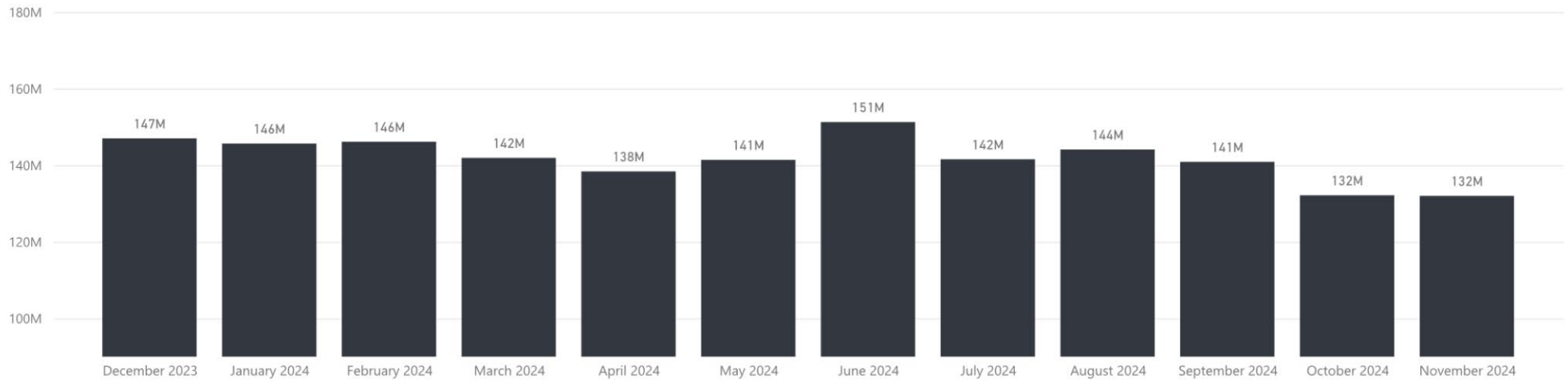
Investments by Type



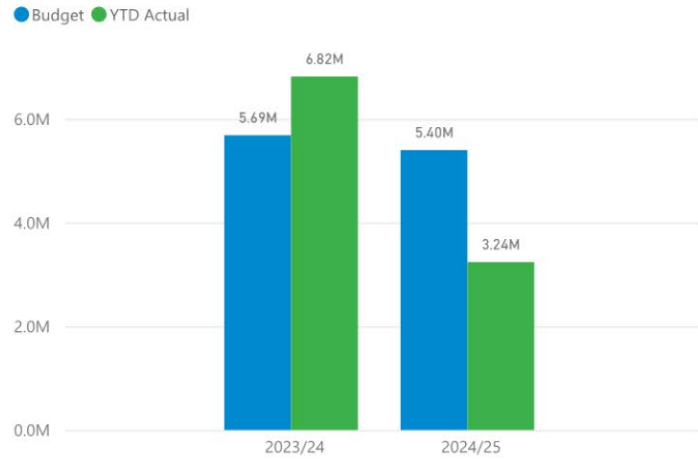
Investments by Long Term Rating



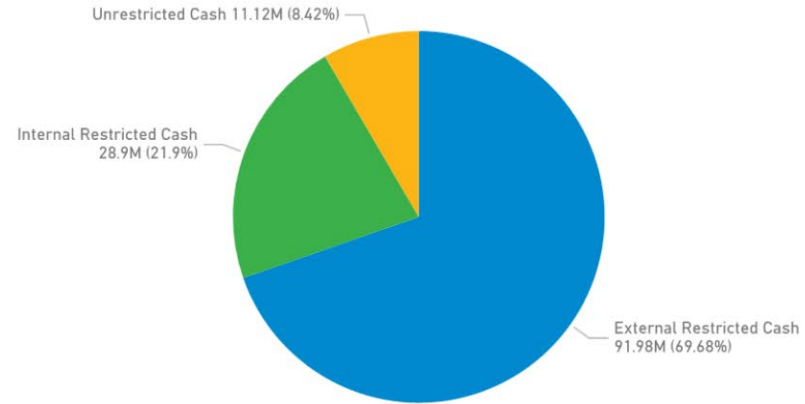
Portfolio Balance at End of Month (\$)



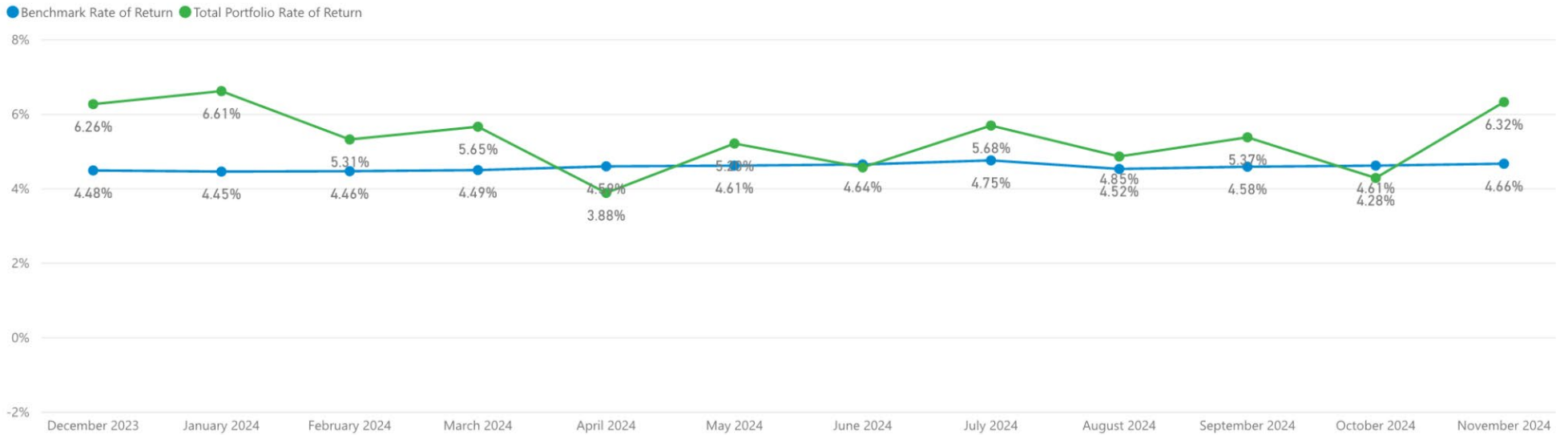
Income from Investments (\$)



Balance by Cash Category



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 7,494,667	0
TCorp - Long Term Growth Fund	3.00%	\$ 3,844,183	5
TCorp - Medium Term Growth Fund	3.00%	\$ 6,495,867	5
Tcorp - Short Term Income Fund	3.00%	\$ 1,666,948	5
Total		\$ 19,501,665	

Current Term Deposits

Institution	Yield	Principal Amount	Term to Maturity
AMP	5.02%	\$ 4,000,000	207
Australian Unity	5.50%	\$ 2,000,000	4
Australian Unity	5.10%	\$ 3,500,000	130
Bank Of Queensland	5.15%	\$ 2,000,000	193
Bank Vic	5.28%	\$ 1,500,000	179
Bank Vic	5.33%	\$ 2,000,000	361
Bank Vic	5.33%	\$ 2,000,000	382
Bank Vic	5.08%	\$ 6,000,000	95
Defence Bank	5.25%	\$ 2,500,000	81
G&C Mutual	5.35%	\$ 1,500,000	158
G&C Mutual	5.36%	\$ 1,000,000	228
G&C Mutual	5.13%	\$ 3,000,000	270
Great Southern Bank	5.16%	\$ 2,000,000	74
ING	5.10%	\$ 3,500,000	102
ING	5.40%	\$ 3,000,000	578
ING	5.18%	\$ 3,000,000	746
ING	5.28%	\$ 3,000,000	375
ING	5.22%	\$ 2,000,000	46
ING	5.40%	\$ 4,000,000	410
MyState Bank	5.37%	\$ 2,000,000	172
MyState Bank	5.36%	\$ 2,000,000	18
NAB	5.20%	\$ 3,000,000	11
NAB	4.49%	\$ 2,500,000	18
NAB	5.20%	\$ 1,000,000	67
NAB	5.30%	\$ 2,000,000	151
NAB	5.00%	\$ 3,000,000	165
NAB	5.05%	\$ 1,000,000	137
Rabo Bank	5.37%	\$ 2,500,000	186
Rabo Bank	5.35%	\$ 2,000,000	200
Rabo Bank	5.37%	\$ 2,000,000	214
Rabo Bank	5.36%	\$ 2,000,000	382
Rabo Bank	5.48%	\$ 4,000,000	242
Rabo Bank	5.39%	\$ 4,000,000	256
Rabo Bank	5.02%	\$ 2,500,000	179
Rabo Bank	5.09%	\$ 1,500,000	123
Rabo Bank	5.02%	\$ 2,000,000	508
Rabo Bank	5.15%	\$ 1,000,000	354
Westpac	4.89%	\$ 2,500,000	60
Westpac	4.88%	\$ 4,000,000	634
Westpac	5.34%	\$ 2,000,000	221
Westpac	5.10%	\$ 2,500,000	39
Westpac	4.98%	\$ 2,000,000	207
Westpac	5.19%	\$ 2,000,000	88

Institution	Yield	Principal Amount	Term to Maturity
Westpac	5.16%	\$ 2,500,000	116
Westpac	5.17%	\$ 2,500,000	144
Westpac	5.15%	\$ 1,000,000	340
Total		\$ 112,500,000	

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 43,501,665	33%	33%	20%	OK
Between 3 months and 1 year	\$ 65,500,000	50%	83%	40%	OK
Between 1 year and 2 years	\$ 20,000,000	15%	98%	50%	OK
Between 2 years and 4 years	\$ 3,000,000	2%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 132,001,665				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	NAB	40%	OK	15%	\$ 19,994,667
	Westpac	40%	OK	16%	\$ 21,000,000
A	ING	20%	OK	14%	\$ 18,500,000
	Rabo Bank	20%	OK	18%	\$ 23,500,000
BBB+	Australian Unity	10%	OK	4%	\$ 5,500,000
	Bank Vic	10%	OK	9%	\$ 11,500,000
	G&C Mutual	10%	OK	4%	\$ 5,500,000
	MyState Bank	10%	OK	3%	\$ 4,000,000
BBB	AMP	5%	OK	3%	\$ 4,000,000
	Defence Bank	5%	OK	2%	\$ 2,500,000
	Great Southern Bank	5%	OK	2%	\$ 2,000,000
	TCorp - Long Term Growth Fund	15%	OK	3%	\$ 3,844,183
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	5%	\$ 6,495,867
	TCorp - Short Term				
Tcorp Short Term Income	Income Fund	15%	OK	1%	\$ 1,666,948
	Bank Of				
A-	Queensland	20%	OK	2%	\$ 2,000,000
Grand Total				100%	\$ 132,001,665

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	31%	\$ 40,994,667
BBB+	20%	Over Limit	20%	\$ 26,500,000
BBB	5%	Over Limit	6%	\$ 8,500,000
TCorp Growth Funds	15%	OK	8%	\$ 10,340,050
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,666,948
A+ to A	50%	OK	32%	\$ 42,000,000
A-	40%	OK	2%	\$ 2,000,000
Grand Total			100%	\$ 132,001,665

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Movement	Closing Balance
NAB (At call account)	3,878,384	3,616,283	7,494,667
TCorp - Cash Fund	-	-	-
TCorp - Long Term Growth Fund	3,742,958	101,224	3,844,183
TCorp - Medium Term Growth Fund	6,400,023	95,844	6,495,867
Tcorp - Short Term Income Fund	1,660,362	6,586	1,666,948
Total	15,681,727	3,819,938	19,501,665

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Bank Of Queensland	5.28%	6/11/2024	2,500,000	167,079
NAB	5.15%	13/11/2024	2,000,000	122,471
Westpac	5.44%	20/11/2024	1,500,000	84,506
Bank Of Queensland	5.40%	27/11/2024	2,000,000	109,775
Total			8,000,000	483,832

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	5.15%	5/11/2025	1,000,000	51,359
Rabo Bank	5.15%	19/11/2025	1,000,000	51,359
Bank Of Queensland	5.15%	11/06/2025	2,000,000	55,310
Total			4,000,000	158,027

9.3 Community Grants Program - December 2024

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, GRA600009

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Co-ordinator on the Community Grants Program - December 2024;
2. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to waive the fee of \$368 for Pink Up Cricket community event;
3. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy: and

Applicant	Recommended Amount \$
• Business Mudgee	5,000
• Kandos Rylstone Show Society	5,000
• Gulgong Show Society	5,000
• Mudgee & Districts Motorcycle Club	5,000

4. not provide financial assistance to the following applicants for the reasons provided in the report
 - Rylstone Parents and Community Association

Executive summary

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

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2040 Community Plan.

All applications except for those under the Youth Representative Grants and the Mudgee Sports Advisory categories were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

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

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community 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 \$
Business Mudgee	Late Night Christmas shopping	5,000	9	5,000
Kandos Rylstone Show Society	Kandos Rylstone Show	10,382	10	5,000
Rylstone Parents and Community Association	Rylstone Public School Soft Fall Installation	5,000	6	-
Gulgong Show Society	Gulgong Show 2025	5,000	9	5,000
Mudgee & Districts Motorcycle Club	Mudgee & Districts Motorcycle Club - AREC Lease	5,000	8	5,000
Total				20,000

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.

Business Mudgee

Business Mudgee requests \$5,000 for Late Night Christmas shopping. Santa will be there by the tree for photos with kids and pets. Family focused with activities for the kids like face painting, decorating gingerbread, ballon art, carollers and school choir, gift wrapping etc. Hoping to get restaurants and takeaway places offering themed dinners.

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

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,000

Kandos Rylstone Show Society

Kandos Rylstone Show Society requests \$10,000 cash and \$382 in-kind support for the hire of the hall for Kandos Rylstone Show. Since 1892 our annual show displays & celebrates the excellent agricultural produce, talent, animal husbandry, cooking, crafts and artistry skills that underpin the emerging & thriving Rylstone Kandos Community. It included children's entertainment, woodchopping, fireworks, live music, home brew compa and much more.

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

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION: \$ 5,000

Maximum cap amount has been recommended.

Rylstone Parents and Community Association

Rylstone Parents and Community Association requests \$5,000 for Rylstone Public School Soft Fall Installation. Installation of soft fall under the existing Ninja course in the Rylstone Public School Playground.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community health and safety, 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap \$25,001

RECOMMENDATION: \$ 0

No amount has been recommended as this should fall under the responsibility of the state government.

Gulgong Show Society

Gulgong Show Society requests \$5,000 for Gulgong Show 2025. This is an annual agriculture show where the community can come together to celebrate and showcase abilities, met up with friends and families, enjoy some entertainment and show rides. The show is a community event and is run by volunteers.

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, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION: \$ 5,000

Mudgee & Districts Motorcycle Club

Mudgee & Districts Motorcycle Club requests \$5,000 for Mudgee & Districts Motorcycle Club - AREC Lease. The club is applying for a 50% subsidy on the rental fees of the track from AREC. The AREC rental fee of \$10,000pa is a significant cost to the small non-for-profit club and a rental

reduction would allow those fund to be diverted to improving the track safety and experience for riders.

