



\*\*PUBLIC COPY\*\*

# Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
WEDNESDAY 16 JUNE 2021

*A prosperous and progressive  
community we proudly call home*









PO BOX 156  
MUDGEES NSW 2850

86 Market Street MUDGEES  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

9 June 2021

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
16 JUNE 2021  
Public Forum at 5.30pm  
*Council Meeting commencing at conclusion of Public Forum*

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

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

In order to comply with Government guidelines on social distancing, up to 25 members of the public will be permitted into the Council Chambers. Due to the cap on attendees, if there are more than 25 people, the last to arrive will not be permitted entry.

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

Yours faithfully

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

BRAD CAM  
GENERAL MANAGER





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## Item 1: Apologies

## Item 2: Disclosure of Interest

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

## Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 19 May 2021**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 19 May 2021 be taken as read and confirmed.

### **3.2 Minutes of Extraordinary Meeting held on 26 May 2021**

#### Council Decision:

That the Minutes of the Extraordinary Meeting held on 26 May 2021 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

The Minutes of the Extraordinary Meeting are separately attached.

## Item 4: Matters in Progress

<b>SUBJECT</b>	<b>RESOLUTION NO. &amp; DATE</b>	<b>RESOLUTION</b>	<b>ACTION</b>
Indoor Pool Feasibility Study	Res. 325/19 Ordinary Meeting 16/10/2019	That Council: 4. request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	<b>To be reported to Council at a future meeting</b>
Banner Poles Gulgong	Res. 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	<b>To be reported to Council at a future meeting</b>
Cox Street Rail crossing	Res. 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox St.	<b>To be reported to Council at a future meeting</b>
Investigation of garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	<b>To be reported to Council at a future meeting</b>
Purchase of Land Opportunity	Res. 126/21 Ordinary Meeting 21/04/2021	That Council: 1. note that the details around this property purchase are to remain confidential until the purchase is confirmed or until the opportunity passes, after which the details in this report will become available to the public	<b>To be reported to Council at a future meeting</b>
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.	<b>To be reported to Council at a future meeting</b>



## Item 5: Mayoral Minute

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Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 Better Building Finance

#### NOTICE OF MOTION LISTED BY CR PETER SHELLEY

TO 16 JUNE 2021 ORDINARY MEETING

GOV400088, A0100035; GOV400022; GRA600044

#### MOTION

**That Council resolves to support Environmental Upgrade Agreements and begins offering them to eligible businesses within the local government area through a two-year trial period with Better Building Finance.**

#### Background

I believe this type of program will benefit our community and give them another avenue to facilitate developments that will provide much needed employment and growth for our region.

Adopting this proposal does not expose Council with any financial liability but provides another avenue to assist and promote sustainable infrastructure for future developments.

Following is an excerpt from the company.

1. Better Building Finance is not a finance broker; we do not offer government loans, and we are not approaching Council with any loan proposals.
2. Better Building Finance is an expert in third-party administration for Environmental Upgrade Finance, a finance mechanism designed to assist private business and building owners with sustainability improvements to their properties, and we are already administering the finance mechanism for 45 councils across NSW, SA and VIC, including for NSW councils such as Lake Macquarie City Council, Forbes Shire Council and Kyogle Council.
3. As you may be aware, Environmental Upgrade Finance is a type of loan, provided by a third-party lender such as Bank Australia, to fund environmental upgrades to a private property (but not council property). Although the finance mechanism is most commonly applied to commercial properties, discussions are under way with the NSW Government to expand it to residential and strata properties. The loan is secured against the property by an Environmental Upgrade Charge and Council collects the payments on behalf of the lender. Due to the security that this arrangement provides, businesses can access finance and loan terms which may have otherwise been difficult to attain, and the longer-term nature of the loan means that savings often outweigh repayments immediately. There are two short videos that explain the finance mechanism at: <https://betterbuildingfinance.com.au/better-building-finance-for-australian-councils/>
4. Since our work helping councils enable the finance model is supported and funded by the Australian Government through the Australian Renewable Energy Agency (ARENA) and supported by the NSW Government through their Building Upgrade Finance platform, there is enormous potential for business and building owners across the Mid-Western Regional

Council and Central West area to fund these and other sustainability upgrades if Council were to enable Environmental Upgrade Finance in line with NSW Government legislation. Attached is a draft Council Report for the Mid-Western Regional Council that details the basic facts and suggests a two-year trial period, as this has proved to be the most successful way for councils to trial the initiative and gauge the inputs, outcomes and benefits in a controlled manner.

5. This finance mechanism is specifically used to pay for works that improve the energy, water or environmental efficiency and overall sustainability of commercial and other buildings; a loan that is then repaid by the building owner alongside council rates over an agreed time period (between 4-20 years). The finance can be used for a range of projects such as installation of renewable energy systems (as is the case with the de Beaurepaire project), new equipment or initiatives to improve energy and water efficiency, or projects that minimise waste, maximise resilience or improve resource efficiency; there just needs to be a measurable sustainability improvement over time. Councils do not pay anything for the service, nor do they assume any of the risk or liability associated with projects. Please see the attached summary document for more information.
6. Better Building Finance launched our online Billing Platform late last year, which also comes at no cost to councils, to simplify and streamline the distribution and remittance of charge notices and the communication of environmental and social benefits. We know that one of the frequent reasons for councils to 'doubt' whether they can make this mechanism work is the expectation that the finance will take a lot of administration and support, but the reality is that the time taken is minimal and the online Billing Platform has radically simplified the process. In addition, many councils are still making decisions based on 'old' or imperfect information about the finance model, which may be one of the reasons that NSW councils have been slower to take up the mechanism than those in Victoria.
7. We are already administering the finance mechanism for 45 councils across NSW, SA and VIC, and out of our 101 successful projects some good case studies relevant to the Mid-Western Regional Council area would include:

Distillery and light industrial production:

<https://www.cherryenergysolutions.com.au/projects/four-pillars-gin/>

Brewery and bar: <https://sustainableaustraliafund.com.au/3-ravens-brewery/>

Small light industrial: <https://betterbuildingfinance.com.au/case-studies/114-bakehouse-road-kensington-vic/>

Food production & agriculture: <https://sustainableaustraliafund.com.au/hussey-and-co/>

Hospitality & tourism: <https://sustainableaustraliafund.com.au/success-stories/rye-hotel/>

Transport & logistics: <https://sustainableaustraliafund.com.au/success-stories/booth-transport/>

Aged care and residential community: <https://www.councilnews.com.au/2019/03/4635868-council-powering-business-solar-upgrades-with-aurrum-aged-care>

Small, local dental clinic: <https://www.nationaltribune.com.au/council-signs-first-environmental-upgrade-agreement-with-knox-business/>

Dairy farm and agribusiness: <https://sustainableaustraliafund.com.au/success-stories/minogue-dairy-farm/> “



## Officer's comments

It is recommended that a business plan be completed and a report brought back to Council to ascertain the cost and benefits of endorsing Environmental Upgrade Agreements. This would also allow due diligence to be carried out to ensure all necessary steps have been carried out, and the resolution is moved allowing for the required resourcing and funding impacts.

The BBF also recommend a business case is developed by a Council Officer before implementing through Council, in their Program Guide for Councils.

## 6.2 Mudgee 200 Celebrations

NOTICE OF MOTION LISTED BY CR RUSSELL HOLDEN  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, CMR200040

### MOTION

#### That Council:

- 1. provide logistical assistance with traffic and coordination of other government departments for the parade markets to help in conjunction with the event; and**
- 2. provide \$2,500.00 financial support from the events assistance fund to the organisers of the event.**

### Background

Council voted not to take a lead role in the 200 Celebration of the first European settlers. Regardless, a group of local residents including representatives of the Local Land Council have formed a group to celebrate the event with a proposed parade down Church and Market Streets, and market stalls in conjunction with Mudgee fine Foods Markets in Robertson Park after the proposed parade.

### Officer's comments

Council chose not to acknowledge the arrival of the first Europeans to the locality of Menah in 1821. Council will celebrate the establishment of the town of Mudgee in 2038.

The traffic coordination and assistance required for the proposed event includes;

- 1. A parade from the railway station to adjacent to the Post Office in Market Street.*  
A request should be forwarded to the Local Traffic committee to assess the impact and any conditions required for traffic safety. If the parade proceeds as normal traffic where public travellers may break into the parade under normal road rules. It is anticipated approval will be granted with only minor conditions based on similar events in the past.  
However if they wish to have a full road closure for the full or part of the parade considerable traffic control and expense will be required.  
The recommended approval will be the decision of the Traffic Committee when all requirements are known in more detail.
- 2. A road closure of Market Street between Perry Street and Douro Street from 8.30am to 3.00pm.*  
Again an application to the Local Traffic Committee is required for road closures. It is anticipated an approved Traffic Control Plan will need to be submitted by a qualified person. Closure and opening of Market Street roundabouts at Perry and Douro with a signposted detour route along Perry, Short and Douro Streets. The estimated cost of this work is \$2,500 subject to confirmation of final details.  
Typically notification and consultation with affected businesses and residences is the responsibility of the event organisers. Not all affected businesses are known at this time however the Tourist Office, Markets and Country Rail bus stop are some of the businesses which should be consulted and possibly Australia Post.

Attachments: 1. *Email Mudgee 200 years event*

## Marilyn Frost

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**Subject:** FW: atten General Manager Brad Cam

**From:** Caroline Sabin [REDACTED]  
**Sent:** Monday, 7 June 2021 12:34 PM  
**To:** Mette Sutton [REDACTED]  
**Cc:** Councillor Cavalier <[Councillor.Cavalier@midwestern.nsw.gov.au](mailto:Councillor.Cavalier@midwestern.nsw.gov.au)>; Councillor Holden <[Councillor.Holden@midwestern.nsw.gov.au](mailto:Councillor.Holden@midwestern.nsw.gov.au)>; Councillor Karavas <[Councillor.Karavas@midwestern.nsw.gov.au](mailto:Councillor.Karavas@midwestern.nsw.gov.au)>  
**Subject:** atten General Manager Brad Cam

Good Morning Mr Cam

I am sending you this email to clarify the points of the application for the street closure for the Mudgee 200 years event.

At this stage we are hoping to have some floats (trucks ) decorated by local community groups as well as vintage modes of transport to recognise the 200 years of Mudgee .

We are looking at assembling at the railway and to proceed down Church St from approximately 10 .00 am .We will be going straight to Market St, turn left and end in front of the Post office. We will discuss the short closures of the roundabouts in Church St as we move forward and we are proposing it will be very similar in time frame to the Annual Toy Run that is each year.

We are only asking for the block between Perry and Douro Sts to be actually closed and that time frame will be from 8.30am to 3pm to allow static displays of both historical and indigenous nature and to park floats so that we can have space for the event to be incorporated into the Mudgee Farmers Markets that will be held that day.

We have discussed this with the organisers of the Markets and they are happy to come on board . We wish for this to be a family event not only recognising 200 Years of Mudgee but our First Nation People with art displays and music .

We are waiting on this application to be able to move forward with our plans and will bring other community groups on board as needed in the near future.  
So far we have a grant of \$2500 for this event from the Family First Credit Union and will be applying for others as well as council .

We are hoping to make this an inclusive day and look forward to working with our local council to make this event not only happen but to succeed.

I hope this clears things as we need to know as soon as possible what we will be able to do so we can steam ahead with the organisation of this event.

Please feel free to call me anytime if needed

[REDACTED]

Regards  
Caroline Sabin



## 6.3 Water Sharing Plan

NOTICE OF MOTION LISTED BY CR RUSSELL HOLDEN

TO 16 JUNE 2021 ORDINARY MEETING

GOV400088, A0100035; GOV400022; WAT500007

### MOTION

**That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing plan commence immediately.**

### Background

Council and the community have been frustrated by Water NSW's steadfast stance that the Water Sharing Plan permits certain outflows from Windermere Dam and approves such events regardless of the current environmental situation. An example of this was the recent releases of environmental flows into the river system despite localised flooding.

The Council and the local community have been equally steadfastly in agreement that the lower limit of Windermere should not be 70ML, but 110ML before releases can occur. Adjustment to the Water Sharing Plan are lengthy and the sooner Council commences fresh negotiations the better.

### Officer's comments

Council's General Manager has sent a letter to our local member to arrange a meeting with Minister Pavey. We are still awaiting a response.

## 6.4 Gulgong Pony Club

NOTICE OF MOTION LISTED BY CR PAUL CAVALIER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, A0100035; GOV400022; P0504511

### MOTION

#### That Council:

1. **provides in principle support for the Gulgong Pony Club and their intention to upgrade their facilities, acknowledging the significant economic benefit provided to the region by the same; and**
2. **provide support, advice and assistance to the Gulgong Pony Club in compiling and submitting applications for grant funding, including letters of support.**

### Background

The Gulgong Pony Club is actively pursuing funding opportunities for their club, in order to upgrade their facilities, in line with other facilities such as Quirindi and Blayney. The intention is to create a facility that can be used for a number of local, state and national events, which will attract people from far and wide. Such events would be a significant boost for the local economy, and great for all of those involved, creating yet another attraction for our local region.

### Officer's comments

Council staff are happy to provide a letter of support for the Gulgong Pony Club.

## 6.5 Additional Maintenance Funding for Unsealed Road Network

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, FIN300201

### MOTION

**That Council increase the amount recommended in the 2021/22 Operational Plan by \$1 million for additional rural gravel road maintenance.**

### Background

The General Manager has provided Councillors with a copy of the money spent on rural gravel road maintenance and resheeting over the past eight years which proves that this is not enough money to keep roads to a reasonable standard, as many roads are still in an atrocious state. Rural residents pay a lot in rates and should have decent roads to drive on.

### Officer's comments

This initiative would be difficult to resource. However if Council is of a mind to support this initiative, staff will prepare a report to be brought back to Council identifying funding options, how it would be resourced and the impact this additional work will have on other projects.

## Item 7: Office of the General Manager

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### 7.1 Fixing of Annual Fees for Councillors and the Mayor

REPORT BY THE GOVERNANCE COORDINATOR  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, GOV400010

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Governance Coordinator on the Fixing of Annual Fees for Councillors and the Mayor; and**
2. **fix fees for Councillors and the Mayor for the period of July 2021 to June 2022 at \$20,690 for Councillors and an additional \$45,140 for the Mayor;**
  - 2.1 **Council pay the Deputy Mayor a fee, to be deducted from the additional fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;**
  - 2.2 **the calculation of this fee to be determined at a pro rata rate of the Mayor's Additional fee.**

#### Executive summary

This report addresses the need for Council to fix the annual fees for Councillors and the Mayor for the period July 2021 to June 2022. The report recommends an increase from \$20,280 to \$20,690 for Councillors and an additional payment to the Mayor increasing from \$44,250 to \$45,140.

#### Disclosure of Interest

Nil.

#### Detailed report

The Local Government Act 1993 provides that Council must pay an annual fee to each Councillor and to the Mayor. The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor. The Council may fix these fees and, if it decides to do so, the fees must be fixed in accordance with the determination of the Local Government Remuneration Tribunal. If Council does not fix a fee, it is required to pay the minimum fee determined by the Remuneration Tribunal.

The Act also provides that Council may pay the Deputy Mayor as fee determined by the Council for such time as the Deputy Mayor acts as in the office of the Mayor, such amount to be deducted from the Mayor's annual fee.

The Act provides that the Remuneration Tribunal must make a determination in relation to fees, not later than 1 May each year. Extracts from the 2021 determination of the Remuneration Tribunal is

attached. As a consequence of that determination, this Council has been categorised as Regional Rural, the fees applicable for the period July 2021 to June 2022 being:

- Councillor Minimum \$9,370, Maximum \$20,690.
- Mayoral (additional fee) Minimum \$19,970, Maximum \$45,140.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

## Strategic implications

### **Council Strategies**

Community Strategic Plan

### **Council Policies**

Payment of Expenses and Provision of Facilities to Councillors Policy

### **Legislation**

Local Government Act 1993

## Financial implications

These fees are accounted for in Council's Operational Plan 2021/22.

## Associated Risks

Not applicable.

TIM JOHNSTON  
GOVERNANCE COORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

18 May 2021

*Attachments:* 1. Local Government Remuneration Tribunal 23 April 2021 extracts.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# Local Government Remuneration Tribunal

Annual Report and  
Determination

*Annual report and determination under sections  
239 and 241 of the Local Government Act 1993*

**23 April  
2021**

## Local Government Remuneration Tribunal

**Table 2: General Purpose Councils - Non-Metropolitan**

Major Regional City (2)	Major Strategic Area (1)	Regional Strategic Area (1)	
Newcastle	Central Coast	Lake Macquarie	
Wollongong			

Regional Centre (24)		Regional Rural (13)	
Albury	Mid-Coast	Bega	
Armidale	Orange	Broken Hill	
Ballina	Port Macquarie-Hastings	Byron	
Bathurst	Port Stephens	Eurobodalla	
Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree	
Cessnock	Shellharbour	Griffith	
Clarence Valley	Shoalhaven	Kempsey	
Coffs Harbour	Tamworth	Kiama	
Dubbo	Tweed	Lithgow	
Hawkesbury	Wagga Wagga	Mid-Western	
Lismore	Wingecarribee	Richmond Valley Council	
Maitland	Wollondilly	Singleton	
		Snowy Monaro	

Rural (57)			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth



## Local Government Remuneration Tribunal

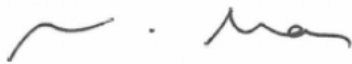
### **Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2021**

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2021 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee (\$) effective 1 July 2021		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2021	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	28,190	41,340	172,480	226,960
	Major CBD	18,800	34,820	39,940	112,520
	Metropolitan Large	18,800	31,020	39,940	90,370
	Metropolitan Medium	14,100	26,310	29,950	69,900
	Metropolitan Small	9,370	20,690	19,970	45,110
General Purpose Councils - Non-Metropolitan	Major Regional City	18,800	32,680	39,940	101,800
	Major Strategic Area	18,800	32,680	39,940	101,800
	Regional Strategic Area	18,800	31,020	39,940	90,370
	Regional Centre	14,100	24,810	29,330	61,280
	Regional Rural	9,370	20,690	19,970	45,140
	Rural	9,370	12,400	9,980	27,060
County Councils	Water	1,860	10,340	4,000	16,990
	Other	1,860	6,180	4,000	11,280

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

**Local Government Remuneration Tribunal**

Dated: 23 April 2021

## Local Government Remuneration Tribunal

### Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

### Rural

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

### County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

### County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.

## Item 8: Development

## 8.1 DA0086/2020 - Torrens Title Subdivision (1 into 13 Lots) - Mixed Residential Development (Single Dwellings, Dual Occupancy and Multi-Dwelling Housing), New Child Care Centre and Associated Works at 50 Broadhead Road, Mudgee

## REPORT BY THE PLANNING COORDINATOR

TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, DA0086/2020**RECOMMENDATION****That Council:**

- A. receive the report by the Planning Coordinator on DA0086/2020 - Torrens Title Subdivision (1 into 13 Lots) - Mixed Residential Development (Single Dwellings, Dual Occupancy and Multi-Dwelling Housing), New Child Care Centre and Associated Works at 50 Broadhead Road, Mudgee;
- B. approve DA0086/2020 - Torrens Title Subdivision (1 into 13 Lots) - Mixed Residential Development (Single Dwellings, Dual Occupancy and Multi-Dwelling Housing), New Child Care Centre and Associated Works at 50 Broadhead Road, Mudgee subject to the following conditions and Statement of Reasons:

**Approved Plans**

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Location Plan	DA-101	REV 9	12.03.2021	Place Studio AU PTY LTD
Site Analysis	DA-102	REV 9	12.03.2021	Place Studio AU PTY LTD
Demo Ground Floor Plan	DA-120	REV 9	12.03.2021	Place Studio AU PTY LTD
Proposed Site Plan	DA-200	REV 9	12.03.2021	Place Studio AU PTY LTD
Proposed Roof Plan	DA-201	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type A	DA-501	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type B	DA-502	REV 9	12.03.2021	Place Studio AU PTY LTD
Dwelling Type	DA-503	REV 9	12.03.2021	Place Studio AU

<b>C</b>				<b>PTY LTD</b>
<b>Dwelling Type D</b>	<b>DA-504</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type E</b>	<b>DA-505</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type F</b>	<b>DA-506</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Type 1</b>	<b>DA-507</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Type 2</b>	<b>DA-508</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Type 3</b>	<b>DA-509</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Plans</b>	<b>DA-300</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Area Plans</b>	<b>DA-301</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Sections</b>	<b>DA-302</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Elevations</b>	<b>DA-303</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Elevations</b>	<b>DA-304</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Childcare Shade Details</b>	<b>DA-305</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Broadhead Road – Elevation</b>	<b>DA-400</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>New Road – North Elevation</b>	<b>DA-401</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>New Road – South Elevation</b>	<b>DA-402</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Elevation</b>	<b>DA-403</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Fence Detail</b>	<b>DA-404</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type A Elevation</b>	<b>DA-601</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type B Elevation</b>	<b>DA-602</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type C Elevation</b>	<b>DA-603</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type D Elevation</b>	<b>DA-604</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type E Elevation</b>	<b>DA-605</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Dwelling Type F Elevation</b>	<b>DA-606</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Type 1</b>	<b>DA-607</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>
<b>Townhouse Type 2</b>	<b>DA-608</b>	<b>REV 9</b>	<b>12.03.2021</b>	<b>Place Studio AU PTY LTD</b>

Townhouse Type 3	DA-609	REV 9	12.03.2021	Place Studio AU PTY LTD
Exterior Finishes Schedule	-	-	20/10/20	Place Studio AU PTY LTD
Street Tree Plan	248-DA-001	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-002	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-003	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-004	Issue E	18/03/2021	The Green Boutique
Street Tree Plan	248-DA-005	Issue E	18/03/2021	The Green Boutique
BASIX Certificate	1121579M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124750M_03	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124752M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124764M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1124955M_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1125111S_02	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186908S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186910S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186911S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186912S	-	23 March 2021	Gradwell Consulting
BASIX Certificate	1186914S	-	23 March 2021	Gradwell Consulting
Combine Utilities and Services Plan – P1907519	PS01-F100	REV D	18/03/2021	Martens & Associates Pty Ltd
DA Acoustic Report	ID:11705 R01v1	R01	8 January 2020	PKA Acoustic Consulting
Detailed Site Contamination Assessment	33043 ER00-A	A	-	Barnson Pty Ltd
Desktop Aboriginal Heritage Due Diligence Assessment	19MUD-14756	1	20 December 2019	Eco Logical Australia
Traffic Impact Assessment	19219	V01	18 March 2021	Transport Planning Partnership

Any minor modification to the approved plans other than as required by the following conditions will require the lodgement and consideration by Council of amended plans. Amended plans will need to be accompanied with supporting documentation and calculations where necessary. Major modifications will require the lodgement of a new development application.

2. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
3. 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.
4. For clarity, this development consent provides approval for the following only:
  - a) Demolition of a number of outbuildings located on the site;
  - b) Subdivision of Lot 1 in DP808587 into 13 Torrens title allotments ranging from 601m<sup>2</sup> up to 4079m<sup>2</sup>;
  - c) Retention of the existing dwelling-house on proposed Lot 3;
  - d) Construction of a new internal road from Broadhead Road, landscaping and associated works to service the development;
  - e) Construction of six (6) single storey dwellings comprising either 3 or 4 bedrooms over new Lots 2, 4, 5, 6, 7 and 8;
  - f) Construction of four (4) attached dual occupancies comprising either 3 or 4 bedrooms over new Lots 1, 10, 11 and 12;
  - g) Construction of nine (9) single storey multi-dwelling housing units comprising either 3 or 4 bedrooms over new Lot 13; and
  - h) Construction of a child care centre to cater for up to 52 children (ages 0 to 5 years) within new Lot 9.

#### **GENERAL**

*The developer must comply with the following conditions associated with carrying out the development.*

5. All building work is to comply with the requirements of the Access to Premises Standard, where relevant.
6. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of any buildings.
7. Notwithstanding the approved plans, all structures are to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
8. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;
  - Erection of permanent structures,

- Cut or fill of land,
  - The planting of trees, or
  - Concrete structures.
9. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
  10. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. DBYD can be contacted online <https://www.1100.com.au/> or by phone on 1100.
  11. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as “Colorbond” steel sheeting. Zinalume, or similarly glary finishes, are not to be employed in roof or wall finishes.
  12. 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.
  13. Costs associated with all development works including any necessary alterations, or relocations of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
  14. All costs associated with preparation of a Survey Plan and associated easement documentation are to be borne by the developer.
  15. Any damage which is caused to Council’s infrastructure as a result of the proposed development must be repaired immediately to Council’s satisfaction and at no cost to Council.
  16. 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.
  17. All demolition works are to be carried out in accordance with *AS2601-2001 “Demolition of structures”*, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., must be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.
  18. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
    - a) Demolition work is not to be undertaken until:
      - Council has been provided with a copy of any required Hazardous Substances Management Plan;



- The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the *Work Health and Safety Act 2011* and Australian Standard 2601-2001;
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
19. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
20. The height and construction of the dividing fence may require agreement between the owners of the subject land and the respective owners of adjacent properties. Legal advice should be sought in the case of any doubt.
21. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
22. 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.
23. The developer shall provide separate water and sewer services for each allotment within the subdivision.
24. The developer is to ensure that any defects in the works that become apparent within the 6 months following the registration of the Subdivision Certificate with NSW Land Registry Services, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.
- Any unspent bond money will be returned to the developer at the end of the 6 month defects liability period, less the cost of rectification works carried out by Council.
25. Street trees approved by Council are to be provided at a minimum rate of two trees per allotment.

26. All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan and Aus Spec #1.
27. Where discrepancies between the Drawings, current Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.
28. Any necessary alterations to or relocation of public utility services to be carried at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed infrastructure. Should any adjustments or alterations to Council's water supply or sewer be required Council will carry out these works at the Developer's expense.
29. The registered proprietor of the land shall place engineered fill on the site as required. The fill shall be placed in accordance with Council's Development Engineering Specifications and *Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'*.
30. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.

#### **PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE**

*The following conditions must be complied with prior to Council or an accredited Certifier issuing a Subdivision Works Certificate for the proposed development.*

31. Prior to issue of the Subdivision Works Certificate, the recommendations of the Desktop Aboriginal Heritage Due Diligence Assessment (reference 19MUD-14756) dated 20 December 2019 prepared by Eco Logical Australia shall be complied with to the satisfaction of Council. The Detailed Aboriginal Heritage Due Diligence Assessment Report with findings of the site survey (recommendations 1) shall be provided to Council with the application of the Subdivision Works Certificate Application.
32. Prior to issue of the Subdivision Works Certificate, all remediation works and recommendations identified by the Detailed Site Contamination Assessment report prepared by Barnson Pty Ltd (Reference: 33043 ER00\_A) shall be complied with to the satisfaction Council. Once remediation works are completed, a Clearance Inspection Report is to be provided to Council and submitted with the Subdivision Works Certificate Application.
33. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
34. A Traffic Management Plan completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment by Council's Local Traffic Committee prior to the granting of the Subdivision Works Certificate.

35. **Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by the *Streets Opening Conference Guideline 2009 Section 6.2*.**
36. **The fee payable for a Subdivision Works Certificate is charged on a per lot basis in accordance with Council's current Fees and Charges.**
37. **One (1) A1 size set of the Water Reticulation Plans shall accompany the Application for the Subdivision Works Certificate for examination by Council. Specific inclusions required in the drawings are provided in the Application Guidelines with a checklist to ensure all information is provided. All Drawings must be signed by Consultant engaged by the Developer.**
38. **The detailed design plans submitted with the Subdivision Works Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.**
39. **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.**
40. **Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the *Roads Act 1993*.**
41. **A detailed Engineering Design, prepared and certified by a suitably qualified engineer, is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced here within. A Subdivision Works Certificate is required for, but not limited to the following Civil Works:**
  - **Water and Sewer Extensions;**
  - **Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and bio-retention Devices;**
  - **Road Construction including shoulder;**
  - **Kerb and Gutter;**
  - **Earth works for the Subdivision;**
  - **Landscaping of road verges and Public Reserves**

**NOTE: No work is permitted to commence prior to the issue of the Subdivision Works Certificate.**

42. The Applicant must provide to Council detailed design and documentation demonstrating that the proposed sewer has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure.
43. A modified water reticulation plan is to be submitted with the Subdivision Works Certificate Application to ensure that the site is serviced by a water reticulation main of not less than a 100mm diameter pipe along Broadhead Road and the new proposed road. For this, the pipe size along Broadhead Road must be upgraded to 100mm and is to be connected to the trunk main of 200mm ID which will be available towards the eastern side of Broadhead Road as a result of the St Matthews development. The proposed pipe of 50mm diameter along the internal road must also be amended to a 100mm diameter pipe.

**NOTE: If the 200mmID water main is not constructed by other parties by the time that this development (DA0086/2020) has progressed, then it will be the responsibility of the developer to construct the water main of 200mmID as per the current water servicing plan submitted for assessment.**

**NOTE: No tapping into the main is permitted along Bruce Road to service this development**

44. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:
- Details of sedimentation and erosion control.
  - Details of haulage routes shall be provide to Council for approval.
- Note: All trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.**
- Details of dust mitigation and access roads.
  - Location and phone number of the site office.

**Reason: To reduce the environmental impact on the site during the construction period.**

45. The applicant shall demonstrate that the development will not increase the limits of upstream and downstream flooding for the 1 in 1 year to 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls. Additionally, the provision of a water quality control system to treat stormwater runoff from the development as outlined in Council's DCP water quality performance guidelines is to be provided. Supporting documentation shall be submitted with the Subdivision Works Certificate Application.
46. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications.

47. The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results are to be provided and approved prior to the release of a Subdivision Works Certificate.
48. Inter-allotment drainage is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements.
49. A grated pit of 600x600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof and paved areas cannot drain naturally to the public roadway.
50. Easements are required over Council's sewer mains crossing private property. The Developer is required to obtain all necessary easements from other land, where required. The Subdivision Works Certificate will only be released when the above requirements have been achieved. The Developer should transfer to Council any sewer easements needed for the subdivision and execute a transfer and grant of easement in favour of Council in accordance with Section 88B of the *Conveyancing Act 1919*. The minimum sewer easement width is to be 3 metres. This width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.
51. All road crossing are to be constructed using Reinforced Concrete Pipe (RCP).
52. The applicant shall provide an inter-allotment drainage easement at least 1m wide as per Council standard to drain proposed Lots that do not naturally drain to the roads to provide the necessary legal right to drain through adjoining lots where necessary. Construction of the drainage line together with the necessary grated yard inlet pits shall be carried out in accordance with Council's Development Engineering Specifications - full details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

**NOTES:**

- *A suitable section 88B instrument creating the easement, in accordance with the requirements of the Conveyancing Act 1919, shall be submitted to Council prior to the issue of a Subdivision Certificate.*
- *Construction shall be completed prior to the issue of a Subdivision Certificate.*
- *The owner/s of each new lot being created must ensure that all building development is constructed to provide a stormwater drainage system that includes stormwater quality treatment devices and On Site Detention tanks or similar that provides for the required quantity of temporary stormwater storage as determined in the approved Stormwater Management Plan. Stormwater quality and Detention devices must be maintained at all times to the satisfaction of Council to ensure appropriate detention quantities are maintained.*

53. The Applicant shall submit a report outlining the proposal to provide a water supply service to each lot within the proposed subdivision, prior to issue of a Subdivision Works Certificate. The report is to be prepared in concurrence with the *Water Supply Code of Australia WSA 03-2011*.
54. The Applicant shall submit a report outlining the proposals to provide a Waste Water Service to each lot within the proposed subdivision. The report is to be prepared in concurrence with the *Gravity Sewer Code of Australia WSA02-2014*. Where Pressure Sewer is being proposed the report is to be prepared in concurrence with the *Pressure Code of Australia WSA 07-2007*.

#### **PRIOR TO COMMENCEMENT AND DURING CIVIL WORKS**

*The following conditions must be complied with prior to commencing and during all civil works associated with the development.*

55. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
  - b) A site supervisor is to be nominated by the applicant.
  - c) A Traffic Management Plan (TMP) completed by a "Certified Person" for implementation during the works is to be submitted to Mid-Western Regional Council prior to the commencement of works.
  - d) Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D Soil and Water Management Layout Plan and Dwg No. 82018276-01 C2081 Rev D Soil and Water Management Notes and Details and Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction- Managing Urban Stormwater.
  - e) Appropriate dust control measures.
  - f) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
  - g) 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.
  - h) Subdivision Works Certificate approval must be obtained from Council for works including but not limited to road, kerb, gutter, water and sewer works.
56. It is the responsibility of the Applicant and/or the Principal Contractor to:
- a) Provide for the overall supervision and quality of the works.
  - b) Advise Council offices regarding:
    - Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and
    - The assessment of any risk that has not been eliminated, and
    - The measures taken to control any such risks, and
    - Any measures that may need to be taken by Council officers to control any such risk while on the work site.
  - c) Obey with any lawful instruction of the Principal Certifying Authorities representative.
  - d) Notify Council when a required inspection has been missed.
  - e) The provision and maintenance of all site signage as required by legislation, including but not limited to:



- A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and
- The name and phone number of the Principal Certifying Authority.

57. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.
58. All service connections should cross the road perpendicular to the road centreline.
59. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1.0 metre into the boundary.
60. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
61. Construction of Broadhead Road upgrade for the full abuttal of the property and internal road are to be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
62. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and RMS Manual for *Traffic Control at Worksites* current at the time of construction is to be provided to Council for approval prior to any works commencing on Broadhead Road.
63. All traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by suitably qualified persons. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.
64. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC.
65. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding or damage caused by stormwater occur on adjoining land as a result of this development.
66. The developer is to upgrade Broadhead Road, such that it will have the following characteristics:

Item	Requirement
Full Road Pavement Width	Existing pavement has to be saw cut and widened to match with existing road, up to roll over kerb and gutter, and is to be extended up to the full abuttal of the property
Nature Strip (verge)	4.5m



Concrete Footpaths	1.2 m Wide to extend the full length of Broadhead Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

67. The developer is to provide the new road into the development, such that it will have the following characteristics:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders)
Cul-de-sac	Radius not less than 10m
Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m Wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal - 14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

68. Where footpaths are provided the roof-water outlet shall be extended under the footpath and extend past the edge of the footpath sufficient to allow connection.
69. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.
70. All electrical, telecommunication, sewer and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.
71. A turf strip of minimum 600mm width is to be laid behind the kerb and gutter. Where footpaths are provided the area between the footpath and the kerb and gutter is to be turf and 600mm provided above the footpath.

#### PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

*The following conditions must be complied with prior to Council issuing a Subdivision Certificate for the proposed allotments.*

72. Under the *Environmental Planning & Assessment Act, 1979*, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.  
*Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges*
73. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

74. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
75. Prior to issue of the Subdivision Certificate, the developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819 and the correct addressing is included with the submitted Subdivision Certificate Application documentation.
76. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
77. Prior to the issue of a Subdivision Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Council, verifying the building footprint of the existing dwelling is wholly located within proposed Lot 3 and retains side setbacks of no less than 900mm.
78. Following completion of all engineering works, a defect liability bond of 5% of the value of such works shall be lodged with Council for a twelve (12) month period to ensure that any defects in such works are remedied by the developer. For the purpose of defining the Defects Liability period, the works (or the part of works in the subject stage) are considered to be "completed" when the Subdivision Certificate is registered.  
*Note: The bond may be provided by way of monetary deposit with the Council or an unconditional bank guarantee.*
79. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
80. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.
81. The developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*, from Council prior to issue of a Subdivision Certificate.  
*Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.*
82. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of the new financial year.
83. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and

- b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
- d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.

84. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities' standards.
85. The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
86. The developer shall provide for a minimum 1.8 metre lapped and capped timber fence along the full southern boundary of the site (proposed Lots 1 to proposed Lot 8) adjoining Lot 2 DP 808587, prior to issue of a Subdivision Certificate.
87. At the completion of construction and prior to issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a CD or Flash Drive with all of the QA documentation in accordance with AUS Spec and the requirements outlined below,
- A) COVERSHEET
    - Project Address
    - Client/Developer
    - DA Number
    - Lot Numbers
    - Subdivision Stage Number(If Applicable)
  - B) INDEX
    - Section Numbers
  - C) CONTRACTOR DETAILS
    - Contractor Representative
    - Contractor Contact Details
  - D) SCOPE OF WORKS
    - Enter description outlining scope of works completed
- Records to be included as applicable:*
- Material Certification and Material Test Reports(Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc. for supplied materials).
  - Concrete mix Details (Concrete Register/ Concrete Test Results required).
  - Bitumen Sealing Reports/Records.
  - Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a dwg).
  - Dimensional and Tolerance Records (Survey Conformance Reports).

- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).
- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council’s Development Engineer.

88. Following the completion of subdivision works and prior to issue of a Subdivision Certificate, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer’s or consulting surveyor’s certification stating that all information shown in the plans are accurate.

89. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Mid-Western Regional Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of any Subdivision Certificate. Contributions are subject to increase in accordance with the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
<i>Mudgee Catchment (credit applied for 1 x existing lot)</i>		
	<i>Per 2 or more bed dwelling or per lot charge</i>	<i>Total Contributions (12 new lots)</i>
<i>Public Amenity or Service</i>		
Transport facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$ 2,182.00	\$ 26,184.00
Community Facilities	\$ 635.00	\$ 7,620.00
Stormwater Management	\$ 458.00	\$ 5,496.00
Plan Administration	\$ 995.00	\$ 11,940.00
<b>Total</b>	<b>\$ 8,617.00</b>	<b>\$ 103,404.00</b>

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

*Note – Council’s 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.*

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**

*The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building/s.*

90. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act, 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
91. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate. Note: A separate fee is payable for each Section 138 application.
92. All building work for the child care centre is to comply with the requirements of the Access to Premises Standard. Details demonstrating full compliance with the Access to Premises Standard, including continuous path of travel from the entrance to the property, are to be submitted and approved as part of any Construction Certificate.
93. Details of all retaining walls shall be shown on the plans submitted for a Construction Certificate which are limited to 600mm high, incorporate appropriate drainage measures and must be setback a minimum of 300mm from any boundary.
94. A Construction Certificate for the child care centre 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.
95. The child care centre plans shall be amended to include all recommendations of the Acoustic Report prepared by PKA Acoustic Consulting, dated 8 January 2020. The amended plans shall be provided with the application for the Construction Certificate.
96. The design, construction and fit-out of any proposed kitchen, coolroom/s and associated structures for the child care centre must be constructed in accordance with the relevant requirements of:
  - a) *Food Act 2003*;
  - b) *Food Regulation 2015*;
  - c) *Food Standards Australia and New Zealand – Food Standards Code 2003*;
  - d) *AS 4674-2004 for Design, Construction and Fit out of Food Premises*;
  - e) *AS 1668.2-2012 – The use of ventilation and air conditioning in buildings*; and
  - f) *The Building Code of Australia*.

Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

The information that will need to be submitted, includes, but is not limited to, the location of hand-basins, wash-up sinks, any exhaust hoods, floor finishes, wall finishes and ceiling finishes.

97. 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 \$25,000 or more.

*Note - The amount payable is currently based on 0.35% 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.**

98. 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 for the Child Care Centre.

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 – 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

99. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Mid-Western Regional Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of any Construction Certificate for the dual occupancy or multi-dwelling housing development. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

<b>Section 7.11 Contributions</b>		
<b>Mudgee Catchment</b> <i>(credit applied for 5 x lots created under the subdivision approved for Dual Occupancy and Multi-Dwelling Housing of 9 new units)</i>		
	<i>Per 2 or more bed dwelling or per lot charge</i>	<i>Total Contributions (12 additional dwellings)</i>
<b>Public Amenity or Service</b>		
Transport facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$2,182.00	\$ 26,184.00
Community Facilities	\$635.00	\$ 7,620.00
Stormwater Management	\$458.00	\$ 5,496.00
Plan Administration	\$995.00	\$ 11,940.00
<b>Total</b>	<b>\$8,617.00</b>	<b>\$ 103,404.00</b>

**Note – This condition does not apply to any single dwelling-house constructed on lots 2, 4, 5, 6, 7 or 8. This condition only applies to the dual occupancy (attached) and multi-dwelling housing development.**

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



**Note – Council’s 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

100. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, will be increased to the current rate at the time of payment.

**PRIOR TO THE COMMENCEMENT OF WORKS (BUILDING)**

*The following conditions must be complied with prior to commencing building work.*

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

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

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

102. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
103. 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.**
104. With the exception of work where there is in force an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Act 1979* all building work that involves residential building work for which the *Home Building Act* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
105. Prior to the commencement of works, approval pursuant to Section 68 of the *Local Government Act, 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
106. Prior to the commencement of works, erosion and sediment controls are to be installed in accordance with the approved Erosion and Sediment Control Plan for the development.
107. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;



- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

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

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

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

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

#### **DURING CONSTRUCTION**

*The following conditions must be complied with during building works.*

- 110. The building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as approved, and wholly contained within the subject lot, is to be submitted to the Principal Certifier prior to pouring concrete for the footings or floor slab.
- 111. All building, earth and pavement works must be carried out in accordance with the provisions of the *National Construction Code*, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
- 112. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the *Plumbing Code of Australia*.
- 113. The applicant's shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
- 114. All mandatory inspections required by the *Environmental Planning & Assessment Act* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
- 115. Construction work noise that is audible at other premises is to be restricted to the following times:
  - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
- 116. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in *AS 3660.1* and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and

- c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
117. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
118. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
119. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
120. Within three (3) months after the completion of construction all exposed surfaces caused by earthworks must be stabilised using established engineering methods and landscaping/planting to prevent erosion and scouring.
121. 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.
122. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the approved development, including the erection of any fences or hoardings.
123. The requirements of the BASIX Certificates issued on 23 March 2021 to support the development must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
124. All building work is to comply with the requirements of the Access to Premises Standard, where relevant.
125. The list of measures contained in the schedule attached to the Construction Certificate for the childcare centre are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
126. 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.

127. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
128. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided in accordance with the approved plans. These should be constructed in accordance with Aus-Spec #1, Council's "Access to Properties" Policy and any approval issued in accordance with Section 138 of the *Roads Act 1993*.
- Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.
- Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
129. A minimum of fifteen (15) car parking spaces, including one (1) accessible parking space are to be provided within the site of the child care centre and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
- a) All vehicles must be provided adequate means to exit the lot in a forward direction.
  - b) Each car parking space is to have minimum dimensions of 5.4m x 2.6m;
  - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
  - d) All car parking spaces, accesses and vehicle manoeuvring areas are to be line-marked and sealed with bitumen or concrete, and must be maintained in a satisfactory condition at all times;
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the *Roads and Traffic Authority Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1 – 2004.
130. Any soil/water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
131. Council does not permit other bodies to insert new junctions into "live" Sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
132. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act, 1993*) and in accordance with the *National Specification – Water Supply Code of Australia*.
133. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is

required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act, 1993*) and in accordance with the *National Specification – Sewerage Code of Australia*.

134. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
135. 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.

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

*The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.*

136. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
137. Prior to the issue of an Occupation Certificate, the following works in relation to access, car parking and associated manoeuvring areas are to be completed:
  - a) Internal car parking spaces and associated manoeuvring areas are to be provided with a bitumen or concrete surface.
  - b) The car parking area must be set out and clearly delineated in accordance with the requirements of *AS 2890.1:2004 Parking Facilities Part 1: Off-street Car Parking*.
  - c) Physical measures, such as wheel stops, shall be provided to ensure parked vehicles do not overhang and obstruct internal footpaths, where required.
138. Prior to occupation or the issue of the Occupation Certificate the owner of the child care building must cause the Principal Certifying Authority 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 Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
139. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.
140. Prior to issue of an Occupation Certificate, an Emergency and Evacuation Plan for the Child Care Centre shall be prepared and submitted to the Principal Certifying Authority. A copy of the Plan shall be kept within the premise at all times.
141. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development and/or commencement of the use.