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, 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community health and safety

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION: \$ 5,000

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

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

Financial implications

Funding of \$110,000 is provided in the Operational Plan for financial assistance. The current balance remaining after the previous grant approved is \$37,251. Based on the scoring system above, and the recommendation of Council officers, an amount of \$20,000 in financial assistance is proposed. Should Council approve the recommendations in the report, an amount of \$17,251 remains in the budget.

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

26 November 2024

Attachments: 1. Community Grants Attachment - December 2024. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 Classification of Land - Lot 1238 DP1302496 at 37 Enfield Avenue Caerleon

REPORT BY THE PROPERTY COORDINATOR
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, 27530

RECOMMENDATION

That Council:

1. **receive the report by the Property Coordinator on the Classification of Land - Lot 1238 DP1302496 at 37 Enfield Avenue Caerleon; and**
2. **classify allotment Lot 1238 DP 1302496, being Enfield Avenue Caerleon as Operational land in accordance with Section 31 of the Local Government Act 1993.**

Executive summary

This report seeks to formalise the classification of Allotment 1238 DP1302496 at 37 Enfield Avenue, Caerleon as *Operational* Land. On 30th October 2024, the land transferred to Council's ownership for the purpose of Caerleon Sewer Pump Station.

Disclosure of Interest

Nil

Detailed report

As part of the process of classification of land, Council resolved on 14 August 2024 to advertise its intent to classify Allotment 1238 DP1302496 at 37 Enfield Avenue, Caerleon as Operational in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of the Council Minute and Map to show the location of Lot 1238 DP1302496 are appended as Attachments 1 and 2.

Council's intention to classify the land as Operational was subsequently advertised in the local newspaper on 2 November 2024, after the land transferred to Council ownership. Written submissions were called for, with the closing date for submissions being 30th November 2024. No submissions were received.

It is recommended that Council approve the classification of the subject land as *Operational* in pursuance of its obligations under the LGA.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated 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.

KELLY BARNES
PROPERTY COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

20 September 2024

Attachments: 1. 14 August 2024 - Minute - Acquisition of Land and Classification.
2. Map - Lot 1238 DP1302496.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT

ORDINARY COUNCIL MEETING: 14 AUGUST 2024

9.5 PROPOSED ACQUISITION OF LAND - CAERLEON SEWER PUMP STATION

GOV400105, 27530

191/24

MOTION: Shelley / Karavas

That Council:



1. receive the report by the Manager - Property and Revenue on the Proposed Acquisition of Land - Caerleon Sewer Pump Station;
2. resolve to purchase the land being Lot 1238 DP 1302496 by agreement with the landowner at the price outlined in attachment 1 to this report;
3. authorise the General Manager to finalise negotiations and execute the completion of the property purchase;
4. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase;
5. authorise the General Manager, and the Mayor if required, to complete and execute all documentation, in relation to the purchase;
6. upon completion of the transfer of the land to Council, give public notice of a proposed resolution to classify Lot 1238 DP 1302496 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
7. receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Dicker	✓	
Cr Karavas	✓	
Cr Palmer	✓	
Cr Shelley	✓	
Cr Stoddart	✓	
Cr Thompson		✓

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 <p>Mid-Western Regional Council PO Box 136 86 Market Street MUDGEE NSW 2850 Telephone: 02 6378 2850 Fax: 02 6378 2815 Email: gcouncil@midwestern.nsw.gov.au</p>	<p>Important Notice! This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Mid-Western Regional Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © The State of New South Wales (Spatial Services), © Mid-Western Regional Council.</p> 	<p>Land to be classified Lot 1238 DP1302496</p> <p>Date: 28/11/2024 2:49 PM</p> <p>Map Scale: 1:715 at A4</p>
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9.5 Reclassification of Land - Lot 30 DP1307255 - 24 Marskell Circuit, Mudgee

REPORT BY THE PROPERTY COORDINATOR
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, P027642

RECOMMENDATION

That Council:

1. **receive the report by the Property Coordinator on the Reclassification of Land - Lot 30 DP1307255 - 24 Marskell Circuit, Mudgee;**
2. **give public notice of a proposed resolution to reclassify Lot 30 DP1307255 at 24 Marskell Circuit Mudgee as Community Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and**
3. **receive a further report after the exhibition period to consider any submissions and deal with the next steps in the reclassification process as required by the Act.**

Executive summary

This report seeks to commence the process for reclassification of Lot 30 DP1307255 being land located at 24 Marskell Circuit Mudgee, from *Operational* to *Community* Land.

Disclosure of Interest

Nil.

Detailed report

Council has owned Lot 30 DP1307255, formerly part of a larger parcel of land identified as Pt. Por 181 and Pt. Por 187 (development block), since 6 June 1969. The original parcel was subdivided into residential lots, the majority of lots have since sold or are otherwise advertised for sale.

Under the Local Government Act 1993, all Council-owned land must be classified as either "Operational" or "Community." On 14 June 1994, Council resolved to classify the original development block as as "Operational." Unless otherwise designated as a public or drainage reserve, this classification for the subdivided land has remained unchanged.

Development Application DA0248/2012 outlined consent conditions for Council's more recent subdivision of the former development block at Marskell Circuit, Mudgee. Under these conditions, Lot 30 DP1307255 was designated as a residual lot to be set aside and dedicated as a public reserve to meet the open space requirements of the subdivision. To fulfill this obligation, Council must reclassify the land from "Operational" to "Community" land to enable its management as open public space under the Act.

The purpose of land classification is to clearly distinguish land intended for general public use (“Community” land) from land not required for such use (“Operational” land):

Community Land: Includes public parks, reserves, and sporting grounds. The use and management of Community Land are regulated by a Plan of Management.

Operational Land: Includes land that facilitates Council’s functions, land not open to the general public, or land held temporarily as an asset or investment.

Given the intended future use of Lot 30 DP1307255 as a public reserve, it is proposed to reclassify the land as “Community” land. This reclassification will enable compliance with open space requirements and ensure appropriate management as public open space.

To commence this process, Council must:

1. Resolve its intention to reclassify Lot 30 DP1307255 as Community Land.
2. Advertise the proposed reclassification for a period of 28 days, inviting written submissions from the public.
3. Review submissions and present a further report to Council on the outcomes of the exhibition and the next steps in the reclassification process, as required by the Act.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated 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:

- Sec 33(1) - A council may resolve that public land classified as operational land is to be reclassified as community land.
- Sec 34 - A council must give public notice of a proposed resolution, allow 28 days for submissions, and consider any submissions before making a resolution under Sec 33(1).

Financial implications

Not Applicable.

Associated Risks

If the land is not reclassified as 'Community Land,' Council will be in breach of its development obligations under DA0248/2012.

KELLY BARNES
PROPERTY COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

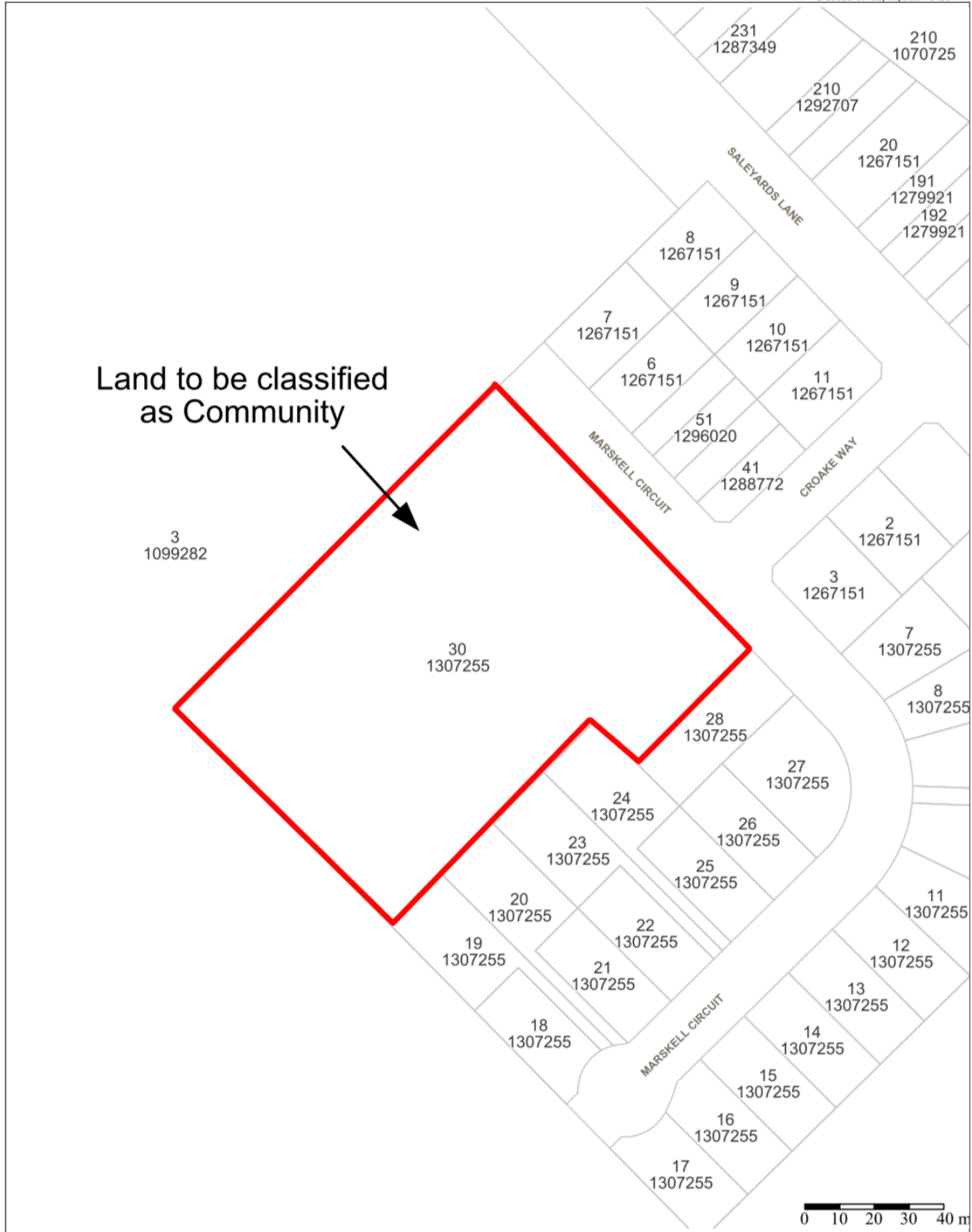
18 November 2024

Attachments: 1. Lot 30 Community Classification.

APPROVED FOR SUBMISSION:


BRAD CAM
GENERAL MANAGER

Created on 25/11/2024 9:31 AM



Land to be classified
as Community





Mid-Western Regional Council
 PO Box 156
 86 Market Street
 MUDGEE NSW 2850
 Telephone: 02 6378 2850
 Fax: 02 6378 2855
 Email: council@midwestern.nsw.gov.au

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**Lot 30 DP1307255
to be classified as
Community**

Date: 25/11/2024 9:31 AM

Map Scale: 1:1494 at A4

9.6 Naming of a New Street in a Subdivision off Short Street, Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, P02326 R0790141

RECOMMENDATION

That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Short Street, Mudgee;
2. name this street Nicole Place, being the new street in a subdivision off Short Street, Mudgee, with the option to amend to Nikkis Place if Nicole Place is rejected by the Geographical Names Board;
3. the additional submission for Fitzsimmons to be added to Council's Pre-Approved Names List for future use; and
4. advertise proposed name and receive a further report at the end of the exhibition period to formalise the name of the street.

Executive summary

A new subdivision off Short Street in the town of Mudgee includes one new street. Addressing requirements for the new subdivision will necessitate the naming of this new street.

Disclosure of Interest

Nil

Detailed report

Council, being the Roads Authority, is required to name new and 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 a name for this new street.

Following the approval of a new subdivision off Short Street in the town of Mudgee, Council received a request and submission from the property owner to name the proposed new street. Council wrote to the neighbours of the subdivision on 10th October 2024 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 19th October 2024 issue of the Mudgee Guardian and on Council's website. Submissions closed on 8th November 2024 and during this period two submissions were received in addition to the original submission, with the following names suggested:

Nicole / Nikki

Fitzsimmons

These names were evaluated via the Geographical Names Board and an issue was found with Nicole as it sounds similar to Nicholson Street in Mudgee however this name will still be accepted for evaluation. Nikki and Fitzsimmons were accepted with no issues raised.

The recommended name of Nicole relates to Nicole Vanessa Lynch (1973-2020). Nicole owned the property being developed and is the daughter of the current owners. Nicole (Nikki) was born in Mudgee and raised on the family farm at Botobolar. Nikki was born with severe cerebral palsy and was instrumental in establishing the rights of local people with disabilities including attendance at school, TAFE and work, participation in activities such as ten pin bowling and in the foundation of "Lifeskills" disability support service in Mudgee. All of which were significant achievements in the 1980s and 1990s. Nikki promoted recognition, awareness and acceptance of people with disabilities.

The alternate recommended name of Nikkis Place relates to Nicole Lynch, as above.

Street naming is legislated under the Roads Act, 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this new street 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 name that Council endorses for this road will be:

1. Advertised in the Mudgee Guardian and on Council's website inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW, 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 road name, and Gazettal of the new road name.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road, Bridge and Place Naming Policy.

Legislation

Roads Act, 1993.
Road Regulation 2008.
Geographical Names Act, 1996.
Geographical Names Board of NSW Address Policy and User Manual, October 2024

Financial implications

The cost and installation of 2 street signs at the intersection of Short Street and the street being named. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

22 November 2024

Attachments: 1. Submission.
2. Submission.
3. Submission.
4. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: Pat Lynch
Sent: Tuesday, 8 October 2024 11:41 AM
To: Council
Subject: Request to name new road DA0026_2024-PAN-348321

Good Morning

Re: DA0026_2024-PAN-348321

We request to name the new road in the above approved subdivision (new road off Short St) "Nicole Place".

Please advise us regarding the procedure to name this new road.

Kind Regards,
Neville and Pat Lynch

Nicole Vanessa Lynch was born in Mudgee on the 22nd May 1973 and lived on the family farm in Botobolar all her life with her parents Neville and Pat, and younger siblings Felicity and Craig. Nicole (or Nikki) was born with severe cerebral palsy.

Nikki touched the lives of many people and was a well-known identity in the Mudgee community. Nikki was instrumental to establishing the rights of local people with disabilities including attendance at school, TAFE and work (a significant achievement in the 1980s & 90s), participation in activities such as ten pin bowling and the foundation of "Lifeskills" (a disability support service in Mudgee). Nikki promoted recognition, awareness, and most importantly, acceptance of people with disabilities.

Nikki inspired many people and was the ultimate role model in many ways. She laughed and was happy when life was not fair. She loved intensely and showed excitement in the simple things in life. Nikki taught us to look past physical appearances and see the person underneath.

Nikki purchased 68 Short St in 1993. We would like to name the new road in the approved subdivision 'Nicole Place' in recognition of Nikki and the contribution she made to the local community.

Nikki passed away on the 30th December 2020 at the age of 47 years.

From: Owen & Carol Fitzsimmon
Sent: Monday, 21 October 2024 1:46 PM
To: Council
Subject: request for street name submission

for attention general manager ccouncils revenue property department mid western regional council.

i wish to put forward my family's surname of fitsimmons as a name for the street name required for the short st subdivision. my family have lived in this area continuously since my great grandfather isaac fitsimmons moved here in 1884 to marry my gg grandmother lucy fitsimmons nee dean. the couple had 14 children & owned gulgamree station on limestone creek above windermere dam & it extended to queens pinch & part of bocoble. the main reason i propose our surname is in memory of two of their sons who enlisted on 25/1/1916 to serve in france to serve in world war one & are listed as killed in action at mudgee cenotaph in robertson park - they were leslie george fitsimmons who enlisted at age 18 & was killed on christmas day of that year & isaac james fitsimmons aged 27 who was killed one month before the war ended on 8/8/1918 in an unfortunate error, my gg grandparents were advised by telegram that the wrong brother had been killed & this advice had to be rescinded & then in august 1918 were advised of the death of their second son. one of their nephews was john (jack)fitsimmons who owned a number of mudgee area hotels in the early 1900s - they included the sydney hotel (now kellys) the cudgegong now under windamere dam & the capertee hotel from 1912. while at capertee his niece lucy fitsimmons was rescued on an unknown date by james mcdonald the last mudgee blacktracker. his granddaughter told me on facebook that they had an old family story of his rescue of a fitsimmons girl. i & our family historian debbie taylor found that it was my great aunt & debbies grandmother & we were able to send mcdonalds family a photo of lucy's marriage to local charles goodman on 24/1/1917 with details of their 5 children - they were very pleased with this info. my father dudley fitsimmons was a scratch rider & the top rider with the old mudgee bicycle club during the depression years & held the gulgong-mudgee record in 1937 at 44 minutes & some seconds for about 40 years - it was when the road was not tarred. my grandmother winifred fitsimmons nee taylor of queens pinch was the granddaughter of george taylor who was one of the 9 persons who signed the proposal by richard blackman to establish mudgee as a township & the niece of adolphus taylor mudgee's member of parliament in the early 1880s. in closing i apologise for the way i which i have presented this proposal without paragraphing but am aged 80s with very limited typing skills i have attached, i hope, are relevant photos. my wife & i are the last remaining members of the fitsimmons family in this are so would like our surname to be remembered by a street name.many thanks for the opportunity.



Issac James Fitzsimmons



Leslie George Fitzsimmons



FITZSIMMONS REUNION

Fitzsimmons family and friends met in Mudgee on Sunday May 25 for a family reunion. The reunion was held at the home of Kevin and Janice Fitzsimmons in Mudgee. Relatives travelled from as far away as Lithgow, Dubbo and Sydney and many came from local areas.

Mrs Ada Dent (nee Fitzsimmons) one of the oldest members of the clan, was present.

Pictured at the reunion are:

Back row: John Miller, Bob Byfield, Merv Goodman, Greg Fitzsimmons, David Sampson, Edna Strike, Owen Fitzsimmons (hidden), Jock Bootle, Malcolm Bootle, Jenni Bootle, Rex Dais, Val Rhodes.

Middle row: Denise Miller, Norma Goodman, Dud Fitzsimmons, Jeanette Byfield, Faye Sampson holding baby Carly, Vida Graham, Gayle Fitzsimmons, Janice Fitzsimmons, Kevin Fitzsimmons, Elaine Bootle, Carol Fitzsimmons, Glad Rhodes, Bob Graham.

Front row: Aaron Miller, Evan Miller, Rhys Miller, Ada Dent holding Mark Fitzsimmons, John Dent, Jess Fitzsimmons.

Absent: Carmel Irvin, Ken Irvin, Mr and Mrs Chris Goodman and family, Mathew Fitzsimmons, Carmel Dent, Leanne Dent, and Bill.

FITZSIMMONS CROSS
EAGLE OR HIA
C.F.T.S.

Deborah Taylor

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

5 November 2024

Dear General Manager,

**Re: Request for Submission - Proposed Street Name-
New street in a subdivision off Short street in the town of Mudgee**

I wish to make a submission for your kind consideration for the proposed new street to be named **Fitzsimmons**. The primary reasons I feel a street should be named after the Fitzsimmons family in the town of Mudgee includes the following:

- Private Isaac James Fitzsimmons and Private Leslie George Fitzsimmons, two young brothers, sadly lost their lives fighting in WW1 France.
- The Fitzsimmons family was one of Mudgee's early sheep farming families along Bocoble Rd, Queens Pinch.
- The late John 'Jack' Fitzsimmons was a prominent Mudgee Publican in the early 1900's and friend of Henry Lawson's.
- Owen Fitzsimmons who still lives in Mudgee and the late Edna Strike nee Fitzsimmons both have volunteered many years at the Mudgee Museum being very passionate about preserving Mudgee's heritage.
- The late Kevin Richard Fitzsimmons worked many years at the Mudgee Post Office.
- The late Dudley Fitzsimmons was a Mudgee cyclist.

I have collated some more detailed information about the Fitzsimmons Family of Mudgee as per attached.

Yours Faithfully,

Deborah J Taylor

Fitzsimmons of Mudgee

By Deborah Taylor

The patriarch of the Fitzsimmons family of Mudgee was Isaac Fitzsimons (b. 1850, parent's abode was Beardie, Armidale -d.1924 Mudgee). Isaac Fitzsimons was the son of James Fitzsimons an Irish convict from Dublin, who arrived in NSW 1834 on the ship 'Royal Sovereign' and of Eliza Fitzsimons nee Smith from Sydney who were both married in Appin 1840. Isaac grew up most of his life in Stoney Creek, near Stuart Town, formerly Ironbark, where his father James Fitzsimons settled as a gold miner. Strikingly, Isaac Fitzsimons was known to be an excellent horseman and in his younger years a notable buckjumper rider.

In 1884 Isaac Fitzsimons married Lucy Olivia Dean (b.1864 Mudgee - d.1940 Mudgee). Lucy Olivia Fitzsimmons nee Dean's parents were John Dean and Lucy Dean nee Rayner of 'Fairfield' Bocoble Rd, Sawpit Flat. Lucy Olivia Fitzsimmons nee Dean's father John Dean was born in Sydney and was admitted to the Male Orphan School in 1825, then apprenticed to George Cox at Winbourne, Mulgoa in 1833 and eventually moved to Mudgee working for the Cox family. In 1847 John Dean married Lucy Rayner. Lucy Dean nee Rayner was born in England and immigrated to NSW in 1837 on the ship 'Resource' with her parents James and Eliza Rayner who were bounty immigrants sponsored by Henry Cox of Glenmore, Mulgoa. The family also moved to Mudgee working for the Cox family and eventually settled on their own farm at Triangle Swamp, Bocoble.

Isaac Fitzsimons and Lucy Olivia Fitzsimmons, as Lucy Olivia's parents and grandparents, also owned land and settled along Bocoble Rd, grazing sheep. Isaac and Lucy Olivia Fitzsimmons had 14 children, Myra Jane (Taylor) (b.1885-d.1970), Christopher Dean (b.1886-d.1971), Albert John 'Bert' (b.1887-d.1964), Isaac James (b.1889-d.1918), Herbert Cloe (b.1890-d.1970), Charles William (b.1892-d.1970), Thomas Henry (b.1894-d.1971), Robert Septimus (b.1896-d.1983), Leslie George (b.1897-d.1916), Alice May (b.1900-d.1971), Eliza Lucy 'Vera' (Goodman)(b.1901-d.1979)(my Great Grandmother), Ivy Maud (Miller)(b.1903-d.1987), Ada Lilly (Dent)(b.1906-d.1993) and Richard Edward (b.1908-d.1989).



Isaac Fitzsimons



Lucy Olivia Fitzsimmons nee Dean

Notably, two of Issac and Lucy Olivia Fitzsimmons's sons enlisted with the Australian Imperial Force on the 25th January 1916, Private Isaac James Fitzsimmons and Private Leslie George Fitzsimmons. They sailed to England and wrote a letter home to family saying how abundant and green the grass was in England which could keep 6000 sheep in a small area. Next, they were sent to fight in France, from where their letters conveyed the miserable cold and mud. Sadly, Private Leslie George Fitzsimmons aged only 19 years was killed in action on Christmas Day 25 December 1916 in France. The family back home on the farm at Queens Pinch were informed of their loss by telegram, however, were firstly incorrectly informed the other son Private Isaac James had been killed. Eventually, the family was informed it was in fact their younger son Private Leslie George Fitzsimmons who was killed on Christmas Day. Mournfully, later in WW1 Private Isaac James Fitzsimmons aged 28 years died of his wounds received in action in France on the 9 August 1918. Regrettably, both the brave Fitzsimmons boys never returned to their beloved family and home near Mudgee and are buried in France, Private Issac James Fitzsimmons at Fouilloy Communal Cemetery, Somme and Private Leslie George Fitzsimmons at Bancourt British Cemetery. Monumentally, with their names Private Issac James Fitzsimmons and Private Leslie George Fitzsimmons engraved on the Mudgee District Fallen Soldiers Memorial in Robertson Park, their memory lives on. Lest We Forget.



Private Isaac James Fitzsimmons



Private Leslie George Fitzsimmons

Another notable Fitzsimmons of Mudgee was Isaac Fitzsimmons's youngest brother John 'Jack' Fitzsimmons (b.1867 Stuart Town-d.1936 Wellington). John 'Jack' Fitzsimmons was a publican of numerous pubs in the Mudgee area including The Cudgegong 1909-1911, Parkview 1912, Capertee 1912, The Oriental 1912-1913, Miners Arms 1919-1920 and the Sydney Hotel (formerly Waratah and now Kelly's Irish Pub) 1921-1923. Apparently, John 'Jack' Fitzsimmons was quite a character and 'good yarn spinner' as described by Duke

Tritton on meeting Jack Fitzsimmons and his good friend Henry Lawson, at Jack's pub The Miners Arms in 1912 (per Meeting Henry by H.P. ("Duke") Tritton, The Bulletin, August 6, 1958). A 1913 Mudgee Guardian article posted a story about 'John 'Jack' Fitzsimmons publican of The Oriental Hotel breaking his leg after being a larrikin dancing on tables and a 1920 Mudgee Guardian article describes how John 'Jack' Fitzsimmons found snakes coiled around a beer keg in the cellar of The Sydney Hotel of which were conveniently plugging a leak. John 'Jack' Fitzsimmons also owned a racehorse called 'Charleville' and also at one time had a house in Douro Street Mudgee of which he also called 'Charleville'. John 'Jack' Fitzsimmons and his wife Mary Fitzsimmons nee O'Neal never had children of their own, however their niece Eliza Lucy 'Vera' (my Great Grandmother) lived in town with them after her elder sister chopped off part of her finger with an axe on the farm at Queens Pinch.

There is a sad story about Isaac Fitzsimons and Lucy Olivia Fitzsimmons youngest son Richard Edward Fitzsimmons and his young wife Gladys Emma Fitzsimmons nee Orth (b.1909-d.1931), who when their son Kevin Richard Fitzsimmons was only a baby, Gladys drowned while swimming in the Cudgegong River in 1931. Richard's older sister Ada Lilly Dent nee Fitzsimmons helped her brother and lovingly raised Kevin living in Horatio St, Mudgee. Kevin Richard Fitzsimmons (b.1931-d.2006) settled and raised his family in Denison St, Mudgee and worked for the Mudgee Post Office many years.

Isaac Fitzsimons and Lucy Olivia Fitzsimmons's son Herbert Cloe Fitzsimmons and his wife Winifred Fitzsimmons nee Taylor also built their house and settled along Bocoble Rd at Queens Pinch. Their son Dudley Fitzsimmons (b.1921-d.1994) was a notable Mudgee cyclist. Dudley's son Owen Fitzsimmons still lives in Mudgee, a passionate historian who has studied history and volunteered for 15 years at the Mudgee Museum.



Kevin Richard Fitzsimmons



Dudley Fitzsimmons

Notably, another Fitzsimmons descendant, Edna May Strike nee Fitzsimmons (b.1920-d.2012), daughter of Isaac and Lucy Olivia Fitzsimmons's daughter Alice May Fitzsimmons and Roland Taylor, also volunteered and contributed greatly to the Mudgee Museum.

The photo below was taken at Fitzsimmons farm along Bocoble Rd, with the Fitzsimmons family matriarch Lucy Olivia Fitzsimmons nee Dean in the middle standing next to her Grandson Darcy Allen Goodman (b.1919-d.2007) (my grandfather). A Fitzsimmons descendent, my Grandfather Darcy Allen Goodman was born in Mudgee in 1919, however his parents moved away when his was baby. However, Darcy must of enjoyed visiting his Fitzsimmons and Goodman family in Mudgee as a boy and loved Mudgee so much that he purchased a sheep property 'Katella' along Queens Pinch Rd, Upper Meroo in the 1970's.



L-R Hazel Goodman (Mitchell), Charles Christopher Goodman, _ , Lucy Olivia Fitzsimmons nee Dean, _ , Darcy Allen Goodman, _ , _ , _ . Circa late 1920's or early 1930's.
Only old fruit trees remain there today.

Compiled by Deborah Joyce Taylor
5th November 2024.



NAA: B2455, FITZSIMMONS I J

Series number: B2455

Control symbol: FITZSIMMONS I J

Barcode: 3910853

Number of pages: 67

Title: Fitzsimmons Isaac James : SERN 5686 : POB Mudgee NSW : POE Lithgow NSW : NOK F
Fitzsimmons Isaac

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D 48885 **ITALIAN**  **MILITARY FORCES.**
AUSTRALIAN IMPERIAL FORCE.

(917) **Attestation Paper of Persons Enlisted for Service Abroad.**
No. 5686 **FITZSIMMONS**
Name *Isaac James Fitzsimmons*
Unit *B. Coy 115th Infy Battalion*
Joined on *Jan 25th 1916*

D15964

Questions to be put to the Person Enlisting before Attestation.

- 1. What is your Name? *Fitzsimmons, Isaac James.*
- 2. In the Parish of *St James* in or near the Town of *Mudgee* in the County of *Murrumbidgee*
- 3. Are you a natural born British Subject or a Naturalized British Subject? (N.B.—If the latter, papers to be shown.) *Yes*
- 4. What is your age? *26 years.*
- 5. What is your trade or calling? *Laborer*
- 6. Are you, or have you been, an Apprentice? If so, where, to whom, and for what period? *No*
- 7. Are you married? *No*
- 8. Who is your next of kin? (Address to be stated) *Father, Isaac Fitzsimmons, QUEENS, PINCH, near MUDGEES, Queens, N.S.W.*
- 9. Have you ever been convicted by the Civil Power? *No*
- 10. Have you ever been discharged from any part of His Majesty's Forces, with Ignominy, or as Incurable and Worthless, or on account of Conviction of Felony, or of a Sentence of Penal Servitude, or have you been dismissed with Disgrace from the Navy? *No*
- 11. Do you now belong to, or have you ever served in, His Majesty's Army, the Marines, the Militia, the Militia Reserve, the Territorial Force, Royal Navy, or Colonial Forces? If so, state which, and if not now serving, state cause of discharge *No*
- 12. Have you stated the whole, if any, of your previous service? *Yes*
- 13. Have you ever been rejected as unfit for His Majesty's Service? If so, on what grounds? *No*
- 14. Do you understand that no Separation Allowance will be issued in respect of your service beyond an amount which together with Pay would reach eight shillings per day *Yes*
- 15. Are you prepared to undergo inoculation against small-pox and enteric fever? *Yes*

I, *Isaac James Fitzsimmons* do solemnly declare that the above answers made by me to the above questions are true, and I am willing and hereby voluntarily agree to serve in the Military Forces of the Commonwealth of Australia within or beyond the limits of the Commonwealth.