142. The recommendations of the Acoustic Report prepared by PKA Acoustic Consulting, dated 8 January 2020 shall be complied with for the child care centre development, prior to issue of an Occupation Certificate.
143. Prior to use of the development and/or issue of an Occupation Certificate, all retaining walls and associated drainage shall be installed and completed.
144. Following completion of the civil works (including water and sewer connections to the property) and prior to the issue of an Occupation Certificate, work-as-executed plans (WAE) are to be provided to Council in the following formats:
  - a) PDF
  - b) Dwg format or "Autocad compatible"
  - c) MapInfo Files

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of an Occupation Certificate. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

145. The developer is to ensure that any defects in the works that become apparent before and within the succeeding twelve (12) months after the issue of the Occupation Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the cost of any rectification works carried out by Council.

146. Prior to use of the development and/or issue of an Occupation Certificate, certification from an appropriately qualified person verifying the site has been fully remediated in accordance with the recommendations of the Remedial Action Plan / Site Validation Report shall be completed and submitted to Council within 30 days of the completion of the remedial works.
147. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificates issued on 23 March 2021 to support the development, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

In the case where a Private Certifier is issuing the Occupation Certificate, the Private Certifier must provide Council with a copy of a BASIX Completion Receipt, prior to issuing the Occupation Certificate. The BASIX Completion Receipt is to be obtained in accordance with the requirements of Clause 154C of the *Environmental Planning and Assessment Regulation 2000*.

148. Roof water from the development shall be conducted to the water storage tanks in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to use of the development and/or issue of an Occupation Certificate.
149. A 1.8 metre high screen fence is to be provided between the private open space areas of the dwellings, prior to occupation of the development.

150. Outdoor drying facilities and letterboxes are to be provided for each dwelling / unit prior to occupation.

#### **OPERATIONAL CONDITIONS**

*The following conditions are to be complied with for the ongoing operation and life of the development.*

151. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the child care centre building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
152. Where any essential services are installed in the child care centre building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
153. The hours of operation of the child care centre are limited to the following:
- a) 7am to 6pm, Monday to Friday only.
154. All vehicles are required to enter and leave the child care centre 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.
155. 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"*.
156. The pavement surface and wheel stops for the child care centre on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
157. All line-marking for the child care centre on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
158. All loading and unloading in connection with the child care centre shall be carried out wholly within the site. This condition does not apply to garbage collection.
159. 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.
160. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
161. The development is to be maintained in a clean and tidy manner, at all times.
162. Landscaping is to be maintained in accordance with the approved landscape plan.



163. The child care centre 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.

#### ESSENTIAL ENERGY ADVISORY NOTES

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
4. A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is required to be issued by Essential Energy and provided to Council with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works team for requirements. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will also require Essential Energy's approval.
5. Any proposed landscaping in the vicinity of any existing or new electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
6. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all proposed dwellings in accordance with the NSW Service and Installation Rules.
7. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
8. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
9. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

#### COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable);

Section 64 Contributions		
	<i>Total ET Values</i>	<i>Total Contributions</i>
Water Headworks	19.87	\$172,685.19
Sewer Headworks	23.87	\$94,692.29
<b>Total Headworks Payable</b>		<b>\$267,377.48</b>

*Note - Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.*

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
5. If you are dissatisfied with this decision sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *Environmental Planning and Assessment Act 1979*.
7. The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*. For the purposes of the approved development, Project Specific Noise Criteria are contained in the *DA Acoustic Report – 50 Broadhead Road, Mudgee – ID: 11705 R01v1*, prepared by PKA Acoustic Consulting and dated 8 January 2020.
8. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.
9. The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in



agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
  - a) The traffic and parking impacts of the development are acceptable.
  - b) Vehicle access into and out of the site will be satisfactory.
  - c) Sufficient detail has been provided to enable an assessment of the application.
  - d) The proposed development will not have an adverse aesthetic impact on the locality, subject to conditions.
  - e) The proposal is required to provide boundary fencing at the full cost of the developer, including along the southern boundary to reduce potential impacts associated with the development.
  - f) The proposed development will not have an adverse noise impact, subject to conditions.
  - g) The proposed development will not have an adverse social or economic impact.
  - h) The proposed development is suitable for the site.

## Executive summary

OWNER/S	VA Holdings Pty Ltd
APPLICANT:	Mr James Alexander-Hatziplis
PROPERTY DESCRIPTION	Lot 1 in DP 808587 50 Broadhead Road, Mudgee
PROPOSED DEVELOPMENT	Subdivision of Land, Residential Development and Child Care Centre
ESTIMATED COST OF DEVELOPMENT:	\$8.68 Million
REASON FOR REPORTING TO COUNCIL:	Development value exceeds \$2 Million
PUBLIC SUBMISSIONS:	Three (3) submissions received

Council is in receipt of Development Application DA0086/2020 that seeks approval for the Subdivision of Land (Torrens Title - 1 into 13 Lots), 4 x Dual Occupancies, 6 x new single Dwelling-houses, 9 unit Multi-Dwelling housing development, retention of the existing dwelling-house, new Childcare Centre and associated works, to be located at 50 Broadhead Road MUDGEES NSW 2850, Lot 1 DP 808587, received by Council on 4 October 2019.

Upon receiving the application, Council requested further information relating to a number of concerns with the proposed development. The most recent amended plans and documentation were provided to Council on the 25 March and 1 April 2021 in response to Council's concerns.

The application was first advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 18 October 2019. During the first notification period, three (3) submissions were received.

Upon submission of the amended development plans, the application was re-notified for a period of 14 days, ending 27 May 2021. During the second notification period, one (1) submission was received.

The proposed development has been assessed in accordance with the Mid-Western Regional Development Control Plan 2013 (DCP) and the Mid-Western Regional Local Environmental Plan 2012 (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 the value of the application exceeds \$2 million. The current estimated value of the development submitted is approximately \$8.68 Million.

The application is recommended for Approval.

## Disclosure of Interest

Nil.

## Detailed report

### *SUBJECT SITE*

The site is located at 50 Broadhead Road, Mudgee, legally described as Lot 1 in DP808587. The site is located on the western side of Broadhead Road and to the south of the existing residential development known as Yallambee Estate, approximately three kilometres from the Mudgee CBD. Refer to Figure 1 below.

The site is an irregular shaped allotment with a primary frontage of 100 metres to Broadhead Road and has a total area of 1.628 Hectares. The site previously contained a retail nursery and landscaping business known as 'Living Earth Supplies', approved by Council under DA27/92 in March 1992. The site also contains an existing dwelling house, associated outbuildings, scattered vegetation throughout the land along with a number of stockpiles of building materials and rubble.

Also surrounding the subject site, the State Significant Development of St Matthews Catholic School (SSD-9872) has been approved by the NSW Department of Planning Industry and Environment on Lot 40 in DP756894. Access to the St Matthews development is approved from Bruce Road, with upgrades to both Bruce Road and Broadhead Road (including along the frontage of the subject site) being required. The school proposes to accommodate years 7 to 12, and up to 680 students.



Figure 1: Existing Site Location

### PROPOSED DEVELOPMENT

The proposed development of the land includes the following key features:

1. Demolition of a number of outbuildings located on the site, associated with the former landscaping business (remediation works will also be required as a result of contamination testing conducted over the site);
2. Subdivision of Lot 1 in DP808587 into 13 torrens title allotments ranging from 601m<sup>2</sup> up to 4079m<sup>2</sup>.
3. Retention of the existing dwelling house on proposed Lot 3;
4. Construction of six (6) single storey dwellings comprising either 3 or 4 bedrooms over new Lots 2, 4, 5, 6, 7 and 8;
5. Construction of four (4) attached dual occupancies comprising either 3 or 4 bedrooms over new Lots 1, 10, 11 and 12;
6. Construction of nine (9) single storey multi-dwelling housing units comprising either 3 or 4 bedrooms over new Lot 13;
7. Construction of a child care centre to cater for up to 52 children (ages 0 to 5 years) within new Lot 9; and
8. Construction of a new internal road from Broadhead Road, landscaping and associated works to service the development.

No signage associated with the childcare centre is proposed under this application.

Figure 2 below provides the overall site layout of the development with all plans supporting the application provided in Attachment 1.

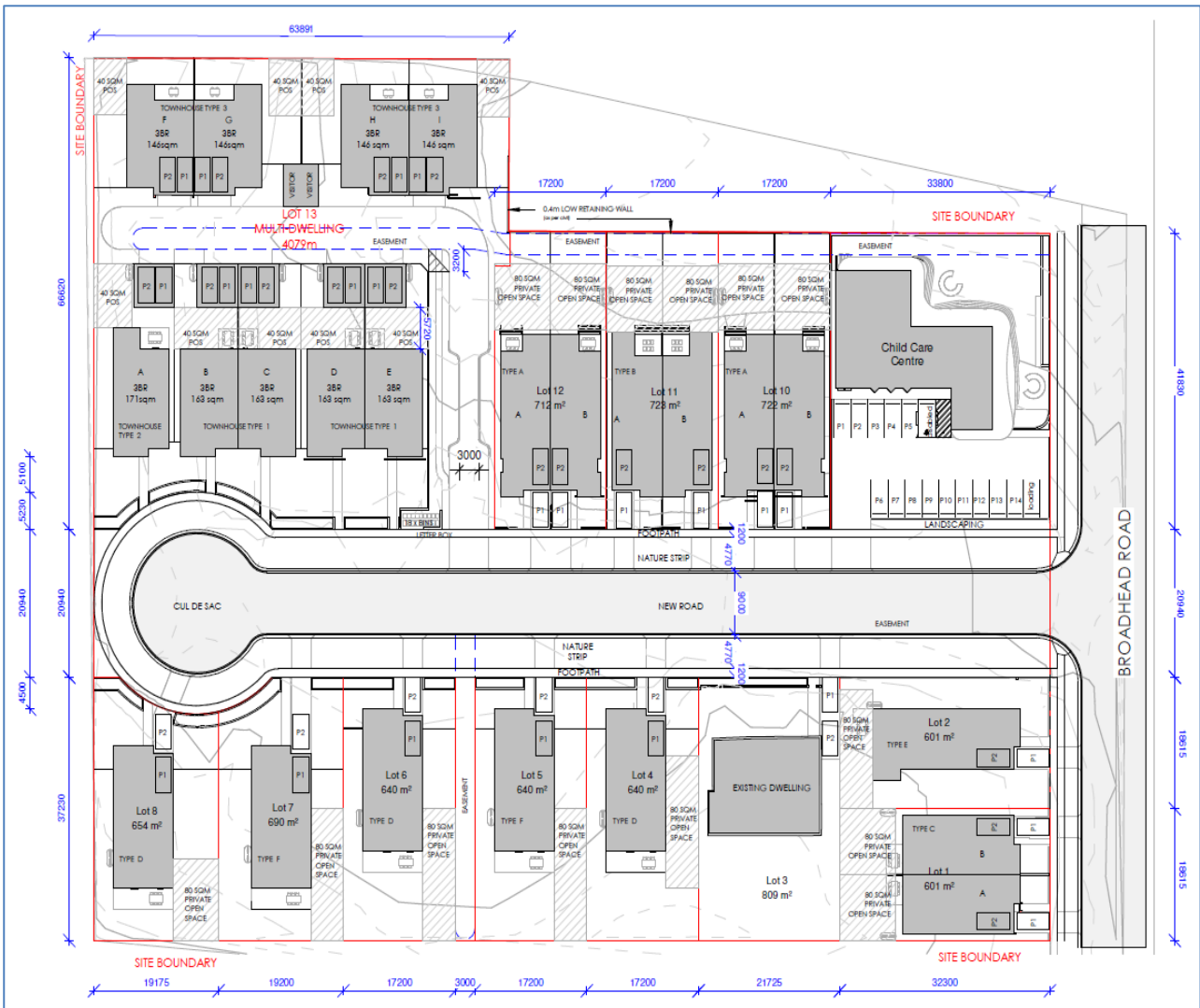


Figure 2: Proposed Site Layout

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 2000* (EP&A Regs).

**Integrated Development**

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

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

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

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

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



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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The development application has addressed contamination on-site with the provision of a stage 2 detailed site contamination assessment prepared by Barnson Pty Ltd.

The assessment and soil testing undertaken over the site on the 21 April 2020 concluded the following:

- *Activities associated with the use of the Subject Site as landscaping and plant supply business were identified as having a potential to contaminate surface soil at the site.*
- *The following potential sources of contamination were identified:*
  - *Historical storage and handling of landscape materials.*
  - *The use and allowance of client vehicles onto the site.*
  - *Greenhouse area used for the storage of seedlings and plants.*
  - *Drainage ditch and on-site dam area.*
  - *Storage of demolition waste.*
- *A review of the available historical information, including contaminated sites databases and aerial photographs indicated a low potential for significant environmental contamination to be present across the site.*
- *A site investigation and confirmatory sampling conducted to determine the presence and significance of potential contamination associated with the identified sources, revealed that none of the contaminants investigated are present above risk-based criteria in the surface soils of the Subject Site.*
- *The screening criteria used in the evaluation of the contaminant concentrations were appropriately conservative and suitable for assessment of both the proposed residential and childcare facility land use.*
- *Although numerous fragments of asbestos containing material (ACM) were observed on the surface of the subject site, the asbestos fibres contained within the ACM are stable and are not considered to represent a risk to human health. However, the ACM will have to be removed before commencement of any further works at the site in order to prevent further erosion or breakage of the ACM and dispersion of the asbestos fibres.*
- *The source of ACM is not expected to be associated with previous activities at the site but rather more recent illegal or accidental contamination in building rubble imported to the site. The fragments of ACM are believed to be confined to the areas where it was identified on the surface of the site and is not expected to represent a contaminant introduced into the in-situ surface soils or to be present in soil (fill) stockpiles brought onto the Subject Site.*
- *Based on the findings of the desktop review and site investigation it is concluded that the subject site is suitable for the proposed construction and further development as there are no contaminants present at the site which are likely to present a risk of impact to the health of humans or the environment from the proposed activities.*

Based on the above, the following recommendations were made:

- *The asbestos containing material (ACM) at each of the six locations identified requires remediation. The ACM fragments observed are in good condition and the classification of the asbestos material is non-friable. It is recommended that the fragments of ACM be collected, wrapped and transported to a landfill, licensed to accept the waste, for disposal. The remediation can be undertaken by either a competent person or a licensed asbestos removalist (holding either a Class A or B license).*

- *Clearance inspection of the asbestos removal area must be undertaken following completion of removal work. The clearance inspection is to be carried out by a licensed, independent, asbestos assessor. A clearance certificate must be obtained from the asbestos assessor.*
- *Notification to SafeWork of the asbestos removal works is not required as the ACM is expected to be less than 10m<sup>2</sup>.*
- *Tracking of the collected ACM will be required. Transport of asbestos waste is regulated under EPA legislation. Disposal sites are regulated by the NSW EPA and local government regulations. Each load of asbestos waste must be tracked to the landfill facility using the EPA WasteLocate application.*
- *A Construction Environmental Management Plan (CEMP) must be prepared, prior to further demolition or construction works being started. The purpose of the CEMP is for the management of excavated soils and should include procedures for the management of sediment and erosion.*
- *It is recommended that the CEMP include an unexpected finds procedure to assist construction site managers or workers in the management of any further ACM possibly uncovered during earthworks at the site.*

Subject to remediation being undertaken in accordance with the recommendations of the report, the site is considered suitable for the proposed residential use as required by SEPP 55. Conditions have been recommended accordingly.

#### **STATE ENVIRONMENTAL PLANNING POLICY NO 64—ADVERTISING AND SIGNAGE**

The application does not propose any supporting signage at this time and therefore a separate application may be submitted for any future signage on the subject site that is not identified as exempt development. A condition has been recommended accordingly.

#### **STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021**

SEPP (Koala Habitat Protection) applies to the proposal as Mid-Western Regional Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal is greater than 1 hectare in size.

The proposal involves the removal of existing vegetation on the subject site. However, the land is not identified as core koala habitat nor is the vegetation proposed to be removed listed within Schedule 2 of the SEPP. Therefore no further consideration is warranted.

#### **STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

The Education and Child Care Facilities SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The SEPP includes planning rules for where these developments can be built, which development standards can apply and construction requirements. The application has been assessed against the relevant provisions of the SEPP.

The following clauses of the SEPP have been assessed as being relevant and are matters for consideration in the assessment of the Development Application:

<b>Requirement</b>	<b>Compliance</b>
<p><u>5. Definitions</u>  <i>Centre-based child care</i> means a building or place used for the education and care of children that provides for any or more of the following:</p> <p>(a) Long day care,            (b) Occasional child care,</p>	<p>Complies.</p>

<p>(c) Out-of-school-hours care (including vacation care),                  (d) Preschool care,                  (e) An approved family day care venue (within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i>) ... (remainder of definition not relevant).</p>	
<p><u>22. Centre-based child care facility—concurrence of Regulatory Authority required for certain development</u>                  This clause applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) <i>the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</i></p> <p>(b) <i>the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</i></p> <p><i>-regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations requires a minimum indoor space of 3.25 square metres per child.</i></p> <p><i>- regulation 108 (outdoor unencumbered space requirements) requires a minimum outdoor space of 7 square metres space per child.</i></p>	<p>The proposal complies therefore separate no concurrence is required.</p>
<p><u>23. Centre-based child care – matters for consideration by consent authorities</u>                  This clause requires Council to consider any applicable provisions of the Child Care Centre Planning Guideline in the assessment of the application.</p>	<p>Refer to the Child Care Centre Planning Guideline in the assessment below.</p>
<p><u>25. Centre-based child care – non-discretionary development standards</u>                  This clause prevents Council from requiring more onerous standards for the following matters:</p> <p>(a) Location – the development may be located at any distance from an existing or proposed early childhood education and care facility.</p> <p>(b) Indoor and outdoor space – the proposed development complies with</p>	<p>The SEPP and associated Guideline have the effect of limiting Council's ability to control development for Centre-based Child Care Facilities – other than on the basis of height, rear and side boundary setbacks.</p>

<p>the unencumbered indoor space and useable outdoor play space requirements.</p> <p>(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 allotment depth.</p> <p>(d) Colour of building materials or shade structures – the proposed development may be any colour.</p>	
<p><u>26. Centre-based child care facility – development control plans</u></p>	<p>Although this clause is not applicable as Council's DCP does not include the mentioned controls - it is considered pertinent that where Council has a DCP that specifies operational management plans or arrangements (e.g. hours of operation), a requirement to demonstrate need for a child care centre, restrictions on the proximity of a proposed centre to other child care centres – such controls may not be applied to the assessment of a Centre-based child care facility.</p>

### Child Care Planning Guideline (Guideline)

The Guideline accompanies the SEPP and provides a set of detailed requirements that Child Care Centres are to be considered against. The Guideline provides a consistent State wide planning and design framework for preparing and considering development applications for Centre-based Child Care Facilities.

The consent authority is required to consider the following matters in the assessment. The following indicates the proposal's conformity with the requirements applicable to the proposal.

Requirement	Compliance
<b>PART 1 – DESIGN QUALITY PRINCIPLES</b>	
<p>Principle 1 – Context</p> <p>Principle 2 - Built Form</p> <p>Principle 3 – Adaptive Learning Spaces</p> <p>Principle 4 – Sustainability</p> <p>Principle 5 – Landscape</p> <p>Principle 6 – Amenity</p> <p>Principle 7 – Safety</p>	<p>The design of the Child Care Centre is suitable for the existing context. Refer to “(e) The likely impacts of development – 4.15(1)(b)” of this report for further detail.</p> <p>The proposed built form is articulated and is a suitable built form for the site.</p> <p>A variety of learning spaces has been provided in the proposed design.</p> <p>The proposed design takes advantage of natural light and ventilation. Deep soil zones are provided for landscaping.</p> <p>Landscape areas have been shown on the Site Plan.</p> <p>The proposed design is considered to address the amenity requirements of the users and neighbours. The design of the development addresses the amenity impacts by being single</p>



	<p>storey, providing appropriate setbacks, minimising overshadowing, and providing an acoustic fence to attenuate noise. Landscaping will be provided to assist the development to fit into the neighbourhood.</p> <p>The proposed design generally satisfies this principle and incorporates Crime Prevention Through Environmental Design (CPTED) principles.</p>
<p><b>PART 3 – MATTERS FOR CONSIDERATION</b>  <b>The below matters must be considered by a consent authority when assessing a development application for a centre-based child care facility.</b></p>	
<p><u>3.1 Site Selection and location</u></p>	<p>This section includes a number of requirements in relation to siting child care centres, including but not limited to, ensuring that centres are located within reasonable distance to schools and not located near incompatible uses such as restricted premises. It is considered the proposed development complies with these requirements of the Guideline.</p>
<p><u>3.2 Local character, streetscape and public domain interface</u></p>	<p>This section includes a number of requirements related to ensuring that the proposed centre fits into the streetscape. The main ways that the design addresses these requirements is by: providing a landscape strip along the frontage, providing articulation of walls and materials in the building elevations and locating the car park behind the front boundary landscaping.</p>
<p><u>3.3 Building orientation, envelope and design</u></p>	<p>This section includes a number of requirements related to the form of the building on site. The main ways the proposal complies with these requirements is by: stepping the building down the slope of the site, locating the main play area towards the centre/south of the site, providing a front boundary building setback that is greater than the setback on the adjoining property.</p>
<p><u>3.4 Landscaping</u></p>	<p>The proposed development provides sufficient deep soil areas on site to accommodate landscaping with a landscaping plan submitted with the application.</p>
<p><u>3.5 Visual and acoustic privacy</u></p>	<p>The proposed development complies with the visual privacy requirements including the incorporation of acoustic fencing at 2.2m high and landscaping of the site. Visual privacy of neighbours to the north and south is maintained by the single storey development having ground level windows only and solid screen fencing along the boundary.</p> <p>An acoustic assessment report has been submitted to address the acoustic privacy/noise impacts of the development, which recommends that acoustic fencing be erected around outdoor</p>

	play areas. This acoustic report is discussed in further detail in another section of this report.
<u>3.6 Noise and air pollution</u>	These requirements focus on the impacts of external uses on the centre.
<u>3.7 Hours of operation</u>	The proposed development complies with the hours of operation stipulated in these requirements. A condition is applied to ensure compliance.
<u>3.8 Traffic, parking and pedestrian circulation</u>	The proposed development complies with the parking rate of 1:4 children stipulated in these requirements. This parking rate matches the parking rate contained in Council's Development Control Plan.  The proposed internal pedestrian paths comply with the requirements of this section.
<b>PART 4 – APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS</b> <b>This part details the requirements for internal and external physical environment matters, references related construction standards and gives guidance on how the regulations and National Quality Framework Assessment can be met.</b>	
<u>4.1 Indoor space requirements</u>	This section of the Guideline provides requirements for various components of indoor space as a ratio of the number of children. The main child care building, accommodating 52 children, provides the required amount of unencumbered indoor space and internal storage space.
<u>4.2 Laundry and hygiene facilities</u>	Laundry room is proposed in the building.
<u>4.3 Toilet and hygiene facilities</u>	The proposed toilets appear to comply with the requirements and will be required to comply with the requirements for sanitary facilities at Construction Certificate stage. Conditions are imposed to address the detailed requirements in this section.
<u>4.4 Ventilation and natural light</u>	The proposed building complies with the requirements for the amount of window area to provide natural light.
<u>4.5 Administration space</u>	The development provides for administration space addressing the requirements of the Guideline.
<u>4.6 Nappy change facilities</u>	Nappy change facilities comply with these requirements.
<u>4.7 Premises designed to facilitate supervision</u>	The proposal generally complies with these requirements as windows to amenities will be located away from the view of the visitors/public. In addition, room layouts do not provide for hidden corners.
<u>4.8 Emergency and evacuation procedures</u>	The layout of the child care centre lends itself to evacuation into a number of outdoor areas. A condition is applied requiring the submission and approval of an Emergency and Evacuation Plan, prior to the issue of an Occupation Certificate.