*And I further agree to allot not less than two-fifths of the pay payable to me from time to time during my service for the support of my wife *three-fifths* wife and children

Date *15th Jan 1916* *O J Fitzsimmons*
Signature of person enlisted.

* This clause to be amended where necessary and should be struck out in the case of unmarried men or widowers without children under 18 years of age.



NAA: B2455, FITZSIMMONS L G

Series number: B2455

Control symbol: FITZSIMMONS L G


Barcode: 3910938

Number of pages: 38

Title: Fitzsimmons Leslie George : SERN 5685 : POB Mudgee NSW : POE Lithgow NSW : NOK F
Fitzsimmons Isaac

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1375

D 15966 **ITALIAN**  **MILITARY FORCES.**

AUSTRALIAN IMPERIAL FORCE.

Attestation Paper of Persons Enlisted for Service Abroad.

No. ⁽⁹¹²⁾ 5685 Name *Leslie George Fitzsimmons*
Unit *B Coy 45th Infy Battalion*
Joined on *January 25th 1916*

15966

Questions to be put to the Person Enlisting before Attestation.

1. What is your Name? *Fitzsimmons, Leslie George*
2. In the Parish of *Annafield* in or near the Town of *Wauchope* in the County of *Newcastle*
3. Are you a natural born British Subject or a Naturalized British Subject? (N.B.—If the latter returns to be shown.) *Yes*
4. What is your age? *18 years*
5. What is your trade or calling? *Laborer*
6. Are you, or have you been, an Apprentice? If so, where, to whom, and for what period? *No*
7. Are you married? *No*
8. Who is your next of kin? (Address to be stated) *Father, Isaac Fitzsimmons, QUEENS PINCH NEAR MUDGEEOGA, QUEENS. PARISH*
9. Have you ever been convicted by the Civil Power? *No*
10. Have you ever been discharged from any part of His Majesty's Forces, with Ignominy, or as Incurrible and Worthless, or on account of Conviction of Felony, or of a Sentence of Penal Servitude, or have you been dismissed with Disgrace from the Navy? *No*
11. Do you now belong to, or have you ever served in, His Majesty's Army, the Marines, the Militia, the Militia Reserve, the Territorial Force, Royal Navy, or Colonial Forces? If so, state which, and if not now serving, state cause of discharge *No*
12. Have you stated the whole, if any, of your previous service? *Yes*
13. Have you ever been rejected as unfit for His Majesty's Service? If so, on what grounds? *No*
14. Do you understand that no Separation Allowance will be issued in respect of your service beyond an amount which together with Pay would reach eight shillings per day *Yes*
15. Are you prepared to undergo inoculation against small-pox and enteric fever? *Yes*

Leslie George Fitzsimmons do solemnly declare that the above answers made by me to the above questions are true, and I am willing and hereby voluntarily agree to serve in the Military Forces of the Commonwealth of Australia within or beyond the limits of the Commonwealth.

* And I further agree to allot not less than ~~two fifths~~ ^{three fifths} of the pay payable to me from time to time during my service for the support of my wife and children

Date *15th January 1916* *L. G. Fitzsimmons*
Signature of person enlisted.

* This clause to be amended where necessary and should be struck out in the case of unmarried men or widowers without children under 18 years of age.

National Archives of Australia NAA: B2455, FITZSIMMONS L G

ADDITIONAL PAGES ON FILE (MWRC) AND AVAILABLE IF REQUIRED

Local Brevities

Pte. George Fitzsimmons, who is in camp with his brother, Pte. J. J. Fitzsimmons, writes interestingly of the voyage over. He is struck with the abundance of grass in English fields, which he says would keep 6000 sheep on a very small area. He did not expect to see the firing line for 14 weeks. There is, he says, plenty of beer in the canteen, and the soldiers do not have to go far for a drink.

Mudgee Guardian Thursday 19 October 1916

Paid the Price.

ANOTHER DISTRICT
HERO.

PRIVATE FITZSIMMONS.

KILLED IN ACTION.

The Rev. Canon W. J. Dunstan, Rector of St. John's Church of England on Monday morning received the following wire from Colonel Luscombe, of Victoria Barracks, Sydney:—

"It is officially reported that Private I. I. Fitzsimmons, 2nd Battalion, was killed in action December 25. Please inform Mr. I. Fitzsimmons, and convey the deep regret and sympathy of their Majesties, the King and Queen, and the Commonwealth Government in the loss that they and the army have sustained by the death of the soldier."

Private Fitzsimmons was a son of Mr. Isaac Fitzsimmons, of Queen's Pinch, Windeyer road, and a nephew of Mr. John Fitzsimmons, of Church Street, Mud-

gee. The deceased soldier was 26 years of age, and prior to his enlistment, was employed on his father's property. He enlisted with his brother, Leslie George, some seven or eight months ago, and after doing seven or eight weeks' training left for the front. Private Leslie is now in France doing his bit, and it is to be hoped that he will not, like his brother, pay the great price for his patriotism and love of liberty.

A PATHETIC LETTER.

A pathetic interest attaches to the following letter from the dead soldier and his brother, inasmuch as it was received by Mr. and Mrs. Fitzsimmons on Tuesday, or just a day after they had been advised by the Defence Department's wire that Private James Fitzsimmons had met his hero's death:—

"France, November 10, 1916.

"Dear Father and Mother,—Just a line. I got your letter a few days ago, and was very pleased to hear from home, as it is the first letter we have received from home since we left. This is a very cold place, and mud wherever you go. We came out from the front line the other day, and we are having a few days' spell. I have very sore feet. Some nights I can't sleep with the pain of them. But I think that will soon get all right again. I don't think we will be able to get home for Xmas this year, so we will wish you all a very happy Xmas. I suppose we will have ours in France. George and I are in the Lewis gun section now. It is better than in the other. I hope the war won't last much longer, as I would like to be home again. I don't think it will last much longer. Well, no more news this time, so I will have to say ta-ta, hoping this will find you all well, the same as it leaves us both (himself and brother), thank God.—Your loving sons, G. and J. Fitzsimmons."

Mudgee Guardian Thursday 18 January 1917

Two Soldier Heroes.

THE WRONG BROTHER REPORTED KILLED.

The Rev. Canon Dunstan, of Mudgee, has received the following telegrams from Colonel Luscombe, Victoria Barracks, Sydney:—

"Base Records do officially reported that No. 5685, Private L. G. Fitzsimmons, 29th Battalion, killed in action 25th December. Please inform father, Mr. I. Fitz-

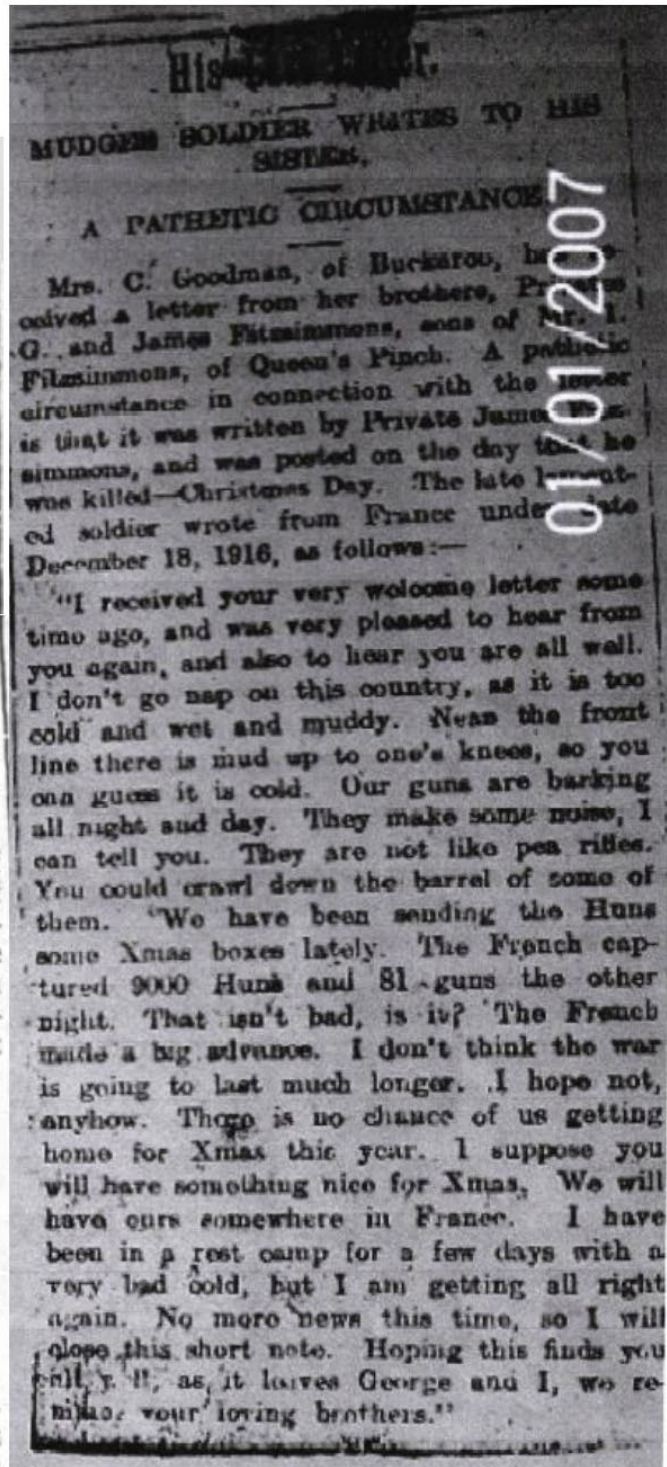
simmons, Queen's Pinch, Mudgee, and convey deep regret and sympathy of their Majesties the King and Queen and Commonwealth Government in the loss that he and the army have sustained by death of soldier."

"With reference to my wire of even date relative to death of Fitzsimmons 85, L. G. Fitzsimmons, 2nd Battalion, also my wire of 15th January, reporting death of 5686, I. J. Fitzsimmons, London office now advises that report re 5686 I. J. Fitzsimmons, incorrect. He is now reported not killed."

From the above it will be seen that it was No. 5685, Private L. G. Fitzsimmons, and not 5686, Private I. J. Fitzsimmons, who was killed in action on December 25.

The "Guardian" associates itself with the great and widespread sympathy that will be felt with Mr. and Mrs. Fitzsimmons in the loss they have sustained by the death of their brave soldier son.

Mudgee Guardian Thursday 15 March 1917



News Article
about a letter
received by my
Great Grandmother
Eliza Lucy Vera
Goodman nee
Fitzsimmons -
Shared by
Owen Fitzsimmons

Local Brevities

Some little time since Mr. and Mrs. I. Fitzsimmons, of Queen's Pinch, Mudgee, received the intimation that their son, Private L. G. Fitzsimmons, had been killed in action in France. Previously Mr. and Mrs. Fitzsimmons had been informed that their son, Private I. J. Fitzsimmons, had fallen. It finally transpired that the victim was Private L. G. Fitzsimmons. Mrs. Fitzsimmons this week received a letter from Private L. J. Fitzsimmons giving a few particulars (but very scant) of his brother's heroic death. Private I. J. Fitzsimmons, who wrote, from France, under date January 9, says:—"I am still in rest camp. Had been working here, where it is wet and muddy, and very cold. I have some rather rotten news to tell you about dear brother George. He was killed on Christmas Eve. He had only come out of the trench the day before. A shell burst about six yards from him and killed him. I never saw him, but a friend of mine did, and he told me that he had carried another chap alongside of him." Private Fitzsimmons adds that he had not known of his brother's death until a day or so before he wrote. He himself (who was greatly unnerved by his brother's death) was driving an engine, and found it fairly good work. He had heard that Albert Fitzsimmons was somewhere in France, and had been in London on leave. He had not seen him.

Mudgee Guardian Thursday 22 March 1917

The Late Private I. J. Fitzsimmons.

Mr. and Mrs. I. Fitzsimmons, of Queen's Pinch, Mudgee, has received the following communication (February 14) from the Defence Department in reference to the death of their son, Private I. J. Fitzsimmons, 2nd Battalion:—"I am now in receipt of advice which shows that he was admitted to the 13th Australian Field Ambulance, France, on August 9, 1918, where he died the same day of wounds received in action (shell wound right leg). He was buried at Forulloy Cemetery. The utmost care and attention is being devoted where possible to the graves of our soldiers. It is understood that photographs are being taken where practicable, and these are transmitted to next of kin when available. These additional details are furnished by direction, it being the policy of the Department to forward all information received in connection with deaths of members of the Australian Imperial Force."

Mudgee Guardian Thursday 13 March 1919

Roll of Honor.

FITZSIMMONS—In loving memory of my dear son and our brother, Private L. G. Fitzsimmons, killed in France, December 25, 1916, aged 19 years.

Gone but Not Forgotten
Rest, dear son, thy toil is o'er,
Thy loving hands shall toil no more;

Rest darling son, gently sleep,
Thou art not forgotten, dearest son,
Nor wilt thou ever be,
As long as life and memory last,
We will remember thee.

(Inserted by his loving mother,
father, brothers and sisters—
Queen's Pinch).

Mudgee Guardian Thursday 23 December 1920



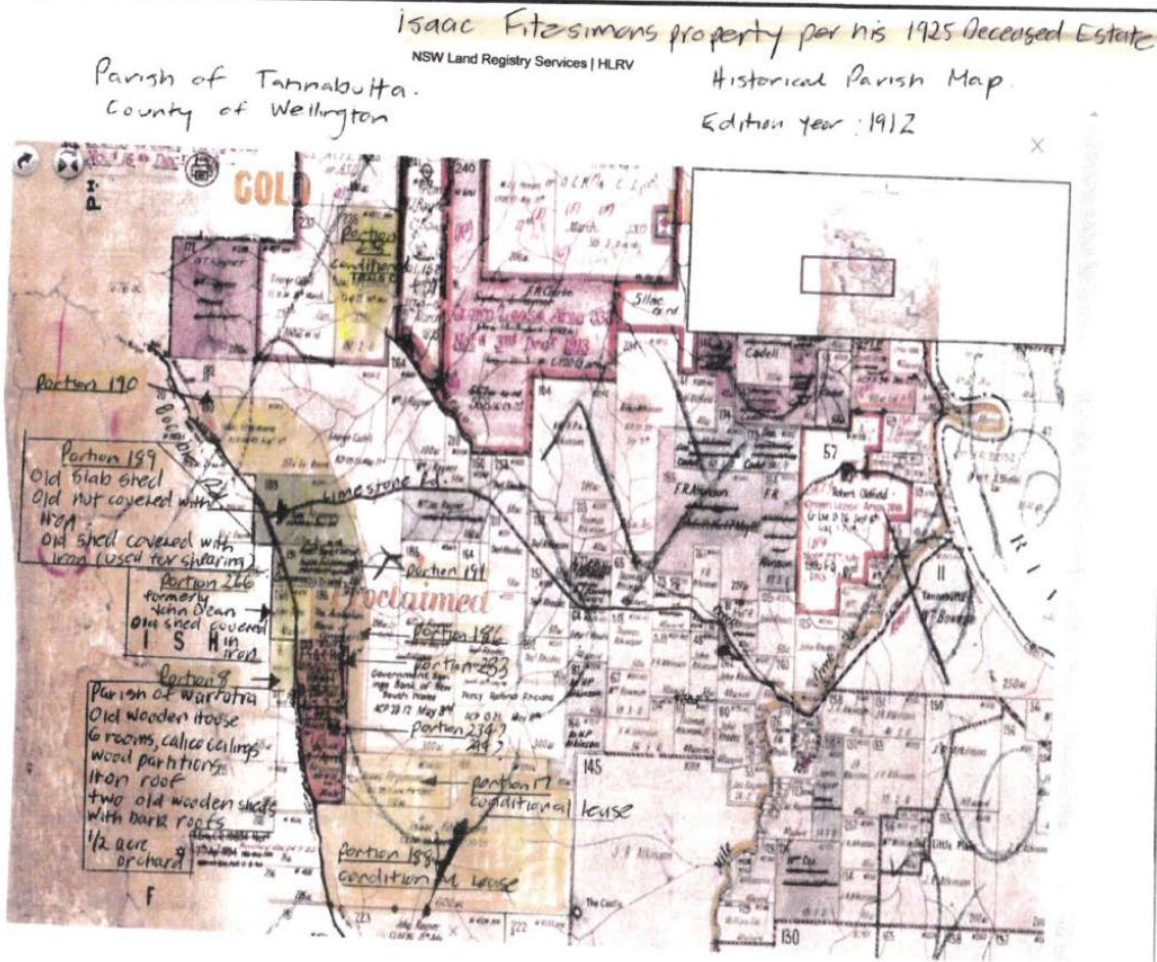
ISAAC FITZSIMMONS, LIMESTONE.

By the sudden death at 74 of Isaac Fitzsimmons, of Limestone, the district loses one of its oldest and most respected residents. Death took place on Saturday, and burial on Sunday in the Methodist portion of the Mudgee Cemetery, where the Rev. S. Robbins read the graveside prayers. He was a brother of Mr. Jack Fitzsimons, of Durro-street, Mudgee. He leaves the following family:—Christopher (Mudgee), Albert, (Walgett), Herb (Mudgee), Richard (Limestone), Charles (Sydney), Mrs. Taylor (Mudgee), Mrs. Goodman (Sydney), Alice, Ivy and Ada (Limestone). Mr. Fitzsimmons was well known and highly respected. His death will be mourned by all who knew him. Mr. Harold Barton supervised the funeral.

MUDGEE.—The death has occurred of Mr. John Jennings, of Stony Pinch, at the age of 77 years. Deceased, who was a brother of the late Mr. James Jennings, of Toolamang Station, Cudgegong, is survived by four sons and one daughter.—Mr. Isaac Fitzsimmons, grazier, died rather suddenly at Limestone. Deceased was 74 years of age, and in his younger days was a noted buck-jumper rider. He leaves a widow, six sons, and four daughters. Two sons made the supreme sacrifice at the Great War.—Miss Edna Oram, daughter of Mr. G. F. Oram, president of the Meroo Shire Council, has been unanimously chosen by the councillors as "rose queen" at a forthcoming carnival.

The Sydney Morning Herald Friday 10 October 1924

Mudgee Guardian Monday 6 October 1924



Mudgee.

On Monday afternoon Mr. Isaac Fitzsimmons, of Gulamroe station, was out wallaby shooting. His son fired at a wallaby and evidently did not perceive that his father was on the other side of the marsupial. The bullet passed clean through the wallaby and embedded itself in Mr. Fitzsimmons' leg. He was brought into town and Dr. Hawthorne extracted the bullet.

Wellington Times Thursday 20 February 1902

BROKEN LEG.

Mr. J. Fitzsimmons, mine host of the Oriental Hotel, Mudgee, had the misfortune to meet with a simple, but serious, accident on Monday last. He was skylarking with some of the boys about the place; he stepped back, and his right leg slipped from under him; he fell, and the limb was badly broken at the knee. Jack will have to take a peaceful rest for some weeks.

Mudgee Guardian Thursday 26 June 1913

Mudgee Marriages.

TAYLOR-FITZSIMMONS.

The wedding was celebrated at St. John's Church of England yesterday afternoon by the Rev. H. Woodger, of Mr. Roland H. R. Taylor, son of Mr. and Mrs. Henry S. Taylor, of Bombira, Mudgee, and Miss Myra Jane Fitzsimmons, daughter of Mr. and Mrs. Isaac Fitzsimmons, of Sawpit Flat, Mudgee. The bride was attended by Miss A. Fitzsimmons as bridesmaid, while Mr. J. J. Fitzsimmons acted as best man. At the conclusion of the ceremony, a wedding breakfast was partaken of at the Park View Hotel, the residence of the bride's uncle. The usual toasts were proposed and honored. The young couple were made the recipients of many costly and useful presents.

Mudgee Guardian Thursday 4 July 1912

WOMAN DROWNED

In Mudgee Waterhole.

MUDGEE, Monday.

While her husband was playing cricket in the town, Mrs. Richard Fitzsimmons, 21, of Limestone, was drowned in the Cudgegong River, near Mudgee.

She went with other women to a swimming hole known locally at Robinson's River. This was muddy as a result of the recent rain, and the current was running strongly. Mrs. Fitzsimmons swam across the hole and attempted to scramble out on the other side, but was unable to do so. She became panic-stricken and sank.

A man named Cox, who could not swim, went to Mrs. Fitzsimmons' assistance, but she seized him, and both of them sank. The alarm was raised. Mr. A. Robinson plunged into the water fully clothed, and succeeded in bringing Cox to the bank. Cox was taken to hospital for treatment.

Mr. Robinson did not know that a second person was drowning, but the excited on-lookers told him, and he immediately plunged into the current again. After repeatedly diving for about 20 minutes he found the young woman's body and brought it ashore, where resuscitation methods were applied by a doctor unsuccessfully for an hour. Mrs. Fitzsimmons leaves a nine-months-old baby.

Sydney Morning Herald Tuesday 15 December 1931

August 6, 1958

11

Meeting Henry in Mudgee

By H. P. ("Duke") TRITTON

IT was in 1912 I met Henry Lawson. An old schoolmate of Henry's, "Curly" Jack O'Brien, and myself had become friends—mainly, I think, because we both wrote verses which no editor thought good enough to publish.

Henry was on one of his infrequent visits to Mudgee, and when Curly asked would I like to meet him I didn't need any persuading.

We went up to the Miners Arms, then kept by Jack Fitzsimmons, another schoolmate of Henry's. He took us into a private room off the bar, and I was introduced to the man I had been hoping to meet ever since I had read and learnt to recite his poems as a boy.

His handshake was firm, his manner pleasant and friendly. As I would be about 20 years younger than any of the three I thought I might be a bit out of place among these old mates, but right from the start I was accepted as an equal and made to feel at ease.

HENRY was greatly interested when I told him I had carried my swag on the Hungerford track, and asked many questions about people in Bourke and other towns on that route. The trip to Hungerford and back to Bourke through Barrington and Ergonnia was the only time he had carried swag, with the exception of a short trip while in New Zealand.

When I asked him how he got so many stories of the outback in a few months on the track he laughed: "There is a story in every man if you look for it."

Jack Fitzsimmons and Curly Jack were both good yarn-spinners, and there were no long silences. Henry told a story concerning Old Man Bucholtz, who was the bogymon of all the kids of Eurunderee. He told it with a wealth of detail, but I can only give the main points:

"I was playing on our side of the creek when my mate suggested we hop over and pinch some quinces from the Bucholtz farm. I reckoned it was a good idea and over we went. Not being satisfied to take the quinces we could reach, or perhaps to show how brave we were, we climbed a tree and were having a great time imitating crows and currawongs. When I saw Old Man Bucholtz coming down the next row with his old muzzle-loader shotgun in his hand I think I fell out of the tree, ripping my pants on the way down. I heard the gun go off, and was sure I was shot. I kept running, wondering if it would hurt much when Mum started digging the buckshot out of my backside with the penknife she had for taking them out of my feet. I needn't have worried. I still had a few quinces in my shirt, and my pants were torn. Mum, being a woman who knew a lot about little boys, looked at the quinces and the pants, then reached for the strap."

Henry paused for a moment, then went on: "She laid it on pretty heavy, too. The strange part of the affair was our own quince-trees had a better crop than the Bucholtz trees."

I have never seen this story in print: the Bucholtz family and the quinces have been mentioned a couple of times.

WE were talking of Henry's stories and verses, and I said I thought "The Loaded Dog" was the most humorous he had written. Curly Jack, who had been with Henry when the "Dog" was conceived, urged him to tell the story. I give it as I remember it:

"Curly and I were doing a bit of digging at Pipeclay near the Budgee pub, and, not being on gold, were broke to the wide. All our credit was cut-out and we were not eating too well. Pipeclay Creek had plenty of fish—tailer, bream and jewfish—but they refused to bite. Having some explosives we thought we might blow a few up. Curly took charge of operations. He primed a plug of gelignite with cap and fuse, put it in a jam-tin, then packed it tightly with damp clay and stood it near the fire to dry-out.

"There was a dog, a big half-grown retriever type, who often used to visit us looking for scraps, though God knows we never had any to give him. But he still looked on us as friends, and I wouldn't have been surprised had he brought along a sheep now and then. He was that kind of a dog.

"He was greatly interested in the bomb, and examined it closely, even picking it up. Curly had given the bomb a very long fuse, having a theory that while it was burning the bubbles would attract the fish and cause them to gather round and we would get a good catch. When

the dog picked it up and I saw the fuse trailing on the ground near the fire the possibilities of what could happen came to my mind. And that is how "The Loaded Dog" came to be written."

He told me that he had done very little gold-digging apart from "specking" on the mullock-heaps and fossicking in the creeks. His mining stories came from yarning with the diggers at Log Paddock when he was a boy. And, as "The Loaded Dog" shows, it took very little to give him the idea for a good story.

I HAD heard of Henry as a very heavy drinker, but in three hours we had four glasses of beer for each man. He sipped very slowly and was always the last to finish. So I have no comments.

And his deafness? In those three hours no one spoke above his usual voice, yet he never asked for anything said to be repeated. The next morning I met him in the street. This time there were several men with him, and he was cupping his hand to his ear and acting in the manner of a very deaf person. Then Mudgee's leading drunk, dirty, ragged and badly in need of a shave, stumbled past. One of the men said, "That chap is a disgrace to the town. He should be locked-up and given a good wash." He spoke in a low tone, but Henry's eyes flashed, and he snapped, "There but for the grace of God goes any bloody one of us."

That was the only time I saw him display any anger or heard him swear; but the incident made me very doubtful of his deafness. I never met him again, and the shortness of the time I was with him does not qualify me to be too definite on the subject. So I leave that question to those people who knew him over many years to answer.

HENRY'S FOREBEARS

Walter Stone, whose "Checklist of Henry Lawson's Contributions to THE BULLETIN" has been a No. 1 aid to Lawson researchers, includes an interesting new item of Lawson lore in "Biblio-News," which he conducts for the Book Collectors' Society of Australia—the following quote from a letter written to him by Odd Bjorge, of Eckboakoten, Norway:—

One of Lawson's relatives, still living in Norway, told me a few things about his (Lawson's) Norwegian forebears which might be of interest. Per Larsen, Henry's grandfather, passed his exam. at the Teacher's College of Kristiansund and was posted to Trondheim, where he met and married Martha Magrethe Holm Hertzberg Durlman. About Per Larsen it is told that he loved women, wine and song—and was inclined to poetry—a fact that ought at least to be of some moment. He was very much used as a "bidding-welcome" man (one who used to visit the houses asking people to come to weddings, funerals, etc.). He was also demanded for literary; he got Dandlingorden—the highest possible distinction in those days. It happened in

1809 during the Napoleonic Wars. A British ship attacked Trondheim when Per Larsen was the only young man left, the others having been called-up. Well, Per collected all the women and equipped them with sticks and axes, instructing them to make as much noise as possible. So the British soldiers, on the point of surrendering, thought the better of it when they saw what they thought was a whole army lined-up in the nearest wood. That's how Per got the Dandlingorden. When he got the Order, his mother (and he had some very sourly remarked that previously the custom had been to put the villains on the cross, now they put the crosses on the villains. Per and Martha's youngest son, Nick, was only 19 when he left Norway. He had fallen in love with a young girl, but in returning from one of his sea-trips he found that she had been married to his brother Siler in the meantime. He then solemnly swore never to set foot in Norway again, a promise he kept. He emigrated to Australia.

Bjorge's interest in Lawson possibly springs from his own visit south—he was attached for some time to the Education Department in Tasmania. He recently completed a thesis on Henry.

THE BULLETIN, August 6, 1958

Mousings.

(By the Offis Cat).

Dere Humans,—Once agen I cum befor yer, as ther polertishens ses. Ther reason why I hav bin silent so long is on account of the shortige of papir, so I aint bin abil ter rite my usuil epissel. In fact, thay tells me that ink is goin ter soar up orlso, so that I spose I will soon hav ter indite my sribble in ther same way as they did in ther days ov "Clancy ov ther Overflow," ter wit, namely, with my thumbnail dipped in tar (fer thumbnal please read "paw" on this occashen). So much fer meself. Now fer uther things. Sumthing is happenin in this town ov Mudgee at larst. I notis that yous has got a brand new set ov aldermen in both coun-cils, so that ther place ort soon ter put on a appearance ov prosperity. In fact, I bleeve it is lookin better this larst few weeks. But yous cood do with one or two drops ov rain ter cheer yers up. Ov corse I realise that ther matter ov rain aint got nuthin ter do with ther averidge bloak.

That's ther parson's bisness. If he ses, roll up and let's have prayers fer rain, yer mite or yer mite not roll up; and if yer do yer only do it jist fer respecterbility sake, or fer bisness purposes, or sum uther worldly reason, but yer never reckernises ther fact that there is a Supreme Bein wot rules universal natur, and so yer jist indulge in a lot ov caterwaulin, and if it rains it is a blessin, and if it don't it is a catastrophe. That's it, here dumañs.

Meow! Prices is gettin high now.

Everything is gettin high! Why ther uther day I happened ter cum acrost a rat drowned in ther offis paiste pot, but it wos too high fer me ter negoshiate. Ther uther day I herd ov vonve of them bloakes wot owned sum shares in one ov them monopoly things, wot went up ter sich a premium he had ter send a broker up in a acroplain ter sell out.