<u>4.9 Outdoor space requirements</u>	The proposed development provides the minimum area of unencumbered outdoor space for the facility.
<u>4.10 Natural environment</u>	The external play area, landscape and site plan shows a variety of ground surface treatments being used outdoors.
<u>4.11 Shade</u>	The proposal seeks to provide shade shelters within the outdoor play area achieving compliance with this requirement.
<u>4.12 Fencing</u>	This section provides detailed requirements for fencing, such as removing climbing elements.
<u>4.13 Soil Assessment</u>	The subject site has historically been used for residential and horticultural purposes. A site contamination assessment has found that small fragments of asbestos were located on the site. A condition is applied to require the recommendations of the contamination assessment be completed (including remediation of the land) prior to the issue of a Subdivision Works Certificate.

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

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

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

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Pursuant to section 104 of the Infrastructure SEPP, the development does not achieve the relevant size or capacity whereby referral to Transport for NSW is required.

However, the proposal seeks to alter the electricity connection arrangements to service the development. In accordance with section 45 of the Infrastructure SEPP, the development was referred to Essential Energy, who did not object to the development. Conditions have been provided in this respect, and incorporated into the recommended conditions of consent.

Council is satisfied that the proposed development meets the requirements of the Infrastructure SEPP.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This SEPP does not apply to the removal of vegetation that is ancillary to the development for which development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979*. No further consideration is therefore necessary.

**State Environmental Planning Policy (State and Regional Development) 2011**

The propose development does not trigger the requirements of State or Regional Development, specifically the proposed childcare centre has a value of work that is less than \$10 Million.

**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 and Part 6.2 of the *Environmental Planning and Assessment Act 1979* as follows:

1. **Subdivision of land** means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—
  - (a) by conveyance, transfer or partition, or
  - (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.
  
2. **Centre-based child care facility** means—
  - (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)),

Note— An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.
  
3. **Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
  
4. **Dwelling house** means a building containing only one dwelling.
  
5. **Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**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 is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

**R1 General Residential**

1. *To provide for the housing needs of the community.*

**Comment** The proposal will contribute to the housing needs of the community.

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

**Comment** The proposal will contribute to the variety of housing types and densities within the R1 zone.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment** The proposal is not expected to hinder other possible permissible land uses within the immediate area and the development will also enable a complimentary child care centre to be established to support the proposed and existing residential area.

#### **Clause 2.6 Subdivision – consent requirements**

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

#### **Clause 2.7 Demolition requires development consent**

In satisfaction of this clause, the development application seeks approval for the demolition of outbuildings and removal of infrastructure associated with the former landscaping business. Conditions have been recommended to ensure wastes are disposed at a licenced waste facility.

#### **Clause 4.1 Minimum subdivision lot size**

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all relevant planning controls.

The proposed lots have a minimum area of 601m<sup>2</sup>, ranging up to 4,079m<sup>2</sup>. The minimum lot size pursuant to the mapping is 600m<sup>2</sup>.

Accordingly, the proposal complies with the development standard.

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

This clause applies as the land is zoned R1.

The four (4) *dual occupancies (attached)* are each proposed on a lot equal to or greater than 600m<sup>2</sup> (proposed over Lots 1, 10, 11 and 12). Accordingly, the proposal complies with this development standard.

The *multi dwelling housing* development is proposed on a site equal to or greater than 1200m<sup>2</sup> (proposed over Lot 13 which is to be 4,073m<sup>2</sup>). Accordingly, the proposal complies with this development standard.

#### **Clause 4.1B Exceptions to minimum lot sizes for certain residential development**

This clause applies as the land is zoned R1. The proposed dual occupancies (attached) and multi-dwelling housing development are not proposed to be further subdivided under this clause under the current application submitted. Therefore, no further consideration is necessary.

#### **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 as single storey developments with the development plans demonstrating all buildings will be less than 8.5 metres and therefore complies.

#### **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. The nearest site is located within the adjoining residential estate to the west of the subject land.

A desktop due diligence assessment has been provided with the application and recommends further site surveys to be undertaken prior to works commencing onsite. A condition is recommended accordingly.

**Clause 6.1 Salinity**

The proposed earthworks are not expected to significantly affect the process of salinisation with the site unaffected by salinity mapping. As the proposal involves development to be constructed on a concrete slab however, a condition of consent has been included requiring all slabs to be designed appropriately to minimise the impacts of potential salts in the ground on the building.

**Clause 6.2 Flood planning**

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

**Clause 6.3 Earthworks**

The proposal involves earthworks including levelling of the site and also construction of new infrastructure such as roads, footpaths and stormwater management. The proposed earthworks will not however be significant in terms of the matters for consideration identified in this clause. Conditions have been applied to ensure compliance with the requirements of this clause. Matters to be addressed by conditions would include sediment erosion controls and the quality of any fill imported to the site.

**Clause 6.4 Groundwater vulnerability**

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

**Clause 6.5 Terrestrial biodiversity**

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

**Clause 6.7 Active street frontages**

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

**Clause 6.8 Airspace operations – Mudgee Airport**

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

**Clause 6.9 Essential Services**

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

- The site has existing reticulated water (including an existing hydrant within Broadhead Road).
- Reticulated sewerage is found within Yallabee Estate to the north of the site, and is proposed to be extended from the manhole within the sewerage easement located in Lot 59 DP11663322.



- Electricity infrastructure is located within Broadhead Road and is able to be extended to service the development subject to compliance with Essential Energy requirements.
- The subject site has NBN fixed wireless available to service the development.

Furthermore, no concerns have been raised by Council's Development Engineering Department or Water and Sewer Department in relation to the proposed servicing arrangements for the development.

**Clause 6.10 Visually sensitive land near Mudgee**

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

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

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

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

*(iii) Any development control plans*

**Mid-Western Regional DCP 2013**

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

**Part 3.1 Residential Development**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMMENT / COMPLIES</b>
<b>Minimum lot size</b>	
Minimum lot size	Complies
Attached Dual Occupancy – Minimum 600m <sup>2</sup>	Complies
Detached Dual Occupancy – Minimum 800m <sup>2</sup>	Not applicable
<b>DEVELOPMENT CONTROL REQUIREMENT</b>	
<b>Building Setback from the street</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 4.5m and 5.5m to the garage	Complies
Zones R1, R2 and R3 where lot size is greater than 901m <sup>2</sup> and less than 1999m <sup>2</sup> : 6.5 and 7.5 to the garage	Complies
Zone R2 where 200m <sup>2</sup> to 1ha: 10m	Not applicable
Zone R5 less than or equal to 5ha: 30m	Not applicable
Zones RU1, RU4 and R5 greater than 5ha: 60m	Not applicable
RU5: DCP	Not applicable
<b>Building Side/Rear setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 900m	Complies
Zones R1, R2 and R3 where Lot size is greater than the 901m <sup>2</sup> and less than 1,999m <sup>2</sup> : 900mm	Complies
Zone R2 where 2000m <sup>2</sup> to 1ha: 2.5m	Not applicable
Zone R5 less than or equal to 5ha: 20m	Not applicable
Zones RU1, RU4 and R5 greater than 5ha: 20m	Not applicable



RU5: BCA	Not applicable
<b>Building Secondary Frontage for corner lots setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 0m for garages in laneways 2m to side boundary	Complies
Zones R1, R2 and R3 where Lot size is greater than 901m <sup>2</sup> and less than 1,999m <sup>2</sup> : 2m	Complies
Zone R2 where 2000m <sup>2</sup> to 1ha: 7.5m	Not applicable
Zone R5 less than or equal to 5ha: 15m	Not applicable
Zones RU1, RU4 and R5 greater than 5ha: 15m	Not applicable
RU5: 3m	Not applicable
<b>Building height / design</b>	
Proposed buildings are single story	Complies
The design is not a mirror or duplication for the two dwellings when fronting streets.	Complies
75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)	Complies
Both dwellings have direct street frontage, i.e. battleaxe arrangements are not permissible	Complies
Minimum separation of 3 metres between buildings	Not applicable
The garage door or carport does not exceed 45% of the front elevation	Complies
All facades with street frontage contain windows	Complies
Street frontage elevations contain minimum 5% openings	Complies
Building is not a transportable or relocated dwelling	Complies
<b>Slope and cut and fill</b>	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Complies. Conditioned for compliance.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Complies. Conditioned for compliance.
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Complies. Conditioned for compliance.
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Complies. Conditioned for compliance.
Cut / fill is clear of any water or sewer easements.	Not applicable. No existing easements affect the land.
<b>Open space</b>	
Private open space is located on the Northern or Eastern side of dwellings.	The single dwellings, including the dwelling to be retained on Lot 3 are all located on the southern side of the new road which represents a minor non-compliance with the private open space areas all located to the south east. It is considered however that there is suitable area of private open space for each single dwelling. The dual occupancy developments on Lots 1, 10, 11 and 12 each have the private open space areas facing north (lots 10 – 12) or north west (Lot 1) which enables adequate sunlight to be provided to the private open space areas of each dual occupancy, unimpeded by surrounding developments.

Private open space has direct access from main living areas.	Complies
Each dwelling provides a Principal Private Open Space with a minimum of 80m <sup>2</sup> and a minimum dimension of 5 metres.	Complies
If alfresco is to be counted as Principal Private Open Space, it must be: i) located at or near ground level ii) have direct northerly aspect iii) create no more than 25% of principal open space	Complies
Where Principal Private Open Space is located within front set back: i) located behind suitably landscaped area ii) minimum width of 1.5 metres to the front boundary	Not applicable
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Complies
<b>Site coverage</b>	
Maximum site coverage of 50%	Complies
<b>Parking</b>	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies
Parking and manoeuvring areas are hard stand	Complies
Driveways are located a minimum of 6m from any intersection	Complies
<b>Utilities</b>	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement for the purpose of utility infrastructure	Complies
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies
Details of water supply and sewer reticulation have been provided:	
If available within 500m applicant has proposed connection to reticulated network	Complies
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not applicable
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not applicable
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Complies
<b>Fencing</b>	
1.8 metre high fencing is provided between Principal Private open spaces	Complies – condition recommended.
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Complies
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	Complies
Side and rear fences do not exceed 1.8 metres in height once behind the building	There are identified non-compliances with the side and rear fences surrounding the child care centre due to the acoustic fencing to be provided in accordance with the Acoustic report submitted. It is considered necessary to enable this fencing to exceed 1.8m to comply with the noise policy for industry requirements.
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Complies
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	Complies condition recommended.

<b>Garages, Outbuildings</b>	
Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties	Not applicable
Urban areas where <750m <sup>2</sup> : 50m <sup>2</sup> maximum shed size	Not applicable
Urban areas where 751-1000m <sup>2</sup> : 80m <sup>2</sup> maximum shed size	Not applicable
Urban areas where 1001-2000m <sup>2</sup> : 100m <sup>2</sup> maximum shed size	Not applicable
Urban areas where 2001-3000m <sup>2</sup> : 120m <sup>2</sup> maximum shed size	Not applicable
Urban areas where >3000m <sup>2</sup> : 150m <sup>2</sup> maximum shed size	Not applicable
Max building height of 4.5m from natural ground level to the ridge applies in urban areas where the lot is under 2000m <sup>2</sup>	Not applicable

*Note: Urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land.*

### **Part 4.1 Multi Dwelling Housing**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>PROPOSAL</b>	<b>COMPLIES?</b>
<b>Permissibility</b>		
Only permissible on lots >1200m <sup>2</sup> , and	Site area = 4079m <sup>2</sup>	Complies
In Mudgee or Gulgong Heritage conservation Area, or	Not applicable	Not applicable
Village zone, or	Not applicable	Not applicable
Lot with two street frontages, or	Not applicable	Not applicable
Any Lot with 25m wide frontage, or	Frontage = 63m	Complies
Not be located on Lot adjoining approved or developed multiple dwelling Lot outside Mudgee or Gulgong Heritage Conservation Area	Single dwelling adjacent	Complies
<b>Built form – Design</b>		
Existing buildings retained upgraded to integrate with new development	Yes - retained	Complies
Architectural features incorporated into design to provide visual relief and minimise bulk and scale	Each single dwelling within the 9 units has been altered to provide for varying facades including roof form and colours to minimise replication of the design.	Complies
Design optimises solar access and orientation, consistent with scale, spacing, setbacks, landscaping of buildings, and positively enhances streetscape	i) All units private open space face north, providing solar access to the units ii) Setbacks to boundaries are the minimum permitted iii) Units are single storey	Complies
<b>Built form – Building scale, height and bulk</b>		
Development compatible with scale of buildings in locality and not visually intrusive	Single storey development respects scale of existing development	Complies
Consistent with objectives of zone	Objectives of zone encourage a variety of building types	Complies
Appropriate building heights respect scale of future development for which provision is made in locality.	Single storey development	Complies
Maximum height measured from natural ground level to roof apex	Building height is a maximum of 6.5[insert building height]m to the ridge.	Complies
Buildings do not exceed two storeys or 8.5m in height	Single storey units proposed	Not applicable
Each development assessed on merits in terms of visual impact on streetscape and internal and external amenity	Consistent with the existing streetscape. Internal amenity of the development is satisfactory	Complies
Council may require shadow diagrams to be submitted	Shadow diagrams demonstrate sufficient solar access to adjacent	Complies

DEVELOPMENT CONTROL REQUIREMENT	PROPOSAL	COMPLIES?
	development	
<b>Development density</b>		
Units accommodated on a site as follows:		
Kandos, Rylstone, Mudgee and Gulgong outside conservation areas:	Subject site located outside the Mudgee Heritage Conservation Area	Complies
3 bedroom unit: 1 unit per 450m of site	Proposal would require a site area of 2560m <sup>2</sup>	Site area of 4079m <sup>2</sup> less the area of the private access road – complies.
Minimum floor area excluding balconies and garages:		
3 bedroom unit: 1 unit per 450m of site	The proposed units have minimum floor areas ranging from 127.2m <sup>2</sup> to 170.04m <sup>2</sup> in area.	Complies
<b>Landscaping</b>		
Site landscaping 40%	Area available for landscaping is 33% of total site area.	Complies
Landscaping advanced trees, preferably native species	To be included as condition of consent.	Complies
Front setback landscaped to a depth of 5m	Front setback is greater than 5 metres available for landscaping	Complies
Landscaping provided prior to construction certificate	Required to be completed prior to the occupation of the development	Complies and required to be completed and maintained for the life of the development.
<b>Site coverage</b>		
Maximum site coverage excluding driveways <40%	Maximum site coverage calculated as 27%.	Complies
<b>Private open space</b>		
Each dwelling has principal private open space of 40m <sup>2</sup> with minimum dimensions of 5m depth and width	Minimum of 40m <sup>2</sup> provided for each unit	Complies
Private open space directly accessible from living areas.	Each open space is directly accessible	Complies
Rainwater tanks not located in principal private open space	Condition for compliance.	Complies
Patios, decks, balconies only counted as private open space if they have direct northerly access and <25% private open space requirement.	All units have a north easterly aspect for the private open space	Complies
Dimensions <5m not counted as principal private open space	Yes	Complies
Principal private open space in front setback behind landscaped area 1.5m to front boundary	Not applicable	Not applicable
Fencing for front private open space behind landscaping and timber or masonry materials, not Colorbond	Constructed of timber and masonry as per elevation plans	Complies
75% of private open space receives 3 hours sunlight between 9am – 3pm on 21 June (winter solstice)	Yes	Complies
<b>Vehicular access and parking</b>		
Residential parking as follows: 1 bedroom: 1 space 2 bedroom: 2 spaces 2 bedroom Mudgee and Gulgong conservation area, and Kandos and Rylstone: 1 space 3 bedroom: 2 spaces	Each Unit has 2 spaces available.	Complies
Overflow parking: 1 space per 5 units	2 Overflow parking spaces provided	Complies
For a (one) single dwelling above commercial premises 1 space only required	Not applicable	
Car parking designed so ingress and egress can be achieved in one movement	All units can leave the development in a forward direction	Complies
Parking located so vehicles can enter and exit in a forward direction	Yes	Complies

DEVELOPMENT CONTROL REQUIREMENT	PROPOSAL	COMPLIES?
Geometric layout in accordance with car parking requirements of DCP	Yes, details shown on plan	Complies
<b>Vehicle access design</b>		
Driveways not continuous straight lines and offset by landscaping	Driveway is 102 metres long in an 'L' shape and offset by landscaping.	Complies
Driveway designed as follows: – 3m wide for 3-4 units – 6m wide for >5 units	6 metres for double garages, 3 metres for single garage	Complies
Driveways >30m long have 6m wide passing bays at intervals	Driveway length greater than 30m but includes a passing bay	Complies
6m width for first 5m of driveway where connects to major road	6 metres	Complies
Driveway 2m from side boundary to provide landscaping strip for length of front setback	Not applicable.	Not applicable
<b>Privacy and amenity</b>		
Windows or balconies within 6m of windows or balconies of adjoining dwellings offset by 1m from opposite window or balcony or oriented or screened to ensure visual privacy	<6m separation however, fencing is proposed between units.	Complies
First floor windows oriented or designed to minimise potential for overlooking of adjacent properties	Not applicable	Not applicable
Windows which overlook adjoining properties must be opaque or have sill windows at appropriate heights from floor level	No general overlooking. 1.8m fence provided	Complies
1.8m high boundary and internal fencing provided	1.8m where necessary	Complies
All fencing provided at full cost to developer	Yes. Condition of consent	Complies
All fencing forward of building line constructed of timber and masonry materials	Masonry and timber as per elevation plans	Complies
<b>Acoustic privacy</b>		
Site layout separates recreational, parking, manoeuvring areas from bedroom areas	All visitor parking located away from bedrooms	Complies
Developments adjacent to uncontrollable noise generating infrastructure or development incorporate acoustic treatments to minimise entry of noise	Acoustic fencing to be provided between child care centre (Lot 9) and Lot 10 along with the northern boundary for the adjoining residential area.	Complies
<b>Waste disposal</b>		
Garage area or external access to rear of units adequate for movement and concealing of 240 litre mobile garbage bins	Adequate area provided	Complies
Waste disposal areas do not affect amenity of residents or adjoining properties	Sufficient separation	Complies

**Part 4.4 Signs**

Not applicable under this current application.

**Part 4.5 Commercial Development**

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Building setbacks</b>	
Building setback from the street – no minimum	Yes
Side and rear setbacks must comply with BCA	To be conditioned
<b>Signage</b>	
Signage complies with relevant provisions in section 4.4 DCP 2013	Not applicable – signage to be proposed under separate application.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Design</b>	
Buildings interact with the street	Yes. Windows incorporated.
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. Varying colours and materials to be incorporated into the building façade.
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	Complies
Landscape buffers to other zones	Landscaping provided
<b>Scale form and height</b>	
Complies with LEP height controls – 8.5m maximum height	Yes
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Not applicable
<b>Mortimer and Church Street, Mudgee</b>	
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
<b>Articulation and Façade Composition</b>	
Breaks visual bulk with fenestration or change in materials etc.	Visual bulk is articulated with use of various materials and colours. Landscaping is also proposed throughout.
No excessive blank walls in front façade	Yes
Where blank walls are proposed (side or rear) ,minimise impacts with landscaping, patterning of façade, signage, public art	Not applicable
<b>Residential-Commercial interface</b>	
Landscape buffer to residential boundaries	Landscaping along with acoustic fencing proposed to separate the proposed child care centre from the existing and proposed residential area.
Ground and first floor do not overlook residential properties	Yes
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Acoustic fencing is proposed.
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. Shadow diagrams indicate minimal overshadowing
<b>Utilities and Services</b>	
Building and structures located clear of infrastructure	Yes
Able to be serviced by water, sewer and waste disposal	Yes
Trade waste application required?	Yes – condition recommended.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Traffic and Access</b>	
All vehicles must be able to enter and exit the site in a forward direction	Yes
All vehicle movement paths are sealed	Yes. Condition of consent
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes
All loading facilities located within the site	Yes
All loading facilities designed to comply with Australian Standards	Yes
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes. No significant impacts identified.
<b>Pedestrian Access to town centre</b>	
Maintain existing covered pedestrian access within town centres	Not applicable
Convenient and safe access through parking areas	Not applicable
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Not applicable
<b>Parking</b>	
Discussed elsewhere in report	Yes – compliance is achieved with the ratio of 1 space per 4 children.
<b>Landscaping</b>	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Significant landscaping proposed throughout the site.
Landscaping to comprise low maintenance, drought and frost resistant species	Yes. Condition of consent

#### **Part 4.7 Tree Preservation Order**

No trees to be removed are identified under the DCP.