They tell me that Billy Jews rushed out from ole England ter make everything cheap in Orstralia, but nuthin aint got cheep yet, and no one evir hears ov ennyone trying ter maik it cheep neither. It aint orfen I touch on sich subjects as these, but I spose it's ther hot wether wot has upset me liver. Ennyway, evverybody and sum

uthers besides, ses that ther corse ov orl ther trubbil is ther monopolies, wotever they is, and praps they are rite. Ther latiest monopolies wot I hav hird ov is where a man got hissself bit with a snaik, five hundred times. Ther mene retch. Howevir, I'll forgiv him, and as this is ther seasun fer snaik yarns, I'll jist append one hereto. Here it is:—

Ther uther day when Jack Fitzsimmins was makin a inspectshen ov ther varius cordials and uther substances wot he bort with ther goodwill of ther Sydney Hotel, he was horrefied ter cum acrost a large eask ov beer stowed away in the darksome depths ov ther cellar, and around wich a pair of snaiks had tightly coiled theirselves. Jack nevid was overfond ov snaiks, so he gave three yells for help, but wen ther sed help arrived it was found that ther snaiks ment no harm, but was in fact doin ther boniface a good turn. It appears that at some prehistoric period or else later ther beer barrel had sprung a leak, and ther two snaiks bein present at ther psycical momint sprang round the barrel and remained on duty until found as

above statid. They was a pair ov hoop snaiks, d'ye see! Jack Fitzsimmons will no doubt preserve them in spirits fer ther term ov thair naturil lives, so that his large number of clients wot he is goin ter git will soon be abil ter see snaiks ov orl shapes, sizes, ages and condishen.

Thi is a troo snaik yarn. Meow!

I notis that a good menny ov ther best inhabitants ov ther town is leavin us; in fact I hav bin thinkin seriously about takin on ther saim attitude meself, but boss sez I carnt be spared, so I has ter remain fer awhile at least. I don't think its rite fer us ter be loosin these folks, and sum effort should be made ter try and stop enny more from migratin, else we will hav ter rite a epitaf on the dial of the post office turrit c'clock after ther manner ov ther old dame wot wrote on her departid husband's toomstone ther follerin lines, namely, "He took ther good too good on earth ter stay, and left ther bad too bad ter take away."

In conclusion, I wood like ter conclood my remarks by raisin a caterwaul in protest agenst ther Agericultral Society on behalf ov ther feline sossiety of demostikat d cats. I hav looked carefully over ther shedule fer ther forthcummin show, and I'm blest if I can see enny prizes fer ther varius classes ov cats. Now these classes is numeus and comprise a fair share

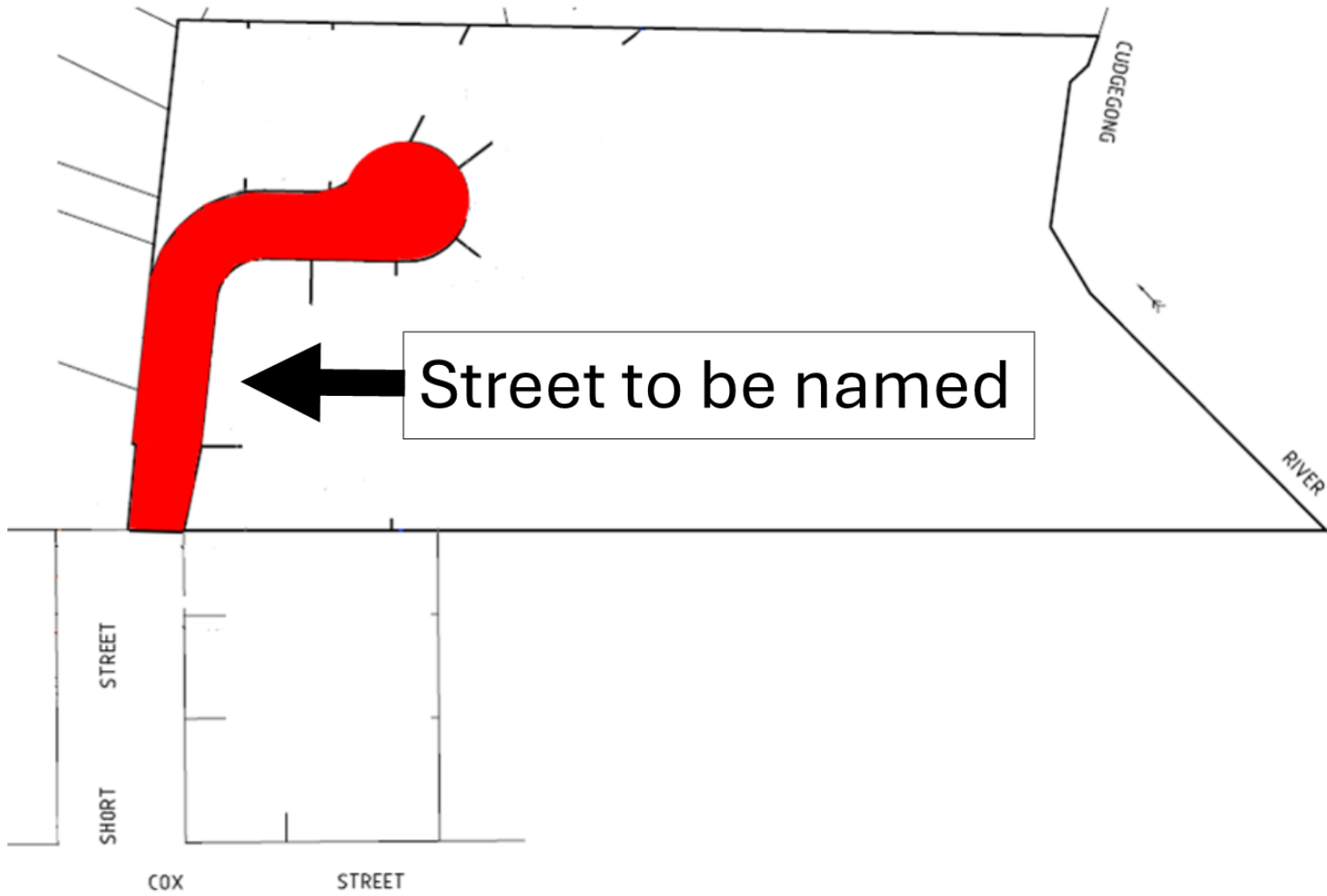
of ther community, and ennyone wot carnt sleep at nits canv tell you that they has a voice in public affares.

Why, there's white cats and black cats, tabbies and teetershells, spottid and spotless, bearded and beardless, offis cats and manx cats, and menny uthers wot cood easily out do enny of the dogs fer instanse that delite ter bark and bite. Refer yerselfs back ter histry, and yer will find ther best that cood be cronickled about dogs is ther well known poem ov ther dog in her manger, wich I need not repete here, while everyone knows ther sole stirrin lines about cats wot sez, "I luv little kitty, her coat is so warm," etseterer.

Now then, you humans, won't yer jist giv ther cats a show at yer show. Meow! Meow!

Yors,
GRUMPUS.

Mudgee Guardian Thursday 26 February 1920



9.7 Policy Review - Leases and Licences of Council Owned and Managed Land and Real Property

REPORT BY THE MANAGER - PROPERTY AND REVENUE
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, GOV400105

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Property and Revenue on the Policy Review - Leases and Licences of Council Owned and Managed Land and Real Property;**
2. **place on public exhibition for 28 days the revised *Leases and Licences of Council Owned and Managed Land and Real Property Policy*; and**
3. **adopt the revised *Leases and Licences of Council Owned and Managed Land and Real Property Policy* if no submissions are received during the exhibition period.**

Executive summary

The existing *Leases and Licences of Council Owned and Managed Land and Real Property Policy* (the Policy) has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Disclosure of Interest

Nil

Detailed report

The Policy has been reviewed with proposed changes as highlighted in the attached document. The objective of this Policy is to: -

- deliver a position in response to Chapter 3 Local Government Act 1993, to acknowledge Council's charter as the custodian and trustee of public assets and to effectively manage the holdings for which it is responsible;
- outline the general requirements for the grant of occupation agreements for Council owned and managed land and buildings;
- ensure the grant of occupation agreements meet legislative requirements;
- ensure management and use of Council owned and managed land and real property is consistent with Council's economic, social and environmental objectives; and
- ensure the grant of occupation agreements are consistent, transparent, fair and impartial.

The proposed changes to the Policy are summarised as follows:

- Update of references to legislation and related policies and plans.
- Adding definitions for terms used in proposed amendments.
- Adding delegated authority for the Director of Corporate Services and Manager Revenue and Property to enter into leases and licences within financial delegation, in addition to the General Manager.

- Appointment of tenure holder process amended to expand flexibility to align with the reality of how tenure holders are appointed. That is, community group tenures are often renewed to incumbent tenure holders without public process (for example: Tennis Clubs, Showground occupants, Men's sheds). Also, some tenures of a more commercial nature may, in some circumstances, be entered into via direct negotiation.
- The process to determine rental value is amended to allow use of the Crown minimum rent amount, or a higher amount, for low value community agreements where a formal valuation is not warranted due to the cost involved.
- Addition of statement regarding conflict of interest.
- Other minor grammatical updates.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the recommendation, Council is endorsing the changes to the Policy to be placed out 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

The review of this Policy ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending this Policy reduces the risk of it becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

IAN CLAYTON
MANAGER - PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

25 November 2024

- Attachments:*
1. Policy Review - Leases and Licences of Council Owned and Managed Land and Real Property - December 2024 - With Track Changes.
 2. Policy Review - Leases and Licences of Council Owned and Managed Land and Real Property - December 2024 - Without Track Changes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Leases and Licences of Council Owned and Managed Land and Real Property

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	V 23.0
COUNCIL MEETING MIN	286/20	REVIEW DATE	SEPTEMBER 2024-2028
DATE:	16 SEPTEMBER 2020	FILE NUMBER	COU500044, GOV400047

Objective

Council owns and manages both *Community* and *Operational* land and real property, and unformed Council public roads. Council will manage the use of its holdings for the benefit of the community and/or to maximise the amount of revenue it derives from these holdings.

Some of these land assets are available for short term and long term use under an agreement.

The main objectives of this Policy are -

- in response to Chapter 3 Local Government Act 1993, to acknowledge Council's charter as the custodian and trustee of public assets and to effectively manage the holdings for which it is responsible;
- to outline the general requirements for the grant of occupation agreements for Council owned and managed land and buildings;
- to ensure the grant of occupation agreements meet legislative requirements;
- to ensure management and use of Council owned and managed land and real property is consistent with Council's economic, social and environmental objectives;
- to ensure the grant of occupation agreements are consistent, transparent, fair and impartial.

Scope

This Policy applies to Council owned and Council managed *Community* and *Operational* land and, unformed Council public roads.

This Policy excludes the hire and usage arrangements of land or real property where charges are set within Council's annual *Schedule of Fees and Charges*.

Legislative requirements

Local Government Act 1993

Local Government (General) Regulation [2005/2021](#)

Crown Land Management Act 2016

Crown Land Management Regulation 2018

[Crown Lands \(General Reserves\) By-Law 2006](#)

[Crown Land Management Rule - Granting leases and licences for communication infrastructure-related purposes on Crown land](#)

Conveyancing Act 1919

Real Property Act 1900

Retail Leases Act 1994

Residential Tenancies Act 2010

Roads Act 1993

POLICY: ~~LEASES~~ LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V.3.0V.23.0.16
~~SEPTEMBER-NOVEMBER 2020-2024~~

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Aviation Transport Security Act 2004

Aviation Transport Regulation 2005

Civil Aviation ~~Safety Authority~~ Act 1998

ICAC Direct Negotiations: Guidelines for Managing Risks 2018.

Related policies and plans

■ ~~Long Term Financial Plan 2019/2020-2025-2034.~~

■ ~~Towards 2030-2040 Community Plan.~~

■ Asset Management Policy.

■ Asset Management Strategy.

■ Building Maintenance Plan.

■ Mid-Western Regional Council Plans of Management for *Community* land.

■ Mudgee Regional Airport Master Plan 2015.

■ Mudgee Showground Master Plan 2009.

■ ~~Mudgee Showground Four Year Business Plan 2016/2017-2020.~~

■ Unmaintained & Unformed Roads Policy.

■ ~~Roads Asset Management Plan 2016-2026.~~

■ [Code of Conduct](#)

Definitions

CLMA means Crown Land Management Act 2016.

Commercial Business means an entity leasing or licencing a Council facility for the purpose of generating a profit, as a sole trader, company, partnership, joint venture or trust.

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Commercial Licence or Lease means a lease or licence of a Council facility for the purpose of generating a profit.

Community Group means a group that provides facilities for a community benefit and to meet community needs and do not have the capacity to generate significant income and operate on a not-for-profit basis.

Community Land as defined in Chapter 6, Part 2 of the Local Government Act 1993.

Council means Mid-Western Regional Council.

Crown means the NSW Government.

Crown Lands statutory minimum rent means the minimum annual rent set by the NSW Government for leases or licences of Crown Land.

Land as defined in Section 3 of the Real Property Act 1900.

Lease is any agreement under which a person grants to another person for value a right of occupation of premises or land for a particular purpose for a specified term. It gives the tenant a proprietary interest in the real property.

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY V 23.0. 1f
SEPTEMBER/NOVEMBER 2020/2021

Licence is an agreement that grants a personal right to occupy and use a premises or land for a particular purpose. It does not grant exclusive possession of the land and may permit the land to be used by other persons.

LG Act means the Local Government Act 1993.

Market Rental Value is the amount of annual rent achieved if the occupation had been let in a competitive market.

Minister means Minister for Local Government.

Occupation Agreement means the contract between the user and council to reflect the agreed terms and conditions for the use of the land or facility. A lease or licence is referred to as an agreement.

Operational Land as defined in Chapter 6, Part 2 of the Local Government Act 1993.

Plan of Management as defined Chapter, Part 2 of the Local Government Act 1993.

Real Property means land and all the things that are attached to it.

Regulations means Local Government (General) Regulation [2005/2021](#).

Roads Act means Roads Act 1993.

Tenant is a person or company or organisation who occupies land or real property rented from the Council. A tenant may be a lessee or licensee.

Policy

An occupation agreement may take the form of either a licence or lease.

Types of occupation may include, but are not limited to, major commercial developments; retail, airport and other commercial businesses; residential; community groups or clubs; agistment and occupation of surplus unformed Council public road reserves.

Types of agreement documentation to formalise an occupation include, licence agreements, retail leases where occupation is subject to the Retail Leases Act 1994; residential leases where occupation is subject to the residential Tenancy Act 2010; all other occupations are leases subject to the provisions and formal requirements under the Real Property Act 1900 and the conveyancing Act 1919.

The lease or licence will be administered in accordance with the LG Act; and CLMA, [where applicable](#), when dealing with [Community land](#) or [Operational](#) land and; the Roads Act when dealing with [unformed](#) Council public roads.

A proposed lease or licence outcome will be assessed in accordance with, but not limited to, the following –

1. STATUTORY AND STRATEGIC CONSIDERATIONS:

- Land management provisions of the LG Act, CLM Act and Roads Act;
- Other Legislative requirements;
- Native Title interest and Aboriginal Land Claims;
- Planning controls;
- Strategic objectives;
- Asset management objectives;

POLICY: ~~LEASES~~ **LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY** ~~V.3.0V.23.0.16~~
~~SEPTEMBER-NOVEMBER 2020/2024~~

- Land will be effectively utilised;
- Condition & ongoing maintenance requirements;
- Land classification and zoning;
- Length of tenure and if the duration of the agreement allows Council to respond to any changing operational and community demands and needs;
- Exclusivity or non-exclusivity of use;
- Social and community benefit – address identified community demand and Council's operational needs.

2. COMMERCIAL AND FINANCIAL CONSIDERATIONS:

The most appropriate return; having regard to the proposed use, tenant and the specific property being the subject of the agreement.

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General Principles

DELEGATION

Pursuant to section 377 of the LG Act, the General Manager has been provided with delegated authority to enter into all leases and licenses on behalf of Council.

The Director of Corporate Services and the Manager Property and Revenue areis sub-delegated to enter into leases and licenses on behalf of Council, where the total value of the lease is within their approved financial delegation.

COMMUNITY LAND

The lease or licence of *Community* land is restricted by the LG Act and must be consistent with the core objectives of the category of land, for a use prescribed by the LG Act or Regulations and expressly authorised in a Plan of Management.

Purposes prescribed by the LG Act for leases or licences of *Community* land are for the provision of goods, services and facilities, and the carrying out of activities, appropriate for the needs within the local community and of the wider public in relation to public recreation or the physical, cultural, social and intellectual welfare or development of persons.

The term of tenure for *Community* land is influenced by the legislative requirements of the LG Act.

OPERATIONAL LAND

The lease or licence of *Operational* land is not burdened with the same legislative restrictions as those of *Community* land.

APPOINTMENT PROCESS

A licensee or lessee will be assigned by a mixture of incumbency, via a third party suitably qualified real estate agent, direct negotiation or a public competitive process depending on the circumstances of the property and the licensee or lessee.

It is recognised that sporting bodies and community groups who hold an existing licence or lease may have strong historical and/or social and/or recreation ties to the facilities they use. In some cases, they may have contributed cash or in-kind contributions to the development of these facilities. In considering new or continued leases or licences of such facilities, Council will take these factors into account and may assign the licence or lease by direct negotiation. Similarly, renewal or extension of other non-commercial incumbent licence or lease holders with a good tenancy history may be assigned by direct negotiation.

Commercial licences and leases, and other licences or leases where no incumbent is in place, may be assigned via a public competitive process being either by tender, expression of interest or other competitive process, unless there are exceptional circumstances.

In some exceptional-circumstances-situations, it may not be possible to use a competitive process or; while a competitive process may be possible, it may be so impractical or expensive that direct negotiations are the most acceptable way to seek assignment.

All direct negotiations must be undertaken having regard to achieving the best outcome for Council and the community, and be in accordance with the guidelines issued by the Independent Commission Against Corruption - *Direct Negotiations: Guidelines For Managing Risks 2018*.

In other circumstances, Council may contract a suitably qualified real estate agent to secure a tenant.

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POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY V.3.0V.23.0.16
~~SEPTEMBER-NOVEMBER 2020/2024~~

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LEASE AND LICENCE TERMS AND CONDITIONS

In all instances, except where deemed a standard agreement template will be acceptable, lease and licence agreements will be prepared and reviewed by Council's solicitor having regard to the proposed use, tenant and the specific property being the subject of the agreement.

Any standard agreement template will be submitted to Council's solicitor for review at least every three years to reflect changes in legislative and administrative requirements.

APPLICATION FEES AND LEGAL COSTS

Unless exempt by legislation or in certain commercial lease or licence circumstances, the proposed lessee/licensee shall be responsible for the payment of all application fees (when applicable) and Council's legal costs in the preparation and review of leases and licences.

Prior to engaging legal representation, a quote shall be obtained and provided to the proposed lessee/licensee.

RENTAL VALUE

The Crown Lands statutory minimum rent may be applied to community group leases and licences and leases and licences of Council public road reserves. An alternate higher rent amount may be determined by the Director of Corporate Services for these leases and licences where deemed appropriate.

In other circumstances, market rental valuations will may be obtained from a suitably qualified valuer for all Community and Operational Land and Council public roads. In certain circumstances a rental assessment may be obtained from a suitably qualified real estate agent.

A rental return of less than market value may be considered in specific circumstances.

Rental values will be reassessed in line with the above methodology at the expiry of each agreement.

A market rental review valuation will be obtained for all leases and licences at least every 3–5 years and if applicable a tenant will be secured via the Appointment process.

RENT REVIEW AND ADJUSTMENTS

All rents will be reviewed during the lease or licence period in line with the tenure agreement with the view to being increased annually for the term of the agreement by either a consumer price index adjustment, a fixed percentage, or as specified in the individual agreements.

MANAGEMENT OF LEASE AND LICENCE TERMS AND CONDITIONS

Council will manage the compliance of lease and licence terms and conditions, except in certain circumstances where the management may be contracted to a suitably qualified real estate agent.

MAINTENANCE, IMPROVEMENTS AND PRESENTATION

Responsibilities will be fully detailed in formal agreements.

In relation to buildings and structures, no alterations, modifications or beautifications are to be undertaken without Council's consent.

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY V 23.0, 1st
SEPTEMBER/NOVEMBER 2020/2024

INDEMNITY

All tenants shall indemnify Council (and the Crown, if applicable), and hold Public Liability Insurance to the minimum value of \$20 million; or other amount as advised by Council.

CONFLICT OF INTEREST

All staff involved in managing, negotiating or authorising a lease for Council will be required to consider and report any conflict of interest, in line with Councils Code of Conduct.

Variation

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



POLICY

Leases and Licences of Council Owned and Managed Land and Real Property

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	V 3.0
COUNCIL MEETING MIN		REVIEW DATE	SEPTEMBER 2028
DATE:	CLICK HERE TO	FILE NUMBER	COU500044, GOV400047

Objective

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Real Property Act 1900

Retail Leases Act 1994

Residential Tenancies Act 2010

Roads Act 1993

Aviation Transport Security Act 2004

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V 3.0 [CLICK HERE TO ENTER TEXT.](#)

Aviation Transport Regulation 2005

Civil Aviation Act 1998

ICAC Direct Negotiations: Guidelines for Managing Risks 2018.

Related policies and plans

- Asset Management Policy.
- Asset Management Strategy.
- Building Maintenance Plan.
- Mid-Western Regional Council Plans of Management for *Community* land.
- Mudgee Regional Airport Master Plan.
- Mudgee Showground Master Plan.
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- Planning controls;
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- Asset management objectives;
- Land will be effectively utilised;
- Condition & ongoing maintenance requirements;
- Land classification and zoning;
- Length of tenure and if the duration of the agreement allows Council to respond to any changing operational and community demands and needs;
- Exclusivity or non-exclusivity of use;

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V 3.0 [CLICK HERE TO ENTER TEXT.](#)

- Social and community benefit – address identified community demand and Council's operational needs.

2. COMMERCIAL AND FINANCIAL CONSIDERATIONS:

The most appropriate return; having regard to the proposed use, tenant and the specific property being the subject of the agreement.

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V 3.0 , NOVEMBER 2024

General Principles

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Commercial licences and leases, and other licences or leases where no incumbent is in place, may be assigned via a public competitive process being either by tender, expression of interest or other competitive process. In some circumstances, it may not be possible to use a competitive process or; while a competitive process may be possible, it may be so impractical or expensive that direct negotiations are the most acceptable way to seek assignment.

All direct negotiations must be undertaken having regard to achieving the best outcome for Council and the community, and be in accordance with the guidelines issued by the Independent Commission Against Corruption - *Direct Negotiations: Guidelines For Managing Risks 2018*.

In other circumstances, Council may contract a suitably qualified real estate agent to secure a tenant.

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V 3.0 [CLICK HERE TO ENTER TEXT.](#)

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In other circumstances, market rental valuations may be obtained from a suitably qualified valuer. In certain circumstances a rental assessment may be obtained from a suitably qualified real estate agent.

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RENT REVIEW AND ADJUSTMENTS

All rents will be reviewed during the lease or licence period in line with the tenure agreement with the view to being increased annually for the term of the agreement by either a consumer price index adjustment, a fixed percentage, or as specified in the individual agreements.

MANAGEMENT OF LEASE AND LICENCE TERMS AND CONDITIONS

Council will manage the compliance of lease and licence terms and conditions, except in certain circumstances where the management may be contracted to a suitably qualified real estate agent.

MAINTENANCE, IMPROVEMENTS AND PRESENTATION

Responsibilities will be fully detailed in formal agreements.

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INDEMNITY

All tenants shall indemnify Council (and the Crown, if applicable), and hold Public Liability Insurance to the minimum value of \$20 million; or other amount as advised by Council.

CONFLICT OF INTEREST

POLICY: LEASES AND LICENCES OF COUNCIL OWNED AND MANAGED LAND AND REAL PROPERTY | V 3.0 , NOVEMBER 2024

All staff involved in managing, negotiating or authorising a lease for Council will be required to consider and report any conflict of interest, in line with Councils Code of Conduct.

Variation

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

Item 10: Operations

10.1 Revised Liquid Trade Waste (LTW) Policy

REPORT BY THE STRATEGIC ENGINEERING COORDINATOR
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, GOV400105

RECOMMENDATION

That Council:

1. **receive the report by the Strategic Engineering Coordinator – Water & Sewer, on the Revised Liquid Trade Waste (LTW) Policy;**
 2. **place the revised Liquid Trade Waste Policy on public exhibition for 28 days; and**
 3. **adopt the Liquid Trade Waste Policy if no submissions are received during the public exhibition period.**
-

Executive summary

The purpose of this report is to seek Council's adoption of the revised Liquid Trade Waste Policy (the Policy) that aligns with industry best practise. The Policy has been prepared in consultation with the trade waste regulation team within the Water Utilities branch of NSW Department of Climate Change, Energy, the Environment and Water.

The Policy replaces the previous LTW policy adopted by Council on 17 May 2017 and maintains the same objectives as the previous policy, however includes the following key changes:

- a) adopted discharge factors (in percentage) for both sewer and trade waste business activities, used in the calculation of appropriate fees,
- b) further defined acceptable limits for discharge quality of liquid waste,
- c) adjustments to businesses exempt from obtaining approvals (i.e. considered as Deemed to be Approved),
- d) streamlining how Council manages and administers approvals for multi-premise sites, and
- e) improving how Council monitors liquid trade waste discharge through proactive sampling programs and scheduled inspections

Disclosure of Interest

Nil

Detailed report

Council is responsible for delivering and regulating water supply, sewage, and liquid trade waste services for the community. Council must provide its liquid trade waste services in accordance with the Guidelines 2021 and The NSW Framework for the Regulation of Sewerage and Liquid Trade Waste. The Guidelines and associated framework prescribe sound pricing, including appropriate trade waste regulation policy and approvals.

The Policy is concerned with the approval, monitoring and enforcement process for liquid trade waste discharged into Council's sewerage system and the levying of commercial sewerage and

liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and maintain protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

This policy sets out how Mid-Western Regional Council will regulate liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Liquid Trade Waste. Sewerage systems are generally designed to cater for liquid waste from domestic sources that are essentially of predictable strength and quality. Council may accept liquid trade waste into its sewerage system as a service to businesses and industry. NSW framework for regulation of sewerage and trade waste is driven by the NSW Governments Best Practice Management of Water Supply and Sewerage Guidelines, 2007.

Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

Liquid trade waste is defined in the Local Government (General) Regulation 2021 as below:
Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Liquid trade waste discharges to the sewerage system include liquid wastes from:

- business/commercial premises (eg. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist)
- community/public premises (including craft club, school, college, university, hospital and nursing home)
- industrial premises
- trade activities (eg. mobile carpet cleaner)
- any commercial activities carried out at a residential premises
- saleyards, racecourses and from stables and kennels that are not associated with domestic households
- septic tank waste, chemical toilet waste, waste from marine pump-out facilities and
- established sites for the discharge of pan content from mobile homes/caravans to the sewerage system.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms or laundries (ie. domestic sewage)
- common use (non-residential) kitchen and laundry facilities in a caravan park
- residential swimming pool backwash.

The changes to the Policy aim to improve transparency with calculating Sewer Discharge Factors and Trade Waste Discharge Factors, provide clearer pathways for the monitoring, inspection and enforcement of business', to achieve better compliance and efficiency outcomes.

Subject to Council endorsement, the Policy will undergo a public exhibition for a 28 day period. Following this, the final version of the policy will go back to the Department for consent. The policy will then come back to Council post public exhibition for Council endorsement and implementation.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Maintain and manage waste water quality to meet Environmental Protection Agency (EPA) standards

Strategic implications

Council Strategies

Council's Asset Management Strategy:

A well-managed and implemented liquid trade waste policy will improve the quality of wastewater entering Councils sewerage system resulting in reduced maintenance and extending the life of critical infrastructure such as our sewer treatment plants.

Council Policies

Councils Asset Management Policy:

The liquid trade waste policy will safeguard Councils Sewer Treatment Plants

Legislation

- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Water Management Act 2000

Financial implications

The Policy will promote a more transparent and consistent approach to the regulation of existing fees and charges, currently imposed on businesses that discharge waste to Councils sewer.

Associated Risks

Councils Risk Management Policy:

An effective liquid trade waste policy will meet the objectives of Councils Risk Management Policy by identifying and monitoring business activities and promoting continued improvement through ongoing evaluation.

JOSH BAKER
STRATEGIC ENGINEERING COORDINATOR

JULIAN GEDDES
DIRECTOR OPERATIONS

6 November 2024

Attachments: 1. Liquid Trade Waste Policy (002) - Council report DRAFT. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Acceptance of Grant Funding - Road Safety Program

REPORT BY THE WORKS TECHNICAL OFFICER
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, R0790090

RECOMMENDATION

That Council

1. **receive the report by the Works Technical Officer on the Acceptance of Grant Funding - Road Safety Program;**
2. **accept \$349,000 in funding from Transport for NSW (TfNSW) Road Safety Program 2023-24 to 2025-26 sub-program – School Zone Infrastructure, for Church Street between Madeira Road and Redbank Road, Mudgee for infrastructure improvements to the school crossing and footpath connectivity works;**
3. **amend the 2025-26 budget to include the funding for this project; and**
4. **authorise the Director Operations or delegate to negotiate, finalise and execute the funding agreement.**

Executive summary

The Road Safety Program (Program) is a jointly funded program between the Commonwealth Government and the NSW Government to deliver road safety upgrades and improvements through infrastructure projects across NSW.

Council applied to Transport for NSW (TfNSW) through the Road Safety Programs, sub-program – School Zone Infrastructure for funding to support safety improvements around the children's crossing for Cudgegong Valley Public School on Church Street, Mudgee. The application for \$349,000 in funding for Church Street between Madeira Road and Redbank Road, Mudgee which includes school crossing installation of kerb blisters, pedestrian fencing, line marking and pathway connectivity works has been successful.

The Road Safety Program 2023-24 to 2025-26 sub-program – School Zone Infrastructure does not require a co-contribution from Council, meaning the \$349,000 will cover the full cost of these safety improvements. It is recommended that Council accept this funding.

Disclosure of Interest

Nil

Detailed report

The children's crossing for Cudgegong Valley Public School on Church Street poses a significant risk of serious injury or even death for pedestrians. Although there is a crossing supervisor employed by TfNSW, there is a troubling history of near-miss incidents. While motorists have adequate sight distance, the crossing lacks visibility, especially during congested school periods. With an average daily traffic count of 3000 vehicles and a wide 11-meter road, the area becomes highly exposed, particularly for young primary school pedestrians. The lengthy 940-metre road,

maintained in good condition, coupled with its width, heightens the risk of driver complacency and speeding. Additionally, there is no footpath on the eastern side of this block of Church Street hence pedestrians walk along the uneven and worn nature strip to and from the children's crossing.

Council subsequently applied for pedestrian safety improvements including the installation of a pathway from Madeira Road to Redbank Road on the eastern side of Church Street, kerb blisters and fencing adjacent to the crossing and all associated line marking.