#### **Part 5.1 Car Parking**

The proposed development complies with the DCP requirements and achieves the following parking rates:

- Single dwellings and dual occupancies – 2 spaces per dwelling
  - 1 or 2 spaces in garage (and 1 space stacked provided)
- Childcare centre – 1 space per 4 children
  - 15 spaces provided onsite

#### **Part 5.2 Flooding**

Not applicable.

#### **Part 5.3 Stormwater Management**

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

#### **Part 5.4 Environmental Controls**

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

#### **Part 7.1 Urban Subdivision**



DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Applies to</b>	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
<b>Lot size</b>	
Minimum lot size as determined by MWRC LEP 2012	Yes
All lots have street frontage	All lots have frontage to the proposed new road
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m <sup>2</sup> – 10-15 degrees: 700m <sup>2</sup> – 15-20 degrees: 800m <sup>2</sup> – >20: subdivision prohibited	Approximately 11 degrees
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
Battle-axe handles in R2 and R5 residential zones have width of 6m	Not applicable
<b>Lot Design</b>	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conducive to erecting a dwelling with good orientation
For new release subdivision east-west orientated lots have increased width and midpoint	As discussed above
Lots generally rectangular in shape	The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Yes
<b>Street Layout and Design</b>	
Traffic Impact Statement submitted for 5+ lots	Assessment provided by applicant. Discussed elsewhere in report
Traffic Impact Statement submitted for all subdivisions where new road required	Assessment provided by applicant. Discussed elsewhere in report
Subdivision integrates with existing residential area	Yes
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Yes, provided to enable future links to be provided to existing subdivision to the north west of the site
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Good pedestrian linkages provided
Multiple cul-de-sacs and “no through roads” discouraged	Minimum cul-de-sacs provided
Maximum number of lots in cul-de-sac is 12 lots	Complies – 10 lots proposed
Subdivision >80 lots should not require backtracking	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Road Standards for New Development</b>	
Urban Road Standards required	Yes
1 x 1.2m footpath, barrier kerbing	Yes, where appropriate
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not applicable
<b>Cycle ways and footpaths</b>	
Cycle ways and pedestrian networks included in new subdivisions	Concrete footpaths will be provided in layout where appropriate
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Subdivision has not been included in the strategy. Notwithstanding, this site provides for new connections within Broadhead Road associated with the upgrades required for the St Matthews School.
New subdivisions provide direct, convenient and safe access to major facilities	Yes, existing access to Mudgee retained
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Yes, provided
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Yes, condition included in consent
<b>Open Space</b>	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Not applicable
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc. and shading landscaping	Not applicable
<b>Landscaping</b>	
Landscape plan provided, detailing treatment of public domain	Landscape plan provided.
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable
<b>Street Trees</b>	
Two (2) street trees provided per lot	Yes – condition to be provided.
Developer provides levy to Council to provide these trees after 80% of works carried out	To be conditioned
<b>Utility Services</b>	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications
Evidence of consultation with relevant authorities submitted with application	Not applicable (small subdivision)
<b>Drainage</b>	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Concept plan adequate

## Section 7.11 Contributions

### Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing the subdivision of the land creating 13 new lots (12 additional lots) along with the construction of 4 x dual occupancies, 9 unit multi-dwelling housing development (12 additional dwellings) and a childcare centre. Each

component of the development requires the payment of developer contributions in accordance with the plan and calculated as follows:

**Section 7.11 Charges:**

**Subdivision of the land (1 into 13 lots) – (1 x credit applied for existing 1 lot / existing single dwelling):**

	Per lot or 2 or more bed dwelling	Total (12 new lots)
Transport Facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$ 2,182.00	\$ 26,184.00
Community Facilities	\$ 635.00	\$ 7,620.00
Stormwater Management	\$ 458.00	\$ 5,496.00
Plan Administration	\$ 995.00	\$ 11,940.00
	<b>\$ 8,617.00</b>	<b>\$ 103,404.00</b>
<b>Total Payment</b>		<b>\$ 103,404.00</b>

*Note: No additional contributions are payable for the single dwellings over Lots 2, 3 (existing dwelling), 4, 5, 6, 7 and 8.*

**Dual occupancies and Multi-Dwelling housing development - (credit applied for 5 x lots created under the subdivision approved for Dual Occupancy and Multi-Dwelling Housing of 9 new units):**

	Per lot or 2 or more bed dwelling	Total (12 x additional dwellings)
Transport Facilities	\$4,347.00	\$52,164.00
Recreation and Open Space	\$2,182.00	\$ 26,184.00
Community Facilities	\$635.00	\$ 7,620.00
Stormwater Management	\$458.00	\$ 5,496.00
Plan Administration	\$995.00	\$ 11,940.00
	<b>\$ 8,617.00</b>	<b>\$ 103,404.00</b>
<b>Total Payment</b>		<b>\$ 103,404.00</b>

In addition to the Section 7.11 charges applied under the plan, the proposed child care centre on Lot 9 will also require payment of Contributions pursuant to Section 7.12 of the *Environmental Planning and Assessment Act*. This is levied at 1% of the total cost of the development which is provided below. It is recommended however that a report be provided to verify the building costs of the child care development, prior to issue of the Construction Certificate. A condition is recommended accordingly.

**Section 7.12 Charge:**

<b>Rates as per table below</b>	
<b>Development Cost:</b>	<b>7.12 Levy:</b>
\$667,260	\$6,672.60

An appropriate condition has been imposed requiring payment of the contributions outlined above.

## Section 64 - Water/Sewer Developer Services Charges

### Mid-Western Regional Developer Servicing Plans 2008

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

1. Water ETs = 19.87
2. Sewer ETs = 23.87

Based on the above, the total contributions payable prior to issue of a Water and Sewer Certificate of Compliance is as follows:

- Water S64 Contributions: \$172,685.20
- Sewer S64 Contributions: \$94,692.30

An appropriate condition has been imposed requiring payment of the contributions outlined above.

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

No Planning Agreements are applicable.

### Regulations – 4.15(1)(a)(iv)

#### Environmental Planning and Assessment Regulation 2000

##### Clause 92 – Additional matters that consent authority must consider

92(b) requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition of a number of old outbuildings and compliance with AS2601 has been included as a condition of consent.

### Likely impacts of the development – 4.15(1)(b)<sup>1</sup>

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

#### (a) Context and Setting

It is considered that the proposal is appropriate with regards to the surrounding context and setting based on the nearby residential development, the subject site is a logical extension of the residential area, enabling a variety of housing forms to be provided.

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

A Traffic Assessment report has been prepared to support the development application by The Transport Planning Partnership (tpp). The key findings of the report are summarised as follows:

- a) *The proposed subdivision includes 23 dwellings and a childcare centre.*
- b) *The proposed internal layout includes new internal roads for residents and the childcare centre. The dwellings on Lot 1 and Lot 2 in the south-east corner of the site would have driveways off Broadhead Road, while all other Lots would be accessed via new internal roads within the development site.*
- c) *Two parking spaces would be provided for each dwelling. For the childcare centre, an on-site car park would be provided containing 15 car parking spaces. Of these, one space would be allocated as an accessible parking space.*

- d) *The car parking provision for the proposed development has been provided in accordance with the Mid-Western Regional Council DCP parking rates. Also, parking areas have been designed in-line with Australian Standards AS 2890.1 and AS 2890.6.*
- e) *The proposed residential land use is estimated to generate approximately 13 trips in both the AM peak period and PM peak period. The childcare centre is estimated to generate 65 trips in the AM peak period and 57 trips in the PM peak period. In total, the proposed development is estimated to generate 78 trips in the AM peak and 71 trips in the PM peak periods.*
- f) *The SIDRA Intersection modelling results indicate that intersections surrounding the subject site would operate at level of service A (good level of service) during the road network peak periods, with acceptable delays and queue lengths.*

The application has also been reviewed by Council's Development Engineering Department who have no objections to the proposed development, subject to the recommended conditions of consent.

It is also important to note that significant upgrades to Broadhead Road is also required to be provided as part of the St Matthews Catholic School approval by the Department of Planning Industry and Environment which will include new 2.5m wide footpath connection from the existing residential area and the new school site.

#### **(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**

The subject site is not effected by any known items of European or Aboriginal heritage. A desktop due diligence assessment has been provided with the application and recommends further site surveys to be undertaken prior to works commencing onsite. A condition is recommended accordingly.

#### **(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 proposed development includes rainwater tanks for stormwater detention and BASIX requirements. The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

#### **(h) Soils**

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

The subject site has been identified as a result of soil testing as requiring remediation as result of asbestos fragments found on the site. As outlined under the assessment of SEPP No. 55 of this report, conditions as recommended by the site contamination assessment report have been imposed.

**(i) Air and Microclimate**

The proposed development is expected to generate dust during the construction phase only. A condition is recommended to ensure adequate dust controls are in place during construction.

**(j) Flora and Fauna**

The development site has sparse vegetation primarily at the boundary of the site and planted within the existing garden of the dwelling that will require removal to support the development. The limited roadside vegetation found within Broadhead Road has been identified by Council's mapping to be of 'low conservation value'.

The vegetation found on the site is not identified as 'high or moderate terrestrial biodiversity' or mapped to be located within the 'sensitive or vulnerable regulated land' on the Biodiversity Values Map pursuant to the *Biodiversity Conservation Act* and associated Regulations. Furthermore, the vegetation to be removed would not exceed the biodiversity offset scheme threshold requirements under Part 7 of the *Biodiversity Conservation Regulation* which would otherwise permit up to 0.25 hectares of native vegetation to be cleared. As a result, no further consideration is necessary.

**(k) Waste**

Construction waste will be addressed by conditions of consent. Effluent will be disposed of via the reticulated sewer system. Bins will be provided on site for kerbside waste collection. Bins will be wheeled to the relevant kerb for collection with the new road to be constructed and transferred to Council to enable Councils' waste truck access for collection purposes.

**(l) Energy**

The proposal will be subject to BASIX requirements and Section J requirements of the BCA with conditions imposed accordingly.

**(m) Noise and Vibration**

The proposed residential development is not considered to be a use that will generate significant noise, except for a limited duration over the construction phase.

An acoustic assessment report has been prepared by PKA Acoustic Consulting to support the child care development and has assessed the existing residential receptors to the north, and also the future residential development to adjoin the child care centre as part of the application submitted.

The following recommendations have been made by the report:

- 1. Where perimeter fences are proposed in the plans, they must have a minimum acoustic performance of Rw 30. PKA has been advised that the fencing must not restrict sight distance to pedestrians.*
- 2. The acoustic barrier must be of solid construction (with no air gaps) such as:
  - Timber fence with double lapped boards of standard 15 mm thickness, allowing a continuous thickness of 30 mm
  - Aerated Autoclaved Concrete (AAC) panels such as Hebel
  - Masonry or Precast concrete panels
  - Any combination of the above*
- 3. Allow for acoustic absorptive material to be placed in the under-croft sections of the outdoor verandas. Coverage of 30% will be required. Material to be of minimum Noise Reduction Co-efficient (NRC) of 0.7.*
- 4. The northern and western facades of the 3-5 years room (figure 6-1 of the report) must have all glazed elements a minimum Rw 25, which can be achieved using 4mm glazing and appropriate acoustic seals.*
- 5. The car park drive in area and parking should be limited to 10 km/hr to keep noise emissions low.*



6. *Signage must be displayed clearly to ensure patrons in the carpark are aware of potential noise generation activity and to remain as quiet as possible during the early morning hours.*
7. *The selection of any future outdoor mechanical and plant equipment must be checked so that the rated sound power/pressure levels will comply at the boundary of the sensitive residences (existing and proposed) with the EPA NPfl Project Trigger Levels of 48Laeq15min (48dB(A)) during the daytime operating hours of 7am to 6pm. All selections and location of the proposed mechanical plant must be checked by an acoustic consultant prior to installation to ensure ongoing compliance.*

The requirements of the Acoustic Report has been included within the recommended conditions of consent, including provision of amended plans prior to issue of the Construction Certificate.

**(n) Natural Hazards**

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

**(o) Technological Hazards**

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

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

The proposed development will increased passive surveillance in the immediate locality. The design of the proposed development provides for suitable access control and generally conforms to the principles of Crime Prevention Through Environmental Design (CPTED).

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

The proposed development will provide employment opportunities during construction and on an ongoing basis associated with the child care centre. Furthermore, the proposed development will provide for a variety of affordable housing options from single dwellings to units which enables diversity in the housing supply for the region.

**(R) Site Design and Internal Design**

Adequate as discussed throughout this report.

**(S) Construction**

To comply with the BCA where relevant and conditions are recommended to manage the construction phase of the development.

**(T) Cumulative Impacts**

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

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

**(a) Does the proposal fit in the locality?**

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

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

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

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

#### **(A) Public Submissions**

The application was first advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 18 October 2019. During the first notification period, three (3) submissions were received.

The applicant lodged amended plans during the assessment process. Upon submission of the amended development plans, the application was re-notified for a period of 14 days, ending 27 May 2021. During the second notification period, one (1) submission was received.

A summary of the concerns raised in the submissions is provided below with comments provided in response to those issues identified. A copy of all submissions is also provided as Attachment 2.

#### **Round 1 Submissions:**

Matter of concern	Comment
Request for the cul-de-sac to be maintained to enable an extension into the western area of the adjoining lot and new road connection towards Bateman Avenue.	The amended plans have incorporated an option for this to occur, if required, into the future.
Upgrade of fencing at the cost of the developer.	Boundary fencing upgrades are not typically a Council matter under the Dividing Fences Act, unless there are privacy or acoustic impacts associated with the development that would require greater consideration towards the type of fencing associated with a development. In this case, the developer will be required to install fencing throughout the site to accommodate the residential dwellings and childcare development. Conditions have been recommended accordingly.
High density townhouses – is this Council's desire so far out of town?	Multi-dwelling housing is permitted in the R1 zone with the consent of Council and achieves Council's DCP requirements in this location.
Incompatibility with neighbouring properties	The proposal has since been modified to reduce the number of dwellings and provide a low scale residential development (31 dwellings / 16 Lots to 24 dwellings / 13 Lots including child care centre). It is considered that the revised design in a cul-de-sac arrangement has been improved significantly from the original submission and provides a variety of affordable housing options in this location not too dissimilar to the nearby residential estates of Mudjee.
Impact on traffic flow	The proposed development will include road upgrades at the frontage of the site.  In addition, the nearby approved State Significant Development - St Matthews Catholic School to be located opposite the site is also required to upgrade the following as a condition of the approval and subject to future

	<p>construction certificate application made :</p> <p><i>(a) construction of Broadhead Road and Bruce Road as sealed roads in accordance with the approved plans;</i></p> <p><i>(b) construction of a 2.5 metre wide footpath along the western side of Broadhead Road from a point adjacent to the existing footpath on the eastern side of Broadhead Road to the pedestrian entrance to the school;</i></p> <p><i>(c) construction of a pedestrian refuge on Broadhead Road in the location where the proposed footpath meets the existing footpath;</i></p> <p><i>(d) upgrades to the intersection of Broadhead Road and Bruce Road;</i></p> <p><i>(e) upgrades to the intersection of Lions Road and Broadhead Road;</i></p> <p><i>(f) upgrades to the intersection of Lions Road and Robertson Street; and</i></p> <p><i>(g) upgrades to the intersection of Bruce Road, Robertson Street and Robertson Road.</i></p> <p>Based on the assessment and once all road upgrades have been completed, there is not considered to be any significantly adverse impacts on traffic flow as a result of this development.</p>
<p>Water management issues</p>	<p>This concern is raised based on the existing arrangements of stormwater management that traverses through the site from the adjoining land to the south.</p> <p>The plans have subsequently been amended in the recent submission to incorporate an easement for drainage and to ensure this is managed over the development site into the future without having adverse impacts on adjoining land.</p>
<p>Contamination of soil</p>	<p>A contamination assessment has been undertaken including soil testing. The sampling confirms that asbestos fragments were found onsite and remediation, including a site validation report, is required to be completed prior to any construction activities commencing for the development. A condition is recommended accordingly.</p>
<p>Aesthetic issues</p>	<p>The development has been amended to reduce the number of dwellings proposed which has increased the availability of solar access to the southern lots and primarily single dwellings now proposed. Further, the design of each dwelling has been amended to provide a variety of elevations to the streetscape and mix of colours and materials are proposed. The amended design is considered acceptable in this regard.</p>

**Round 2 Submission:**

Matter of concern	Comment
Request to ensure that the boundary fencing on the southern side of the site is a 'lapped timber fence' and to include this as a condition of consent.	Condition is recommended on the basis of privacy implications (all single dwellings will have the rear yards located on the southern side of the development) and to provide a buffer to the immediately adjoining R2 low density residential zoned land.

### **(B) Submissions from Public Authorities**

The application was referred to Essential Energy for comment pursuant to Clause 45 of the Infrastructure SEPP. Essential Energy have provided comments in relation to the application as follows:

1. *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
2. *As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).*
3. *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
4. *Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works team for requirements. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will also require Essential Energy's approval.*
5. *Any proposed landscaping in the vicinity of any existing or new electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
6. *The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all proposed dwellings in accordance with the NSW Service and Installation Rules.*
7. *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
8. *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
9. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

Advisory notes have been recommended accordingly.

## The Public Interest – 4.15(1)(e)

### **(A) Federal, State and Local Government interests and Community interests**

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

### *CONSULTATIONS*

#### **(A) Health and Building**

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

#### **(B) Technical Services**

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

#### **(C) Heritage Advisor**

No consultation necessary.

#### **(D) Access committee**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

### **Council Strategies and Policies**

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

### **Legislation**

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

## Financial implications

The proposed development will attract monetary developer contributions to be made to Council in accordance with the Mid-Western Regional Developer Contributions Plan 2019 and the Water and Sewerage Developer Servicing Plans.

## Associated Risks

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

KAYLA ROBSON  
PLANNING COORDINATOR

LINDSAY DUNSTAN  
MANAGER, PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

26 May 2021

*Attachments:* 1. Development Plans and Supporting Reports. (separately attached)  
2. Copy of Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 8.2 DA0191/2021 - Torrens Title Subdivision (1 into 25 Lots) at 209 Robertson Road, Spring Flat

REPORT BY THE PLANNING COORDINATOR AND MANAGER, PLANNING  
 TO 16 JUNE 2021 ORDINARY MEETING  
 GOV400088, DA0191/2021

### RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator and Manager, Planning on the DA0191/2021 - Torrens Title Subdivision (1 into 25 Lots) at 209 Robertson Road, Spring Flat;
- B. approve DA0191/2021 - Torrens Title Subdivision (1 into 25 Lots) at 209 Robertson Road, Spring Flat subject to the following conditions and Statement of Reasons:

### CONDITIONS

### PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Figure 1 – Proposed Subdivision	BK630	-	14/07/2020	Robert John Crooks
Proposed Site Plan	TX14774.00 – C2.01	A	14/08/20	Triaxial Consulting
Road xxx Longitudinal Sections – Sheets 1	TX14774.00 – C5.00	A	14/08/20	Triaxial Consulting
Plenty Road Longitudinal Sections – Sheets 1	TX14774.00 – C5.10	A	12/04/21	Triaxial Consulting
Stormwater Management Plan	TX14774.00 – C6.00	B	12/04/21	Triaxial Consulting
Sewer Plan	TX14774.00 – C7.00	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal	TX14774.00 – C7.02	B	12/04/21	Triaxial Consulting

<b>Sections</b>				
<b>Sewer Longitudinal Sections</b>	<b>TX14774.00 – C7.03</b>	<b>A</b>	<b>14/08/20</b>	<b>Triaxial Consulting</b>
<b>Sewer Longitudinal Sections</b>	<b>TX14774.00 – C7.04</b>	<b>A</b>	<b>14/08/20</b>	<b>Triaxial Consulting</b>
<b>Sewer Longitudinal Sections</b>	<b>TX14774.00 – C7.05</b>	<b>A</b>	<b>14/08/20</b>	<b>Triaxial Consulting</b>
<b>Water Plan</b>	<b>TX14774.00 – C8.00</b>	<b>B</b>	<b>12/04/21</b>	<b>Triaxial Consulting</b>

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.
3. This consent does not include approval for the removal of any trees.

#### **GENERAL**

4. Proposed Lots 1 to 25 are to have a minimum area of 2,000 m<sup>2</sup>.
5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All *Acacia ausfeldii* (Ausfeld's Wattle) plants located within proposed Lot 1 are to be retained and conserved.
7. No trees are to be removed from within the Plenty Road reserve. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.
8. Street trees of an approved species are to be provided at a rate of two (2) trees per allotment.
9. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.
  - b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the *Water Management Act 2000*.
10. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

11. **Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.**
12. **The only waste derived material that may be received at the development site must be:**
  - a) **Virgin excavated natural material, within the meaning of *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.**
13. **Where discrepancies between the Drawings, current amended Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.**
14. **In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;**
  - a) **Erection of permanent structures,**
  - b) **Cut or fill of land,**
  - c) **The planting of trees, or**
  - d) **Concrete structures**

**Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on infrastructure.**

#### **Stormwater**

15. **The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.**
16. **All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.**
17. **Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.**
18. **A grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.**

#### **Water and Sewer**

19. **The developer is to provide separate water and sewer reticulation services to each lot.**
20. **The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of extending and connecting to existing services. All water and sewerage work is required to be carried out in accordance**

with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the *National Specification – Water Supply Code of Australia, National Specification – Sewerage Code of Australia, AS/NZS3500: Plumbing and Drainage* and any other applicable codes.

21. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1 metre into the boundary.

#### Electricity Supply

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

#### TransGrid Conditions

23. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
24. All works must be carried out in accordance with NSW WorkCover '*Working Near Overhead Powerlines*' Code of Practice 2006.
25. All fencing (including temporary fencing) must comply with *TransGrid's Fencing Guidelines*.
26. Pits or pillars to connect the electricity supply to residences cannot be located within the TransGrid electricity easement.

#### Roads and footpaths

27. Construction and extension of Plenty Road and the New Internal Proposed Road must be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
28. Road pavements are to be designed by a suitable qualified engineer in accordance with AUSTRoads procedures. Materials and testing requirements shall comply with those set out in *AUSPEC Construction Specification* with sample locations selected as per *RMS Specification Q4*.
29. The proposed extension to Plenty Road is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert).
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2m wide to extend the full length of Plenty Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required

<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb and gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events of adjacent to intersections. To be installed behind kerb.</b>

30. The proposed cul-de-sac road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
<b>Full Road Pavement Width</b>	<b>9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert)</b>
<b>Cul-de-sac</b>	<b>Radius not less than 10m</b>
<b>Nature Strip (verge)</b>	<b>2 x 4.5m</b>
<b>Concrete Footpaths</b>	<b>1.2m wide to extend the full length of new road (2.5% slope)</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb and gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb.</b>

31. A minimum 1.2m wide and 100mm thick concrete footpath is to be constructed along one side of the entire length of the proposed road/cul-de-sac and extended to connect to the existing footpath in Plenty Road.
32. One roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of installation of kerb and gutter and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
33. Where footpaths are provided the roof-water outlet shall be extend under the footpath and extend past the edge of the footpath sufficient to allow connection.
34. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.

**PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE**

35. Prior to the issue of a Subdivision Works Certificate, amended plans are to be submitted to and approved by Council to address the following matters:
- a) The design for stormwater must demonstrate that the gutter flow calculation complies with the requirements of *Mid-Western Development Control Plan 2013*.
  - b) The road pavement width must be measured from invert to invert of kerb.
  - c) Kerb return detail must be submitted.
  - d) Cul-de-sac geometry details are to be submitted and must not be less than 10m radius.
  - e) Footpath details.
  - f) Kerb ramp details along with construction details.
  - g) Kerb and gutter details.
  - h) Kerb inlet pit detail.
  - i) Splay of corner lot details.

36. Prior to the issue of a Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:
- a) Water and sewer extensions, and connections to each lot;
  - b) Stormwater drainage, including inter-allotment drainage, detention basins and bio-retention devices;
  - c) Road construction including shoulder;
  - d) Kerb and gutter;
  - e) A 1.2m wide concrete footpath along the cul-de-sac road and the extension to Plenty Road;
  - f) Earth works for the subdivision; and
  - g) Landscaping of road verges and public reserves.
37. Prior to the issue of a Subdivision Works Certificate, the developer must submit to and obtain approval from Council, detailed design and documentation of the proposed sewer reticulation system. The details are to address the following:
- a) Demonstrate that the proposed sewer reticulation system has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure; and
  - b) A report outlining the proposal to provide a waste water service to each lot within the proposed subdivision. The report is to be prepared in accordance with the *Gravity Sewer Code of Australia WSA02-2014*. Where pressure sewer is being proposed, the report is to be prepared in accordance with the *Pressure Code of Australia WSA 07-2007*.
38. Detailed design supported with calculation of water reticulation plan is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The design must address water network crossing culvert and drainage reserve to get connected to water main available at Lovett Court. The design must address the following, but not limited to:
- a) Air valves, hydrants and air valves must be provided along the length of the main according to the *Water Supply Code of Australia WSA 03-2011*.
  - b) The alignment of the main entering the new subdivision is to be at a 90 degree bend instead of two 45 degree bends. The main is to turn the corner with a tee instead of an elbow. The section of the tee facing to the west is to have a stop valve which is to be blanked out on the side of the valve that faces Robertson Road. Stop valves are to be installed on all sides of this tee.
  - c) The tee turning the corner is to have a temporary thrust block installed according to *Water Supply Code of Australia WSA 03-2011*. This thrust block would comprise of wood or other material deemed appropriate by Council's Water and Sewer Department.
  - d) Right hand close valves are to be used for all stop valves within the subdivision.
  - e) A report outlining the proposal to provide a water supply service to each lot in the subdivision. The report is to be prepared in accordance with the *Water Supply Code of Australia WSA 03-2011*.



39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:
- a) Details of sedimentation and erosion control.
  - b) Details of haulage routes shall be provided to Council for approval.  
Note - all trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
  - c) Details of dust mitigation.
  - d) Details of access roads.
  - e) Location and phone number of the site office.

Reason - to reduce the environmental impact on the site during the construction period.

40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off* and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report is to address the following:
- a) Show that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls;
  - b) The provision of a water quality control system to treat the stormwater runoff from the development as outlined in *Mid-Western Regional Development Control Plan 2013 - Water Quality Performance Guidelines and Statement of Environment Effects*;
  - c) A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications;
  - d) A full and detailed stormwater management plan for the site, satisfactory to Council, is to be submitted which must be accompanied with analysis of the upstream contributing areas, tributaries and overland flow-paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems;
  - e) The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results;
  - f) Inter-allotment drain is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements;
  - g) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property; and
  - h) Show a grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.

41. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by Section 6.2 of the *Streets Opening Conference Guideline 2009*.
42. Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the *Roads Act 1993*.
43. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
44. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
45. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of *Soils and Construction – Managing Urban Stormwater*. Points to be considered include, but are not limited to:
  - a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly;
  - d) Maintenance of erosion and sediment control structures; and
  - e) Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.
46. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping. Details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

Reason - to minimise erosion and silt discharge and ensure valuable topsoil resources are protected.
47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

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

48. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
49. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.

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

Note - please contact the Natural Resources Access Regulator for more information in relation to this matter.

51. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
  - b) A site supervisor is to be nominated by the applicant.
  - c) Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D *Soil and Water Management Layout Plan* and Dwg No. 82018276-01 C2081 Rev D *Soil and Water Management Notes and Details* and Landcom Guidelines and requirements as outlined in the latest edition of *Soils and Construction- Managing Urban Stormwater*.
  - d) Appropriate dust control measures.
  - e) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
  - f) 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.
  - g) Subdivision Works certificate approval must be obtained from Council for works like but not limited to road, kerb, gutter, water and sewer works
52. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
53. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. Dial Before You Dig can be contacted online <https://www.1100.com.au/> or by phone on 1100.
54. Prior to the commencement of construction works the applicant needs to comply with the requirements of Section 634 of the *Local Government Act 1993*, which requires that:
- (1) A person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
    - (a) is the holder of an endorsed licence or supervisor certificate in force under the *Home Building Act 1989* authorising the holder to do (and to supervise) work of the kind concerned, or
    - (b) is the holder of a tradesperson certificate in force under the *Home Building Act 1989* authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
    - (c) does the work under the immediate supervision of a person referred to in paragraph (a).

- (2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.

55. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and *RMS Manual for Traffic Control at Worksites* current at the time of construction is to be provided to Council for approval prior to any works commencing on Plenty Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.
56. Prior to commencement of works, all traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.

#### DURING CONSTRUCTION

57. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
  - b) Sewer and water line installation prior to backfilling;
  - c) Water and sewer lines pressure testing;
  - d) Sewer manholes vacuum testing;
  - e) Footpath foundations and concrete reinforcing prior to pouring concrete;
  - f) Establishment of line and level for kerb and gutter placement;
  - g) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
  - h) Road pavement surfacing;
  - i) Stormwater culvert and drainage pipe installation prior to backfilling; and
  - j) Practical Completion.
58. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
59. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
60. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
61. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;

- c) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and**
- d) **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**

62. **Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.**
63. **The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.**
64. **All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan, Council's Standard Drawings and Aus Spec #1.**
65. **All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.**
66. **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.**
67. **In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on 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 authorisation of the OEH.**
68. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
69. **All electrical, telecommunication, sewer and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.**
70. **All road crossings for stormwater are to be constructed using Reinforced Concrete Pipe (RCP).**
71. **A turf strip of minimum 600 mm width is to be laid behind the kerb and gutter. Where footpaths are provided, the area between the footpath and the kerb and gutter is to be turf and 600 mm provided above the footpath.**
72. **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.**
73. **Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.**

74. 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. Should any adjustments or alterations to Council's water supply or sewer be required, Council will carry out these works at the developer's expense.

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

75. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
76. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) Road construction;
  - b) Footpath construction;
  - c) Provision of stormwater drainage infrastructure for the development, including grated yard inlet pits, where required;
  - d) Stormwater detention basin;
  - e) Provision of street trees;
  - f) Provision of sewerage infrastructure for the development, with separate sewer connection for each lot in the subdivision; and
  - g) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
78. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.
79. Prior to issue of Subdivision Certificate, the developer is to provide a sewer junction for each lot in the development. This can be achieved by making payment to Council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).
80. Prior to issue of Subdivision Certificate, the developer is to provide a water service and meter for each Lot. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE)
- Note - Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains.
81. Prior to the issue of a subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
82. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a Flash



**Drive with all of the QA documentation in accordance with Aus Spec and the requirements outlined below:**

- a) **COVERSHEET**
  - Project Address
  - Client/Developer
  - DA Number
  - Lot Numbers
  - Subdivision Stage Number(If Applicable)
- b) **INDEX**
  - Section Numbers
- c) **CONTRACTOR DETAILS**
  - Contractor Representative
  - Contractor Contact Details
- d) **SCOPE OF WORKS**
  - Enter description outlining scope of works completed

**Records to be included as applicable:**

- Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials).
- Concrete mix details (Concrete Register/ Concrete Test Results required).
- Bitumen Sealing Reports/Records.
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a drawing).
- Dimensional and Tolerance Records (Survey Conformance Reports).
- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).
- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council's Development Engineer.

**83. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:**

- a) PDF;
- b) Dwg format or "Autocad compatible";
- c) MapInfo files (MGA GDA94 Zone 55/56); and
- d) Completed Asset Data Template spreadsheets in MS Excel format.

**All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.**

**84. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of *Australian Standard AS 2870 – 2011*:**

**Residential Slabs and Footings.** Results are to be submitted to Council prior to issue of the Subdivision Certificate.

#### Defects Liability Bond

85. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council.

The defects liability bond will be held by Council for a period of 12 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer, to Council's satisfaction. If defects are not rectified, Council may use bond money to rectify defective works.

For the purposes of defining the defects liability period, the works are considered to be completed when the Subdivision Certificate is registered with NSW Land Registry Services.

The bond may be provided by way of a monetary deposit with the Council or an unconditional bank guarantee to the satisfaction of Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

Note – any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

#### Developer Contributions

86. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Council Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to the Consumer Price Index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
25 additional lots (minus credit for existing)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>24 Lots</i>
<i>Public Amenity or Service</i>		
Transport facilities	\$4,347.00	\$104,328.00
Recreation and Open Space	\$2,182.00	\$52,368.00
Community Facilities	\$635.00	\$15,240.00
Stormwater Management	\$458.00	\$10,992.00
Plan Administration	\$995.00	\$23,880.00
<b>Total</b>	<b>\$8,617.00</b>	<b>\$206,808.00</b>

Note - the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued or where lots are released in different financial years.

**Note – Council’s *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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.**

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

**Note - as a precondition to issuing a Certificate of Compliance, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as pump stations and the payment of section 64 developer charges. Payments of charges may also be paid in accordance with the deferred payments provisions contained within the relevant Council Development Servicing Plans.**

**Note – refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.**

#### **Restrictions on Title**

88. A restriction, covenant or similar instrument is to be applied to proposed Lot 1 to protect all *Acacia ausfeldii* (Ausfeld’s Wattle) plants located within the lot. The instrument shall identify Council as the sole party to vary the restriction or covenant or similar.
89. A restriction, covenant or similar instrument is to be applied to provide protection to the Aboriginal artefact sites identified on the approved plan. No buildings are to be erected within 10 metres of the Aboriginal artefact site.
90. A covenant, or similar instrument, is to be applied to Lots 1 to 25 requiring compliance with the relevant terms of the General Terms of Approval issued by NSW Rural Fire Service.
91. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary. The 3m minimum width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.
92. Easements of variable width shall be created over any overland inter-allotment drainage in favour of upstream allotments. The easements are to be no less than 1m wide. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
93. Easements for electricity purposes, as required by the electricity supply authority, shall be created, where required. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

#### **Electricity and NBN**

94. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
  - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
  - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
  - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.

#### Road Dedication

95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

#### Other dedications

96. Proposed Lots 26 and 27 are to be dedicated as a drainage reserve.

#### STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The matters raised within submissions have been addressed in the following manner:
  - Necessary road upgrades will be required by conditions.
  - The proposed subdivision will not have an adverse impact on local traffic conditions.
  - The proposed design for water supply will result in improved water pressure.
  - The Stormwater Management Plan is satisfactory.
  - There is ample area on each lot on which to erect a dwelling.
  - There is no fencing forming part of the proposed development.
  - Sufficient open space is provided in the adjoining drainage reserve.

- Suitable conditions are imposed to address construction impacts.
- Suitable conditions are imposed to ensure that Aboriginal sites are adequately protected.
- The subject site is not identified as a wildlife corridor.
- The proposed variation from the DCP requirement regarding the length of the cul-de-sac is supported.
- The proposed subdivision will have minimal impact on the water table and bore water supply.
- It is expected that noise from traffic will be no greater than what is expected in a residential area.
- No road connection to Robertson Road will be provided.
- Consideration of the impact on property values is not a planning matter.
- Council's Development Engineer supports the proposed sewer servicing strategy.
- There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.
- Suitable conditions are imposed to control dust during construction works.
- The proposed subdivision has been designed to take into account the existing powerlines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.

## OTHER APPROVALS

### General Terms of Approval

A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

A copy of NSW Rural Fire Service's General Terms of Approval are attached.

## ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.

4. If you are dissatisfied with this decision Sections 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

7. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

<b>Section 64 Contributions</b>			
<b>25 Additional Lots (credit for existing lot)</b>			
	<i>Additional ET/Unit</i>	<i>Value/ET</i>	<i>Payment Due</i>
<b>Water Headworks</b>	36	\$8,689.00	\$312,804
<b>Sewer Headworks</b>	25.2	\$3,967.00	\$99,968.40
<b>Total Headworks</b>			<b>\$412,805.90</b>

- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

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

### Essential Energy Advice



8. **Essential Energy’s records indicate there is electricity infrastructure located within the property sand within close proximity to the property. Any activities with these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.**
9. **Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.**
10. **Given there is electricity infrastructure in the area, it is the responsibility of the person completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work Near Overhead Power Lines* and *Code of Practice – Work Near Underground Assets*.**

#### **General Responsibilities of the Developer and/or the Principal Contractor**

11. **It is the responsibility of either or both of these parties to:**
  - a) **Provide for the overall supervision and quality of the works.**
  - b) **Advise Council officers regarding:**
    - (i) **Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and**
    - (ii) **The assessment of any risk that has not been eliminated, and**
    - (iii) **The measures taken to control any such risks, and**
    - (iv) **Any measures that may need to be taken by Council officers to control any such risk while on the work site.**
  - c) **Obey with any lawful instruction of the Principal Certifying Authorities representative.**
  - d) **Notify Council when a required inspection has been missed.**
  - e) **The provision and maintenance of all site signage as required by legislation, including but not limited to:**
    - (i) **A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and**
    - (ii) **The name and phone number of the Principal Certifying Authority.**

#### Executive summary

OWNER/S	Peter J Consadine
APPLICANT:	Peter J Consadine
PROPERTY DESCRIPTION	209 Robertson Road, Spring Flat

	(Lot 3 DP1206488)
PROPOSED DEVELOPMENT	Subdivision – Torrens Title – 1 into 25 Lots
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	Subdivision creating more than 20 lots
PUBLIC SUBMISSIONS:	Nineteen

Council is in receipt of a development application, lodged 23 December 2020, that seeks approval to subdivide 290 Robertson Road, Spring Flat (Lot 3 DP1206488) into 25 allotments, each with a minimum lot size of 2,000 m<sup>2</sup>.

The proposed development will include the provision of a reticulated water and sewerage network - connected to Mudgee's reticulated system. Inter-allotment drainage will be provided which will discharge to the adjacent drainage reserve via a detention basin.

The application has been placed on public exhibition over two rounds in accordance with *Mid-Western Regional Community Participation Plan 2019*. The exhibition period for Round 1 ended on 29 January 2021 and 17 submissions were received. The exhibition period for Round 2 ended on 5 March 2021 and 2 submissions were received.

As the proposal involves subdivision creating more than 20 lots, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

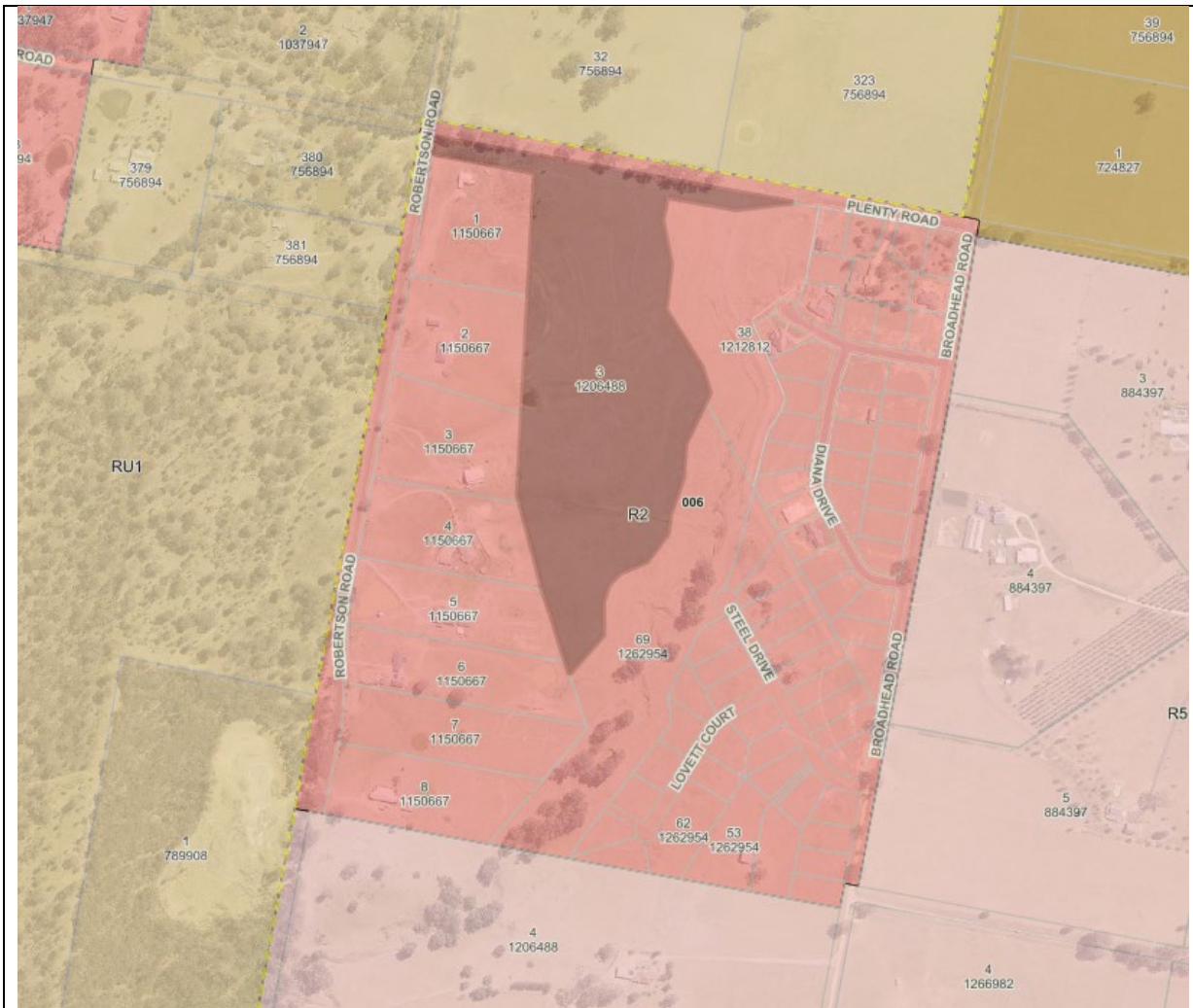
## Background

### *SUBJECT SITE*

The subject site is located at 290 Robertson Road, Spring Flat. The site has an area of approximately 10 hectares. A 45m wide Transgrid electricity easement traverses the site. A second electricity easement controlled by Essential Energy runs across the northern part of the site – this easement is of variable width. An access handle connects to Robertson Road to the west. The north-eastern part of the site adjoins the Plenty Road reserve. There are no buildings on the site. The site has formally been used as grazing land and is mostly cleared of trees.

Land immediately to the east of the subject site is a drainage reserve, running in a north/south direction, owned by Council. Beyond the drainage reserve, further east, is Broadview Estate, a subdivision providing 2,000 m<sup>2</sup> lots. The adjoining land to the west has been developed with 2 ha lots. Land to the north of the site is predominantly used as grazing land and is zoned RU1 – Primary Production. Land to the south of the site has recently been approved for subdivision into 2 hectare lots.

The land has recently been rezoned in accordance with planning proposal Mid-Western Regional Local Environmental Plan Amendment No.12, which reduced the minimum lot size for this development.