The Road Safety Program 2023-24 to 2025-26 sub-program – School Zone Infrastructure does not require a co-contribution from Council, meaning the \$349,000 will cover the full cost of these safety improvements. It is recommended that Council accept this funding.

Community Plan implications

Theme	Connecting Our Region
Goal	An active travel network within the region
Strategy	Develop and enhance walking and cycling networks across the region

Strategic implications

Council Strategies

Roads Asset Management Plan
 Walking and Cycling Strategy Plan

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

The funding agreement will provide 100% grant funding for the project. No contribution will be required to be made by Council.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2025/26	-	x	-
Future Years	-	-	x

Associated Risks

Council staff will manage the installation risks associated with the project.

NICOLE CASSIDY
WORKS TECHNICAL OFFICER

ANDREW KEARINS
MANAGER WORKS

JULIAN GEDDES
DIRECTOR OPERATIONS

28 November 2024

Attachments: 1. Concept Site Sketch - Church Street Childrens Crossing.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



	Project - 9243 Mid-Western Church St Children's Crossing Safety Improvements		 North
	Total Quantities: 470m of footpath 820m Separate through and parking lane, with painted line reinforced with kerb blisters 410m barrier line	Instructions: Build 470m of footpath between Madeira Rd and Redbank Rd on the eastern side of Church St.	



Treatment ID & Description	Colour
07 – Install kerb blisters	Yellow
04 – Install pedestrian fencing on kerb	Pink
02 – Separate through and parking lane, with painted line reinforced with kerb blisters	Light Green
07 – Mark barrier line	Green
09 – Install transverse linemarking	Red
09 – Install footpath	Yellow

Project - 9243 | Mid-Western | Church St Children's Crossing Safety Improvements



Total Quantities:
 2x Kerb Blisters (each side of road)
 50m Pedestrian Fencing
 33m Transverse line
 Edge line as per Sheet 1
 Barrier line as per Sheet 1
 Footpath as per Sheet 1

Instructions:
 Build 470m of footpath between Madeira Rd and Redbank Rd on the eastern side of Church St.



North

10.3 Cardboard Press Replacement

REPORT BY THE MANAGER WASTE AND ENVIRONMENTAL SERVICES
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, F0570008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Waste and Environmental Services on the Budget Adjustment for Cardboard Press Replacement; and**
2. **amend the 2024/25 budget to bring forward \$550,000 for recycling plant upgrades from the 2025/26 financial year.**

Executive summary

At our materials recycling facility (MRF) based at the Mudgee waste facility, staff sort bale and sell household and business waste and recycling. A key piece of equipment is the cardboard press, which is used to bale approximately two thousand tonnes of paper and cardboard per annum for recycling.

Despite having the press regularly inspected and serviced a large amount of wear has recently been identified which has caused fractures in the main ram making the press unsafe to use.

Disclosure of Interest

Nil

Detailed report

Staff recently noticed a gap at the side of the ram on the cardboard press, which was unusual. A contractor who specialises in waste and recycling presses was engaged to inspect the press and determine the cause. The contractor found that the guides that keep the ram in place have worn away, this has resulted in the ram dropping. The ram has now been running on the base plate and has worn the base, so sheeting has warped. A crack in the ram has also been identified, potentially due to the ram operating out of alignment. The press is unsafe to operate due to the fractures in the ram, the ram operates under an enormous force, if the fractures break there will be projectiles of broken metal.

Initial advice on repairing the press indicates that the press will need to be removed from the shed and taken to a workshop to be rebuilt.

As this press was due to be replaced next financial year, we propose bringing forward the replacement of this press with one that is more suitable for the increasing quantities of cardboard received.

A new press is the preferred option over carrying out extensive repairs on the existing press as;

- the operating capacity of the current press is not sufficient for the increasing amount of cardboard received,
- the current presses are no longer manufactures and it is getting increasingly difficult to get parts for the existing press.
- the current press is reaching the end of its useful life.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Live in a clean and environmentally sustainable way
Strategy	Educate, promote and support the community in implementing waste minimisation strategies

Strategic implications

Council Strategies

Delivery Program and Operational Plan Strategy 2.3.1 Educate promote and support the community in implementing waste minimisation strategies.

Council Policies

Nil

Legislation

National Waste Action Plan
 Waste Avoidance and Resource Recovery (WARR) Act

Financial implications

This press replacement was in the waste 30-year plan for next financial year. The funding source is waste reserves and bringing this forward to this financial year is financially sustainable for the waste fund.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2024/25	-	-	✓
Future Years	✗	-	✗

Associated Risks

We cannot operate the existing press due to work health and safety risks, should the weld in the ram break parts can break away and become projectiles.

Not replacing the press will result in 2000 tonnes of paper and cardboard going to landfill taking up valuable landfill space for a commodity that is valuable for recycling. Stockpiling loose paper and

cardboard poses a significant fire and vermin risk and not correctly recycling paper and cardboard will pose a significant reputational risk, with community faith in the recycling system being diminished damaging community recycling efforts into the future.

KYLIE STEWART
MANAGER WASTE AND ENVIRONMENTAL
SERVICES

JULIAN GEDDES
DIRECTOR OPERATIONS

3 December 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Delegation of Authority to the General Manager - December 2024 - January 2025

REPORT BY THE GOVERNANCE CO-ORDINATOR
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, GOV400096

RECOMMENDATION

That Council:

1. **receive the report by the Governance Co-ordinator on the Delegation of Authority to the General Manager - December 2024 - January 2025; and**
 2. **suspend the operation of the limitations and exclusions listed in part 1 and 2 of the Instrument of Delegations and Sub-Delegations to the General Manager for the period 12 December 2024 to 31 January 2025.**
-

Executive summary

The recommended action to suspend the delegation exclusions of the General Manager is to minimise disruptions of Planning and Development Procurement decisions during the December 2024/January 2025 period where no Council meeting will be held for the month of January.

Disclosure of Interest

Nil

Detailed report

The last ordinary Council meeting of the year occurs on 11 December 2024, with the next ordinary meeting to be held on 19 February 2025. This means that in instances where development applications are required to be referred to Council for decisions of development applications, there could be delays of up to 2 months without suspension of the existing Delegation Exclusions.

This would be unreasonable, and Council could be challenged in the Land and Environment Court, for deemed refusal of an application, which is 40 days.

To avoid these delays, and possible legal challenges it is prudent to temporarily amend the General Manager's delegations such that decisions on development applications can still be made during December and January.

Another area is that of the need for Council involvement in procurement decisions for tenders. This will allow our capital works program to proceed without undue delays caused by the ten week break in Council meetings.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Delegations and Authorisations Policy

Legislation

Local Government Act 1993

Financial implications

Nil

Associated Risks

Suspension of the delegation exclusions will mitigate the risks of legal actions against Council for delayed Development decisions that may be challenged in the Land & Environment Court and mitigate the cause of undue delays in tender processes caused by the extended break in Council meeting dates.

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

RACHEL GILL
ACTING DIRECTOR COMMUNITY

22 November 2024

Attachments: 1. General Manager Delegation.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

INSTRUMENT OF DELEGATIONS & SUB-DELEGATIONS TO GENERAL MANAGER

Section 377 of the *Local Government Act 1993* empowers a Council, by resolution, to delegate to the General Manager any of the functions of the Council (excluding those functions specified in clauses (a) to (u) of the section 377(1) of the *Local Government Act 1993*).

Mid-Western Regional Council resolves to delegate to the General Manager all of the delegable functions, powers, duties and authorities of the Council subject to the following limitations:

1. Specific limitations

- 1.1. a) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
- 1.1. b) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to a S44 fire event or a declared natural disaster. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
- 1.2. To accept Council tenders with a contract value of up to \$3,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2021* are met.
- 1.3. To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.

2 Specific exclusions

Determination of applications under the *Environmental Planning and Assessment Act 1979*, and other relevant Acts, which include:


- 2.1 The determination of a development application where a Senior Staff¹ member of Council or Councillor is the owner or applicant of the subject land (excluding Council owned or managed land).
- 2.2 The determination of a development application where Council is the owner or manager of the land if the development exceeds a construction value of \$1,000,000.

- 2.3 The determination of a development application for a subdivision creating more than 20 allotments.
- 2.4 The determination of a development application for the erection, alteration and/or additions to buildings exceeding a construction value of \$3,000,000.
- 2.5 To grant consent to a development application requiring a variation of more than 10% to a condition or standard specified in a Council policy, Development Control Plan (DCP) or Local Environment Plan (LEP), without providing 5 working days notification to Council, during which two Councillors request the application to be reported to Council for consideration.
- 2.6 To grant consent to a development which receives 7 or more objections during assessment.
- 2.7 To grant consent to a development application which receives 1-6 objections during assessment; without providing 5 working days notification to Council, during which two Councillors request that the application be reported to Council for consideration.
- 2.8 The determination of a development application which upon the written request of two Councillors is to be reported to Council for consideration.

¹ Senior Staff s332 Local Government Act 1993

Brad Cam
General Manager

Date: 26/11/24


Signature

11.2 Mudgee Centre of Excellence Training Camp Report

REPORT BY THE ACTING DIRECTOR COMMUNITY AND CHIEF FINANCIAL OFFICER
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400103, FIN300368

RECOMMENDATION

That Council:

1. **receive and note the report by the Acting Director Community and Chief Financial Officer on the Mudgee Centre of Excellence Training Camp Report; and**
2. **amend the 2024/25 Budget for the Mudgee Centre of Excellence Training Camp to increase expenditure by \$580,000 funded \$200,000 from the Capital Program Reserve and \$380,000 unrestricted cash.**

Executive summary

This report provides an update to the Council on the current budget for the Mudgee Centre of Excellence Training Camp project. Council's project team has updated the current forecast required to complete the facility. This will require a further \$580,000 be added to the budget.

The grant acquittal report has now been submitted for the Putta Bucca Bridge project and the request has been made to transfer \$1,138,753 of unspent grant funds to the Mudgee Centre of Excellence Training Camp project. Should this request be successful a report will be brought back to the Council and the grant funding will replace some of Council's own committed funds.

Disclosure of Interest

Nil

Detailed report

Background

The Mudgee Centre of Excellence Training Camp is a major project being delivered to provide an accommodation facility to compliment the Glen Willow Regional Sporting Complex. The training camp is being designed to cater for elite sporting teams as well as schools, corporate groups and junior sporting teams that can make use of the area and the sporting facilities at Glen Willow.

Current budget

The current budget position is as follows:

Budget summary	
Actuals plus existing commitments	\$15,126,209
Budget	\$15,420,797
Remaining budget	\$294,588

Expenditure request

A quarterly update on the project's construction progress was provided at the 20 November 2024 meeting. That report identified that building construction will continue with the aim of reaching lock

up stage within the next 3 months. Following this report, the project team have received higher quoted pricing on several areas, identified some additional components and have been required to respond to some remediation works. To continue the project progress and make future financial commitments it is recommended to allocate an additional \$580,000 of expenditure to the budget.

The additional budget items are noted below, plus an appropriate allowance for contingency.

Item	Forecast cost \$
Blinds building A	\$40,000
Seminar room fit out	\$120,000
Ice bath installation and fencing	\$30,000
Handrail for accessible footpath	\$38,000
Carpark works	\$50,000
Concrete water tank	\$70,000
Retaining wall rectification	\$50,000
Potential contract variation	\$100,000
Medical room setup	\$5,000
Cupboard shelving fit out	\$10,000
Sundry items	\$12,000
Contingency	\$55,000
TOTAL	\$580,000

It is also worth noting there was a previous allowance of \$120,000 for solar panels which has since been removed from the scope to reduce cost. With anticipated high power usage, we believe solar panels would be advantageous in the long term to reduce energy network charges. This could optionally be added back into the scope now however additional budget would be required from unrestricted cash. Alternatively, Council could revisit this in future years when we have more data on daily usage to calculate the expected return on investment and optionally using battery storage.

Funding of the project

A summary of the project funding to date is provided below:

Funding source	Amount \$	Agency
Local Road and Community Infrastructure Program Round 3	2,761,864	Commonwealth
Resources for Region Round 8	1,046,288	State
Multisport Community Facility Fund Round 2	5,000,000	State
Capital program reserve	3,057,884	Council
Unrestricted cash	3,554,770	Council
TOTAL	15,420,806	
Add budget increase requested	580,000	Council
Revised Total	16,000,806	

It is possible that some of the Council contributed funds may be covered by the Resources to Region funding acquittal recently completed for the nearby Glen Willow to Putta Bucca Bridge project. The unspent funds are higher than originally expected at \$1,138,753 instead of the estimated \$900,000. If successful in our application to transfer unspent funds to the Training Camp

project a report will be brought back to the Council and the grant funding will replace that same amount of Council’s own committed funds from unrestricted cash.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The recommendation commits Council up to an additional \$580,000 of spending on this project in 2024/25. This change would bring the total expenditure budget for this project to \$16,000,806.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2024/25	-	-	-
Future Years	-	-	X

Associated Risks

Several of the expenditure items listed are required for completion of the building to an acceptable standard and for occupation approval. Should additional budget not be approved the project will face delays until the funding gap is resolved.

RACHEL GILL
ACTING DIRECTOR COMMUNITY

27 November 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes - 22 November 2024 & Performance Evaluation Report

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 11 DECEMBER 2024 ORDINARY MEETING
GOV400105, COR400236

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Minutes - 22 November 2024 & Performance Evaluation Report;**
 2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 22 November 2024; and**
 3. **endorse the Audit Risk and Improvement Committee Performance Review Report & Action Plan from Independent Evaluation Recommendations.**
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 22 November 2024 and advise Council of the Audit Risk and Improvement Committee Performance Evaluation, which was conducted, findings, recommendations from independent evaluation, and update on the action plan following the evaluation.

Disclosure of Interest

Nil

Detailed report

The Audit Risk and Improvement Committee Terms of Reference requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 22 November 2024 meeting.

The Guidelines for Risk Management and Internal Audit for Local Government in NSW require the performance of the Audit, Risk, and Improvement Committee be reviewed regularly and that the committee is accountable for its performance.

It is important that the work of the audit, risk, and improvement committee is regularly assessed, and that the committee is accountable for its performance to ensure it is making a valuable

contribution to the council and allow the governing body to determine whether any changes to the committee's terms of reference or membership are required.

At least once each council term the governing body of council is to conduct a review of the effectiveness of the audit, risk, and improvement committee in conformance with the International Professional Practice Framework.

Self-assessment was completed as part of this performance review process by committee members and Council management and key staff involved in the committee. An independent evaluation of the findings from this self-assessment was conducted by Crowe and the MWRC ARIC Performance Evaluation report is also attached. An action plan for recommendations from the independent evaluation was then created to address any issues identified and is also attached. These action items are now all complete.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Audit Risk and Improvement Committee Terms of Reference

Internal Audit Policy

Internal Audit Charter

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Nil

RACHEL GILL

ACTING DIRECTOR COMMUNITY

25 November 2024

- Attachments:*
1. ARIC Performance Review 2023-24 Report. (separately attached)
 2. MWRC ARIC Performance Evaluation. (separately attached)
 3. ARIC Performance Review 2023-24 Report - Chairs Action Plan for Independent Evaluation Recommendations. (separately attached)
 4. Minutes - ARIC 22 November 2024 Meeting. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

Nil