**Figure 1: Subject site**

### PROPOSED DEVELOPMENT

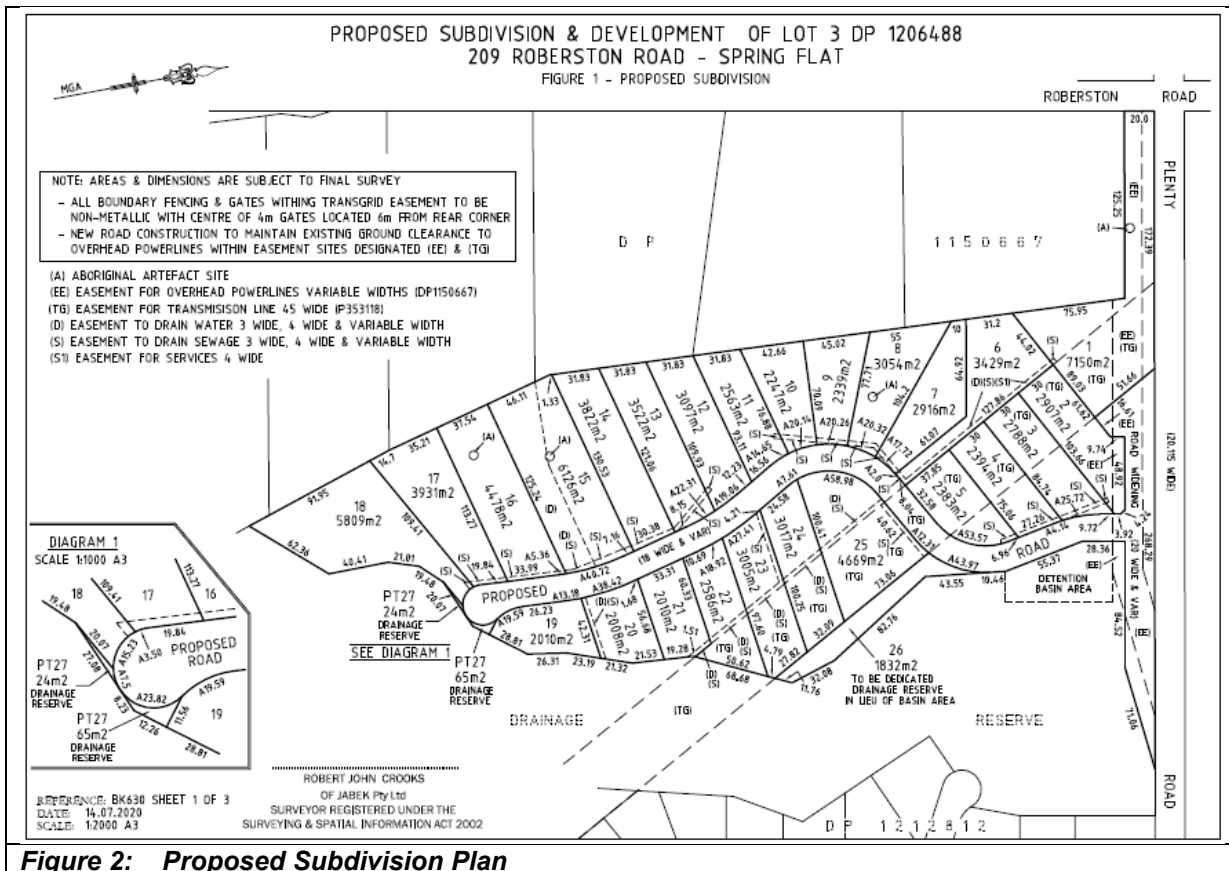
Council has received a development application for a 1 into 25 lot subdivision at 290 Robertson Road, Spring Flat. The whole of the site is zoned R2 – Low Density Residential, where subdivision is permissible with the consent of Council. Each of the proposed lots will have an area greater than 2,000 m<sup>2</sup>. The lots will be Torrens title lots.

The subdivision will be accessed from a re-alignment and extension of Plenty Road to the development site. The re-alignment avoids removal of any existing trees on Plenty Road. A new cul-de-sac and road will be constructed to provide access to the lots within the subdivision. No vehicular access to Robertson Road will be created as part of this development.

An extension to the town water and sewerage networks will be made to provide services to each of the proposed lots. The water main will loop across the adjacent drainage reserve and connect into the water supply located in Steel Drive. An inter-allotment stormwater drainage network will be provided which will discharge via a detention basin into the adjoining drainage reserve. Proposed Lots 26 and 27 will be dedicated as drainage reserves. Stormwater easements will be created over proposed Lots 15 and 20, to accommodate the existing watercourse.

Easements will be created to drain water, to drain sewerage, accommodate services and to protect known Aboriginal heritage items.

The subdivision is not proposed to be released in stages, and is depicted below in Figure 2.



**Figure 2: Proposed Subdivision Plan**

The proposal does not involve a variation to the requirements prescribed within *Mid-Western Regional Local Environmental Plan 2012*. However, the proposal involves variations from two of the requirements of *Mid-Western Regional Development Control Plan 2013*, summarised as follows:

- a) The DCP requires a cul-de-sac to be no longer than 150m and not to serve more than 12 lots. The proposed cul-de-sac serves 23 lots and is approximately 490m long. The cul-de-sac was considered and approved as part of the Planning Proposal amending the minimum lot size for this site. There is no practical alternative to providing an extra-long cul-de-sac. The applicant has provided sufficient justification to the department, and the proposed variation is supported.
- b) The DCP requires a new road to connect as a through road to intersect with existing roads. The proposed subdivision will not provide a through road connection to Robertson Road. If such a road were to be constructed through the access handle of proposed Lot 1, it would involve significant cut and fill to obtain correct grades in the road, it will require the removal of the Ausfeld's Wattle (a threatened species) located within the access handle and will adversely affect the clearances beneath existing electricity lines. The proposed variation is supported.

Disclosure of Interest

Nil.

## Detailed report

### LEGISLATIVE REQUIREMENTS

#### **Environmental Planning and Assessment Act 1979 (EP&A Act)**

##### *Designated Development*

Not applicable.

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

##### *Integrated Development*

The proposed development triggers integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979*, as follows:

- A controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

The proposed development involves road works and drainage within 40m of a watercourse.

- A Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.

In order to approve the development application, General Terms of Approval are required from the Natural Resources Access Regulator (NRAR) and NSW Rural Fire Service. These General Terms of Approval have been received and are included as part of the recommendation.

#### **Biodiversity Conservation Act 2016**

The proposed development does not involve clearing of any trees.

There are 35 *Acacia Ausfeldii* (Ausfeld's Wattle) plants located within the access handle between Robertson Road and the Transgrid easement. Box Gum Woodland (comprising Blakely's Red Gum – White Box grassy woodland) is located between the Transgrid power line easement heading east towards Broadhead Road. The proposed extension of Plenty Road has been located to avoid removal of all trees on Plenty Road. Those trees adjacent to Plenty Road are mapped on the Biodiversity Values Map but are not being removed as part of the proposed development. Consequently, the need for a Biodiversity Development Assessment Report is not triggered for this application.

### SECTION 4.15(1) – MATTER FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The main issues are addressed below as follows.

#### **(a) Provisions of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)**

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

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.



## State Environmental Planning Policy (Infrastructure) 2007

The proposed development is not located near a rail line or a classified road. However, electricity easements traverse the site.

### Clause 45 – Development likely to affect an electricity transmission or distribution network

This clause applies as the development is carried out within or immediately adjacent to an easement for electricity purposes. This clause requires that the application be referred to the electricity supply authority for the area and for Council to take into consideration any response from the electricity supply authority.

The application was referred to TransGrid on 13 January 2021. TransGrid responded on 22 January 2021 and advised they had no objections to the proposal subject to the following conditions:

#### *General conditions:*

- 1. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.*
- 2. All works must be carried out in accordance with NSW WorkCover 'Working Near Overhead Powerlines' Code of Practice 2006.*
- 3. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.*

#### *Technical conditions:*

- 1. Pits or pillars to connect the electricity supply to residences cannot be located within the easement.*

These conditions are included in the recommended conditions of consent.

The application was referred to Essential Energy on 13 January 2021. Essential Energy responded on 22 January 2021 and advised:

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

Essential Energy also advised that a Notice of Arrangement from Essential Energy should be obtained prior to the issue of a Subdivision Certificate. A condition is included in the recommendation, to this effect. Other matters raised by Essential Energy are included as Advisory Notes in the recommendation.

### Clause 104 Traffic Generating Developments

Not applicable.

The proposed development does not breach the 200 allotment threshold for subdivision, of *Schedule 3 Traffic Generating Development to be referred to RMS* of the SEPP.

## State Environmental Planning Policy (Koala Habitat Protection) 2020



This SEPP applies to the proposal as Mid-Western Regional Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size.

There are koala food trees located within the Plenty Road reserve. However, none of these trees will be removed by the proposed development as the developer is designating part of his land to create a road. The proposed development will have no impact on koalas or koala habitat. No further provisions of this SEPP apply.

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

Not applicable.

The proposed development does not comply with the exempt requirements for subdivision and requires development consent from Council.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

Not applicable.

This SEPP does not apply to the removal of vegetation that is ancillary to the development for which development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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

The following clauses of the MWRLEP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

#### 1.2 Aims of Plan

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

#### 1.4 Definitions

The following definitions within the LEP are applicable to the proposed development:

- Subdivision – as defined in s6.2 of the *Environmental Planning and Assessment Act 1979*;
- Earthworks;
- Road; and
- Water supply system.

#### 2.3 Zone objectives and Land Use Table

The land is zoned R2 – Low Density Residential pursuant to MWRLEP 2012. The proposed *subdivision* and *earthworks* are permissible with the consent of Council in the zone and comply with the relevant objectives in that it:

- Will provide lots that will accommodate residential housing within a low density environment; and
- Will accommodate other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed *water supply system* and *roads* are listed as being prohibited in the R2 zone. However, it is considered that the proposed *water supply system* and *roads* are ancillary to the proposed subdivision, and is therefore permissible with consent.

## 2.6 Subdivision – consent requirements

As the proposed development is for subdivision, it will require development consent.

### 4.1 Minimum subdivision lot size

The proposed subdivision meets the objectives of the clause as the proposal:

- Will occur in a manner that promotes suitable land uses and development;
- Will minimise any likely impact of the subdivision on the amenity of neighbouring properties;
- Will provide lot sizes and dimensions that are able to accommodate development, consistent with relevant development controls; and
- Will not have an inappropriate impact on the natural environment.

The minimum lot size would normally be 2 hectares. However, sub-clause 4.1(3A)(a) allows subdivision to sizes of 2000 m<sup>2</sup>, where each lot is serviced with reticulated water and sewerage. Proposed Lots 1 to 25 range in size from 2,008 m<sup>2</sup> to 7,150 m<sup>2</sup>. Proposed Lots 1 to 25 will be serviced by reticulated water and sewerage systems. Consequently, the proposed subdivision complies.

Proposed Lot 26 (with an area of 1,832 m<sup>2</sup>) and proposed Lot 27 (with an area of 89 m<sup>2</sup>), are proposed to be dedicated to Council as drainage reserves and will not be serviced. However, they are not subject to the provisions of clause 4.1, as the lots can be created as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as they are being created for a public purpose (including drainage purposes).

### 5.10 Heritage Conservation

Clause 5.10(8) states:

**Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance —

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

**Comment:** The application identifies four sites within the subdivision where Aboriginal objects are known to occur. These sites have been identified in a previous Aboriginal Heritage Survey in 2004 and through Aboriginal Heritage Information Management System (AHIMS) records.

The proposed layout has demonstrated the new lot boundaries, road and servicing infrastructure can avoid any impact to these locations. The applicant has proposed that a suitable s88B instrument/covenant be created to identify and protect these locations. A condition is included in the recommendation to this effect, as well as a condition advising that should any Aboriginal archaeological material be discovered during works, all work in that area is to cease, with the appropriate regulatory authorities notified as soon as possible.

- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**Comment:** The NSW Aboriginal Land Council was notified of the application by letter dated 4 February 2021. To date, no comments have been received from the NSW Aboriginal Land Council.

### 6.1 Salinity

Complies.

No part of the site is identified on Council's mapping as being affected by salinity.

The proposed subdivision and associated works are unlikely to have an adverse impact on salinity processes on the land. As earthworks will be limited, relatively shallow and involve only necessary infrastructure and roadworks, it is not expected that salinity will have an adverse impact on the development.

A condition will be applied requiring concrete used in the works to be of sufficient strength to ensure durability.

### 6.2 Flood planning

Not applicable. The land is not subject to any known flooding.

### 6.3 Earthworks

Complies.

Any earthworks will be ancillary to the proposed subdivision and will relate to the provision of services, internal road and upgrades to existing roads, and accordingly they do not require separate development consent. No earthworks are proposed to create building platforms. Cut and fill may be considered in detail in future applications for development of the lots.

The proposal is not expected to have an adverse impact on existing drainage patterns and soils stability as:

- The existing watercourse will be retained in its natural alignment; and
- Conditions may be imposed to ensure that appropriate sediment erosion controls are in place both during works and over the long term.

The quality of fill to be imported to the site may be regulated by condition.

The proposed earthworks are not expected to have a significant impact on the amenity of adjoining properties.

### 6.4 Groundwater Vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the limited extent of excavation associated with the installation of roads, stormwater, sewerage and water services, 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.

### 6.5 Terrestrial Biodiversity

Not applicable.

No part of the site is mapped biodiversity sensitive.

### 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, as follows:

- The proposed development will provide a reticulated water system connected to Council's water supply. This system will loop back into the existing water system located in Steel Drive.
- The design of the electricity supply will occur after the Development Consent is issued.
- A reticulated sewer system, connecting to Council's network, will be provided to each of the proposed lots.
- An inter-allotment stormwater drainage system is proposed, which will discharge to the drainage reserve to the east of the site.
- Each lot has street frontage of sufficient width to accommodate a driveway crossover in the future. Proposed lots will have direct access to a sealed road with the new cul-de-sac road and the extension to Plenty Road. The proposed new road is designed to an appropriate speed limit for the development.

Conditions are recommended to ensure sufficient details and the necessary follow-on approvals are obtained in relation to the above matters.

### 6.10 Visually sensitive land near Mudgee

The western part of the site is mapped as being visually sensitive land, and accordingly Council is required to be satisfied that the development:

- Will complement the visual setting forming the backdrop to Mudgee; and
- Will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.

It is not expected, owing to the nature of the development and topography of the site, that there will be any impact upon the visual setting forming the backdrop to Mudgee. Furthermore the layout provides undulating sites, at similar densities to neighbouring development to the east, which will allow for a variety of housing design and opportunity to consider neighbouring properties, and to minimise visual intrusion.

### **(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)**

## **Mid Western Regional Development Control Plan 2013 (the DCP)**

### 5.3 Stormwater Management

A Stormwater Management Plan has been provided with the application. A piped inter-allotment drainage system will be constructed throughout the subdivision. This piped system will discharge to the drainage reserve adjoining the site, via a new detention basin. A stormwater culvert will be constructed under the extension to Plenty Road. The application demonstrates that stormwater may be appropriately managed, in accordance with the requirements of this section of the DCP. Conditions have been imposed requiring further details of the stormwater system to be submitted to and approved by Council officers, as part of any future subdivision construction certificate.

## 5.4 Environmental Controls

An Aboriginal Heritage Information Management System (AHIMS) search indicated that there are four known Aboriginal sites located within the proposed development. The proposed subdivision layout and design avoids impacts to these Aboriginal sites. A condition will be applied requiring protection of these sites by restrictions or covenants on title – which has been proposed by the applicant.

The site is identified as bush fire prone land. The application is integrated development in relation to bushfire. General Terms of Approval from NSW Rural Fire Service have been received and are incorporated in the recommendation.

There is a watercourse within the drainage reserve adjoining the site. The proposed works within the watercourse, involving the installation of a culvert crossing for the Plenty Road extension, have received General Terms of Approval from the Natural Resource Access Regulator. These are incorporated in the recommendation.

## 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Applies to</b>	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential.
<b>Lot size</b>	
Minimum lot size as determined by MWRC LEP 2012	Yes. Each proposed lot exceeds the 2,000 m <sup>2</sup> minimum lot size.
All lots have street frontage	All lots have frontage to the proposed new road, Plenty Road or Robertson Road.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m <sup>2</sup> – 10-15 degrees: 700m <sup>2</sup> – 15-20 degrees: 800m <sup>2</sup> – >20: subdivision prohibited	Minimum lot size 2000 sqm. Lot sizes range from 2008 sqm to 7150 sqm. Lots sizes increase based on slope of block.
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable. Site zoned R2.
Battle-axe handles in R2 and R5 residential zones have width of 6m	Yes. Minimum handle width for Lot 6 is 8m. Lot 1 has a 20m wide handle. Lot 18 has a 10m wide handle.
<b>Lot Design</b>	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Not applicable.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conducive

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
For new release subdivision east-west orientated lots have increased width and midpoint	to erecting a dwelling with good orientation. As discussed above.
Lots generally rectangular in shape	The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope.
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Not applicable.
<b>Street Layout and Design</b>	
Traffic Impact Statement submitted for 5+ lots	Assessment provided by applicant. Discussed elsewhere in report.
Traffic Impact Statement submitted for all subdivisions where new road required	Assessment provided by applicant. Discussed elsewhere in report.
Subdivision integrates with existing residential area	Yes.
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Variation. See below for justification.
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Yes. The application states that a pedestrian link will be constructed to connect to the existing pedestrian path in Plenty Road. Condition to be applied.
Multiple cul-de-sacs and “no through roads” discouraged	Minimum cul-de-sacs provided
Maximum number of lots in cul-de-sac is 12 lots	Variation. See below for justification.
Subdivision >80 lots should not require backtracking	Not applicable.
<b>Road Standards for New Development</b>	
Residential roads – serves 31-120 dwellings: 18m road reserve, 9m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, rollover kerbing	Complies. Plans demonstrate compliance. No footpath shown on plans but application indicates will be provided to connect to Plenty Road. Condition to ensure compliance.
<b>Cycle ways and footpaths</b>	
Cycle ways and pedestrian networks included in new subdivisions	Yes. Pedestrian footpath to be



DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	provided.
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Not applicable
New subdivisions provide direct, convenient and safe access to major facilities	Yes, subdivision layout will extend to the existing connections to Mudgee
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Yes. Condition included in consent.
<b>Open Space</b>	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Yes. All lots are within 400m of the adjoining drainage reserve.  It should be noted, that the drainage reserve also acts, and was approved as open space for the adjoining residential subdivision, off Broadhead Road.
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc and shading landscaping	Not applicable. On-site detention is proposed and will not double as open space.
<b>Landscaping</b>	
Landscape plan provided, detailing treatment of public domain	Not applicable.
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable.
<b>Street Trees</b>	
Two (2) street trees provided per lot	Yes. To be conditioned.
Developer provides levy to Council to provide these trees after 80% of works carried out	Not applicable.
<b>Utility Services</b>	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
Evidence of consultation with relevant authorities submitted with application	Yes, evidence provided.
<b>Drainage</b>	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Concept plan adequate.

### Justification for DCP variation – No Through Road

The DCP requirement is for new roads to provide a “through road” connection to surrounding roads where they exist in the locality.

The proposed development does not extend the extension of Plenty Road all the way through to Robertson Road. The application justifies this by arguing that it is not practical to provide a through road connection of Plenty Road through to Robertson Road due to the topography and Biodiversity sensitivity in the access handle of proposed Lot 1. The topography constraint will lead to excessive cut and fill to obtain the correct grades on the road in that location. There are specimens of Ausfeld’s Wattle within the 20m wide access handle to Lot 1 that would be adversely affected by any road construction. The construction of the road will significantly change ground clearance beneath Essential Energy easements. As an alternative to providing a through road connection, it is proposed to terminate the Plenty Road extension in a court bowl located near the eastern boundary of proposed Lot 1. It is considered that the proposal’s variation to this DCP requirement is justified, particularly as it supports better environmental outcomes.

### Justification for DCP variation – Length of Cul-de-sac

The DCP requirement is that the maximum number of lots to be serviced by a cul-de-sac is 12, or the length of the cul-de-sac does not exceed 150m in length.

The proposed cul-de-sac will provide access to 23 lots and the length of the cul-de-sac is approximately 490m.

The application provides the following justification for the variation to the DCP requirement:

- *A contributing factor to the longer cul-de-sac length is the larger lot frontages required for the 2000m<sup>2</sup> blocks, which generally have 30-40m frontages, much larger than in typical residential construction.*
- *Although longer and servicing more lots than recommended the new cul-de-sac will be managed by ensuring the road construction is at a standard that will be able to convey the expected volume of traffic to be generated (approximately 21 vehicle trips in peak hour).*
- *The length of the cul-de-sac is directly attributed to the existing irregular shape of the parent lot, and the size of the lots proposed.*
- *The road hierarchy is not detrimentally impacted.*
- *The layout is aligned with the planning proposal which was supported by Council and considered as part of LEP amendment No 12. Hence a cul-de-sac treatment was already considered acceptable for this site by Council and followed over in this DA stage design.*

Based on the above justifications, it is considered that the variation from the cul-de-sac requirements are acceptable.

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

No planning agreement applicable.

### **(d) Regulations – 4.15(1)(a)(iv)**

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

### **(e) The likely impacts of development – 4.15(1)(b)**

### **Context and Setting & Site Design and Internal Design**

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

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

The proposed subdivision will be accessed via an extension to Plenty Road. A new cul-de-sac road will be constructed within the subdivision. There are adequate sight distances at the intersection of the proposed new road and Plenty Road and the intersection of Plenty Road and Broadhead Road. No access to Robertson Road will be provided from the proposed subdivision. The traffic generation from the subdivision will not exceed the capacity of the local road network.

### **Utilities**

The proposed subdivision is located on the fringe of Mudgee and will have access to water, sewerage, electricity and stormwater infrastructure. Conditions of consent will require the connection of each of the residential lots to any necessary utilities.

### **Heritage**

The subject site has four known sites where Aboriginal artefacts are located. These sites have been clearly identified on the plan of subdivision. The design of the subdivision results in no new lot boundaries, roads or servicing infrastructure being located near the Aboriginal sites, thereby avoiding any possible damage/disruption to these sites. The size of the land parcels allows for a dwelling and associated outbuildings without affecting the Aboriginal sites. The application proposed that a covenant or restriction be placed on the title to ensure that these Aboriginal sites are avoided/protected. A condition to this effect is included in the recommendation.

### **Other land resources**

The approved development will not impact on other land resources.

### **Water**

The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

Suitable conditions for water quality measures to be incorporated into the detailed stormwater design and protection of vegetated riparian zones are included in the recommendation.

### **Soils**

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

### **Air and Microclimate**

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

### **Flora and Fauna**

The Statement of Environmental Effects states that there are approximately 35 *Acacia ausfeldii* (Ausfeld's Wattle) plants located between Robertson Road and the Transgrid powerline easement, this area being the access handle for proposed Lot 1. Ausfeld's Wattle is a threatened species under the NSW *Biodiversity Conservation Act 2016*. No works are proposed where the Ausfeld's Wattle is located. Conditions are included in the recommendation requiring the Ausfeld's Wattle to be protected and for a covenant or restriction on title to be applied to ensure their protection. In this way, there will be no impact on the Ausfeld's Wattle. The Flora and Fauna report submitted with the application indicates that there are no occurrences of Ausfeld's Wattle within the main body of the proposed subdivision.

The Flora and Fauna report submitted with the application indicates that a search had been undertaken for *Leucochrum albicans var. tricolour* (Hoary Sunray) and no instances of this species had been detected on the site.

The Statement of Environmental Effects states that there is a patch of Box Gum Woodland (comprising Blakely's red Gum – White Box grassy woodland) located in the Plenty Road reserve, between the TransGrid power line easement and Broadhead Road. This woodland is listed as an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016* and as a Critically Endangered Ecological Community under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. The design of the proposed extension to Plenty Road has been diverted around this patch of woodland, ensuring its retention. The proposed subdivision will have no impact on this woodland.

The Flora and Fauna Report submitted within the application states that due to the diminished habitat occurring as a result of many years of grazing the site, the site does not function as a wildlife corridor for native fauna species.

The remainder of the site has formerly been used as grazing land and does not contain any flora of significance.

**Waste**

Waste service available.

**Energy**

Electricity is to be connected to the proposed lots. The energy needs of the development is not expected to place significant demands on the local infrastructure capacity/operation.

**Noise and vibration.**

The proposal is not a use that will generate significant noise, except for a limited duration over the construction phase.

**Natural Hazards**

The site is not identified as being effected by geological/soil instability.

The submitted Stormwater Drainage Report (13 April 2021) shows the drainage reserve to the east of the subject site as flood prone. The accompanying plans show the extent of the 1% AEP flood event, which shows that the proposed subdivision will be affected to a minor extent during this 1% AEP event. In this regard, there is ample area on each proposed lot to erect a dwelling above the 1% AEP flood level.

The site is mapped as being bushfire prone land. As the proposal is for residential subdivision, the application constitutes integrated development requiring assessment by the NSW Rural Fire Service (RFS). General Terms of Approval from the RFS have been obtained and are included in the recommendation.

**Technological Hazards**

Not applicable.

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Economic and Social impact in the locality**

Generally positive.

**Construction**

The impacts of construction activities may be regulated by conditions.

**Cumulative impacts**

The proposed development is not expected to contribute to cumulative impacts.

**(f) The Suitability of the Site for the Development – 4.15(1)(c)**

***Does the proposal fit in the locality?***

The proposed development fits into the residential context within which it sits. Utility services have the capacity to service the development.

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

Yes. The proposed development is designed to respond to bushfire, preserving water quality within the creek and the ecological constraints of the site. No adjoining land uses will have an adverse impact on the proposed subdivision.

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

***Public submissions***

The application has been placed on public exhibition over two rounds in accordance with *Mid-Western Regional Community Participation Plan 2019*. The exhibition period for Round 1 ended on 29 January 2021 and 17 submissions were received. The exhibition period for Round 2 ended on 5 March 2021 and 2 submissions were received.

The issues raised in the Round 1 exhibition period are summarised below:

- Traffic increase in local area.
  - Access should be from Robertson Road. Broadhead Road not up to specification for increased traffic.
  - School bus routes.
  - Bruce Road and Broadhead Road need to be upgraded.
  - Traffic Study required.

**Comment:** A Traffic Report was submitted with the application in response to Council's request for further information. The Traffic Report identified that Broadhead Road has been upgraded to a suitable standard to serve as a link between subdivision developments. No access to Robertson Road is proposed as it is prohibitive in terms of constraints imposed by terrain, significant changes to TransGrid and Essential Energy infrastructure and ecological concerns. No need to upgrade nearby intersections was identified. School buses will be able to utilise the local road network.

- Water pressure.

**Comment:** The Water Servicing Report submitted with the application indicates that the proposal to connect a loop into the existing pipe at Steel Drive, will improve water pressure in the Broadview Estate subdivision.

- Flood study/ inadequate stormwater drainage.

**Comment:** A Stormwater Management Plan has been assessed by Council's Development Engineer and was considered that adequate stormwater drainage will be provided such that the post-developed discharge flow rate from the site is to be kept to below the pre-development rate.

- Adequacy of building envelopes on each lot.

**Comment:** There is ample area on each lot on which to erect a dwelling, with the minimum lot size being 2,000m<sup>2</sup>.

- White plastic fences underneath power lines.

**Comment:** This application does not propose any fencing. Fencing is normally exempt development and does not require assessment by Council.

- No dedicated open space within subdivision.

**Comment:** No dedicated open space has been provided within the proposed subdivision, with the applicant proposing to utilise the adjoining drainage reserve to the east as open space. This reserve also acts, as open space for the adjoining residential subdivision, off Broadhead Road.

- Bushfire plus water pressure.

**Comment:** Council's Development Engineer has determined that sufficient water pressure will be provided in the water network, including hydrant systems.

- Construction impacts.

**Comment:** Suitable conditions may be imposed to address construction impacts, such as sediment erosion control and dust impacts. Any impacts will be short term.

- Further assessment of Aboriginal items required.

**Comment:** The application identifies the location of known heritage items and proposes to protect these via a covenant or restriction on title. As these items will be protected, it is considered that further assessment of the Aboriginal items is not required.

A standard condition will also be imposed, requiring that should any Aboriginal archaeological material be discovered during works, all work in that area is to cease, with the appropriate regulatory authorities notified as soon as possible.

- Extend submission date.

**Comment:** Due to the number of people that requested an extension to the public exhibition period, the application was re-exhibited for a second round.

- No notification of change to Minimum Lot Size – Robertson Road.

**Comment:** The Planning Proposal to reduce the minimum lot size down to 2,000 m<sup>2</sup> was placed on public exhibition for 14 days commencing on 27 February 2015. This exhibition took the form of an advertisement in the local newspaper.

- Glare and white roofs and white fences.

**Comment:** The application is for subdivision only. Glare from roofs and fences can be considered in future applications for dwellings on the proposed lots.

- Kangaroos.

**Comment:** It is unlikely that the proposed subdivision will hinder the ability of kangaroos to travel between feeding grounds.

- More than 12 lots off cul-de-sac.

**Comment:** The application provides justification for the variation to the DCP requirement. This variation is discussed elsewhere within this report and is supported on planning grounds.

- Impact on water table and bore water supply.



**Comment:** The proposal involves shallow excavation for the provision of roads and pipelines. It is expected that these works will not have an impact on the water table or bore water supply.

- Overlooking into subdivision.

**Comment:** It is considered that the setbacks from boundaries, distances between the residences and available design solutions of dwellings (future) will mitigate against any unreasonable privacy impacts that may result from overlooking.

- Noise from traffic.

**Comment:** It is expected that noise from traffic will be no greater than what is normal for a residential subdivision.

- Reject possible connection to Robertson Road.

**Comment:** No access to Robertson Road is proposed as it is prohibitive in terms of constraints imposed by terrain, significant changes to TransGrid and Essential Energy infrastructure and ecological concerns. This is discussed in the body of the report.

- Corridor for wildlife.

**Comment:** The property in the most part forms former grazing land and is not recognised as a significant wildlife corridor, as per the findings of the submitted Flora and Fauna Report.

- Property values.

**Comment:** There is no evidence to support the claim that the proposed subdivision will have a negative impact on property values in the area. In addition, consideration of the impact on individual/immediate property values is not a planning matter.

- Pumping station for Stage 2 of Broadview Estate – progress update.

**Comment:** The proposed water servicing strategy involves the provision of a looped water pipeline, which is expected to improve water pressure within Broadview Estate. Status of pumping station for Stage 2 Broadview Estate is not a matter for consideration in the subject application.

- Sewer.

**Comment:** Council's Development Engineer supports the proposed sewer servicing strategy.

The issues raised in the second round of notification are summarised below:

- Previous assurance that there would be no development in the subject site.

**Comment:** The site is zoned R2, where subdivision and residential development are permissible with the consent of Council, with a Minimum Lot Size of 2,000m<sup>2</sup> – when serviced with reticulated water and sewer systems.

- Aboriginal artefacts.

**Comment:** The application identifies four Aboriginal objects, and has proposed to protect these items via a covenant or restriction on title.

- Impact on amenity of existing residences.

**Comment:** There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.

- Water pressure is low.

**Comment:** The applicant has provided a design for the water supply that loops back into the existing network at Steel Drive. The effect of the loop is to increase water pressure in the line.

- Video showing localised flooding.

**Comment:** The assessing officer viewed this video at the front counter. It was difficult to determine exactly where the flooding was occurring.

The applicant submitted a Stormwater Drainage Report (13 April 2021), which shows the drainage reserve to the east of the subject site as flood prone. The accompanying plans show the extent of the 1% AEP flood event, which shows that the proposed subdivision will be affected to a minor extent during this 1% AEP event. In this regard, there is ample area on each proposed lot to erect a dwelling above the 1% AEP flood level.

- Dust during construction.

**Comments:** A condition may be applied for water trucks to be used during the subdivision construction works.

- More than 12 lots off the cul-de-sac/ overdevelopment of site.

**Comment:** This represents a variation from the DCP requirement. The applicant has provided sufficient justification for the DCP variation.

- Powerlines.

**Comment:** The subdivision has been designed to take into account the power lines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.

#### **(h) The Public Interest – 4.15(1)(e)**

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

There are no matters that would be considered to be contrary to the public interest.

##### ***Covenants and easements effecting the proposal***

There is a 40m wide TransGrid easement traversing the site. In addition, there is an Essential Energy running along the northern part of the site, of variable width. The proposed subdivision has been designed to accommodate the easements.

Conditions are imposed for any new easements to be created over the proposed subdivision.

#### **CONSULTATIONS**

##### ***Natural Resources Access Regulator***

General Terms of Approval (GTA's) were received from the Natural Resources Access Regulator on 1 June 2021. These GTA's are incorporated into the recommendation.

**NSW Rural Fire Service**

General Terms of Approval (GTA's) were received from NSW Rural Fire Service on 11 March 2021. These GTA's are incorporated into the recommendation.

**Development Engineer**

Council's Development Engineer has provided conditions to address the detailed engineering matters. These conditions are incorporated in the recommendation.

*DEVELOPER CONTRIBUTIONS*

**Section 7.11 (formerly s94) Contributions**

The proposed subdivision creates 25 new lots. The parent lot will carry a single Equivalent Tenement (ET) credit for Section 7.11 contributions. Contributions are not applicable to proposed Lots 26 and 27, which will be dedicated as drainage reserves. Therefore, Section 7.11 contributions are payable for 24 new lots/equivalent tenements (ETs). The whole of the subject site is located in the Mudgee catchment. Conditions will be applied requiring the payment of 24 ET's of Section 7.11 contributions, prior to the issue of a Subdivision Certificate.

**Section 64 Contributions – Water and Sewer Headworks**

The subject site is located in Council's water and sewer servicing areas. Based on *Mid-Western Regional Development Servicing Plans* for Water and Sewer, Section 64 contributions are applicable to the proposed development based on the following calculation. An appropriate condition has been imposed requiring payment of the contribution.

<b>Sewer</b>	
25 x Residential allotment (large) > 1200m <sup>2</sup>	25 x 1.05 ET x \$3,967.00 = \$104,133.75
Less 1 x Residential allotment (large) > 1200m <sup>2</sup>	1 x 1.05 ET x \$3,967.00 = \$4,165.35
<b>Total contribution</b>	<b>= 25.2 ET = \$99,968.40</b>

<b>Water</b>	
25 x Residential allotment (large) > 1200m <sup>2</sup>	25 x 1.5 ET x \$8,689.00 = \$325,837.50
Less 1 x Residential allotment (large) > 1200m <sup>2</sup>	1 x 1.5 ET x \$8,689.00 = \$13,033.50
<b>Total contribution</b>	<b>= 36 ET = \$312,804</b>

Community Plan implications

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

Strategic implications

**Council Strategies**

Mid-Western Regional Local Environmental Plan 2012

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

### **Council Policies**

Not applicable.

### **Legislation**

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

### Financial implications

Section 7.12 developer contributions will be collected in accordance with the *Mid-Western Regional Contributions Plan 2019*. Sewer and water headworks charges will be collected in accordance with *Mid-Western Regional Development Servicing Plans*.

### Associated Risks

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

ILIJA SUSNJA  
PLANNING COORDINATOR

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

29 April 2021

**Attachments:**

1. Subdivision Plan. (separately attached)
2. Essential Energy Response. (separately attached)
3. Transgrid Response. (separately attached)
4. NSW Rural Fire Service General Terms of Approval. (separately attached)
5. Natural Resources Access Regulator General Terms of Approval. (separately attached). (separately attached)
6. Submissions - Round 1. (separately attached)
7. Submissions - Round 2. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.3 DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat

REPORT BY THE PLANNING COORDINATOR  
 TO 16 JUNE 2021 ORDINARY MEETING  
 GOV400088, DA0204/2021

### RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat;
- B. approve DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat, subject to the following conditions and Statement of Reasons:

### CONDITIONS

Approved plans

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Sheet No:	Date [dd.mm.yyyy]:	Prepared by:
Overall Site Plan	35146-A01	D	Sheet 2 of 5	01.06.2021	Barnson
Part Site Plan	35146-A02	D	Sheet 3 of 5	01.06.2021	Barnson
Tent Floor Plan & Elevation	35146-A03	B	Sheet 4 of 4	14.12.2020	Barnson
Amenities Floor Plan & Elevations	35146-A04	B	Sheet 5 of 5	14.12.2020	Barnson
Proposed Floor Layout	1132-A1	A	-	19/03/2021	On Point Building Design
Plan of Management	-	-	-	-	AGSR Escapes T/A Yurali House Mudgee
Traffic Impact Assessment Report	35146-TIA01_0	-	-	15.03.2021	Barnson

Visual Impact Assessment	35145-VIA01_A	-	-	6/03/2021	Barnson
Noise Impact Assessment	MAC211298-01RP1D1	-	-	March 2021	Muller Acoustic Consulting

2. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
3. 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.
4. For clarity, this development consent provides approval for a function centre, amenities building and change of use to Bed and Breakfast Accommodation which is limited to three (3) bedrooms of the dwelling only.
5. This development consent limits the function centre operations to the following:
  - A maximum of 60 functions per year.
  - A maximum of 120 guests at any one function.
  - All amplified music is to cease at 11.00pm for an event held on Friday or Saturday.
  - All amplified music is to cease at 10.00pm for each event held Monday to Thursday, and also Sunday.
  - All event guests are required to vacate the premises at 12midnight.
  - All music and speaker systems are restricted to operate within the marquees only.
  - The marquees are to be enclosed during the evening and night periods (6pm to 12midnight) on the north-eastern and western facing facades during each event.
  - No outdoor events or activities are permitted to occur on the site in conjunction with any function held within the marquees.
  - Where there is no event scheduled to occur within 28 days of the previous event, the marquees are to be disassembled.
  - During each event, an event manager is required to be onsite at all times and shall be responsible for event coordination, security, emergencies and to ensure compliance with the operational conditions of consent at all times.

#### **GENERAL**

6. In recognition that an unreliable reticulated water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided on the site. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.
7. Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, public road reserve, or public reserve (open space) be required, an approval in accordance with Section 138 of the *Roads Act 1993* will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council for the installation of warning signage within the road reserve. The Section 138 application is to be submitted to, and approved by Council, prior to works commencing within the road reserve.



**NOTE: The existing crossover does not comply with sight distance requirements 100km/hr design speed. Therefore, to improve the sight distance requirement, the applicant must install "Slow Down Driveway Ahead" (W2-207 Guide Signage for Eastbound Vehicles) Signage.**

8. No native vegetation clearing is authorised by this development consent.
9. The development is to be managed in accordance with the mitigation methods contained within the Visual Impact Assessment dated 6/03/2021 and the following requirements:
  - Building materials are to be selected to reduce colour contrast and blend new and existing structures into the surrounding landscape; and
  - The existing vegetation established on the site are to be retained and supplementary planting incorporated with use of endemic flora species which integrate with the existing landscape character.
10. The development must be managed in accordance with the recommendations of the Noise Impact Assessment dated March 2021 at all times which is to include:
  - Appropriately managing noisy patrons during functions at the project site;
  - All amplified music would be situated within the pavilions/marquees;
  - The marquees should be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent). These panels should be utilised during the evening and night periods (6pm to 12am) on the north-eastern and western facing facades to minimise noise transmission to sensitive receivers during noise enhancing conditions; and
  - Amplified music will only consist of DJ, trio/duet or medium level amplified music (i.e. ipod music and speakers). Larger band (i.e. rock bands) are not recommended for the project.

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

11. 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 \$25,000 or more.

*Note - The amount payable is currently based on 0.35% 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.*
12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* for the installation of an On Site Sewer Management System is to be obtained from Council.
13. Details of compliance with the National Construction Code (Building Code of Australia) shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

14. The function centre and demountable toilet as well as the accessible paths of travel to those amenities from the carpark shall comply with Part D3 of the BCA and Australian Standard AS1428.1-2009 *Design for Access and Mobility Part 1: General Requirement for access – New building work*. In this regard, details of compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate **which must include all paths of travel from the car parking area to the development to be sealed (concrete or bitumen)**.
15. Prior to issue of the Construction Certificate, details of the marquees provided with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent) as recommended by the Noise Impact Assessment dated March 2021 is to be provided to the Certifying Authority.
16. Prior to issue of the Construction Certificate, details of the marquees demonstrating compliance with the Visual Impact Assessment dated 6/03/2021 and containing only colours to blend the structures into the rural landscape is to be provided to the Certifying Authority.
17. 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 – 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](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.*

#### **PRIOR TO COMMENCEMENT OF WORKS – BUILDING**

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

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

19. 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**

20. A sign must be erected in a prominent position on any work site on which in the erection or demolition of a building is carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
  
21. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public placeA 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.
  
22. The development site is to be managed for the entirety of work in the following manner:
  1. 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;
  2. Appropriate dust control measures;
  3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  4. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

### **BUILDING CONSTRUCTION**

23. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
  
24. In the event of any Aboriginal archaeological material being discovered during construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the Heritage NSW.
  
25. If unexpected soil contaminants are discovered during works which has the potential to alter previous conclusions regarding site contamination; work must cease and Council or NSW Environmental Protection Authority must be notified immediately.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the developer, which is agreed to by Council.

**Note – Council may also request that a NSW Environmental Protection Authority accredited site auditor is involved to assist with the assessment of the contaminated land situation and review and new contamination information. The developer must also adhere to any additional conditions which may be imposed by the accredited site auditor.**

26. 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.
27. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
28. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
29. A total of 42 car parking spaces (including two (2) disabled parking spaces) are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
  - Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 and must be sealed, sign posted and line marked;
  - Line marking, wheel stop and signage has to be installed as per the relevant Australian Standard;
  - All other car parking spaces are to be provided with a hard standing all weather compacted gravel surface and must be maintained in a satisfactory condition at all times.
30. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
31. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
32. Construction work noise that is audible at other premises is to be restricted to the following times:
  - Monday to Saturday - 7.00am to 5.00pm
33. No construction work noise is permitted on Sundays or Public Holidays.
34. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

35. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
36. 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.
37. All building work is to comply with the requirements of the Access to Premises Standard.
38. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

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

39. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
40. Prior to an Occupation Certificate being issued, Spring Flat Road is to be upgraded, from the end of the existing road seal, to the front gate of the subject site (approximately 1100m).

**Note: The developer will need to enter into a Private Works Agreement with Council, who will carry out the required works.**

41. Prior to occupation or the issue of the Occupation Certificate, the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
42. Prior to the issue of an Occupation Certificate, pursuant to Clause 93 of the *Environmental Planning and Assessment Regulations 2000*, the Bed and Breakfast Accommodation is to be brought into conformity with the Category 1 fire safety provisions as are applicable to the buildings use. In this regard, the building shall comply with;
  - a) Performance Requirement P2.3.2 'Fire Detection and early warning' of BCA, Volume 2.
  - b) Performance requirement EP2.2 of BCA Volume 1.
43. Prior to issue of an Occupation Certificate, an Operational Management Plan for the development is to be prepared and submitted to Council for approval. The Plan shall also include Bushfire and Emergency Management details, ensuring that no events are held during high and catastrophic bushfire danger periods.
44. All car parking and associated driveway works are to be completed prior to occupation of the development.

45. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the *Local Government Act 1993* is to be obtained.
46. Prior to issue of an Occupation Certificate, the installation of roadside warning signage is required to be completed in accordance with the Section 138 approval of Council.
47. Prior to issue of an Occupation Certificate, the developer is required to prepare a Bushfire and Emergency Management Plan and this plan must ensure that no events are held during high and catastrophic bushfire danger periods.
48. Prior to issue of an Occupation Certificate, the 20,000 litre dedicated water supply tank (non-flammable) with an RFS standard 65mm metal Storz outlet and ball valve shall be provided on the site.

### **ONGOING USE**

49. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
50. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
51. 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.
52. All loading and unloading in connection with the premises shall be carried out wholly within the site.
53. 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".
54. 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.
55. The developer must provide for independent noise monitoring to be undertaken during each function held on the site. In the event of a complaint being received, the noise monitoring data shall be provided to Council and Muller Acoustic Consulting (or another preferred acoustic consultant at no cost to Council) to verify that there has been no breach of noise control requirements imposed by this consent and the recommendations of the Noise Impact Assessment dated March 2021.
56. The Bed and Breakfast Accommodation approved under this consent is limited to the use of three (3) bedrooms of the dwelling-house only. The additional bedroom / media room / study is to be utilised by the permanent resident of the dwelling only.



57. The Bed and Breakfast Accommodation is to be used for temporary or short-term accommodation only in association with the use of the dwelling by the permanent residents.
58. The developer is required to maintain a guest register for the Bed and Breakfast Accommodation. The register must record all stays including guest numbers, contact information and the duration of each stay for the life of the development. The register must be made available to Council at any time on request.
59. All waste generated by the development is to be disposed of to an appropriately licenced waste facility. Local Transfer Stations are not to be utilised for waste disposal by this development at any time. All fees and charges for disposal are to be borne by the developer.
60. The development is to be maintained in a clean and tidy manner, at all times.
61. Event or function centre guests are not to trespass on to adjoining private property.
62. No fireworks are authorised to occur in conjunction with any event held on the site.
63. The development must operate in accordance with the approved Operational Management Plan at all times.
64. In the event of any complaints being lodged relating to the site or its operations, a complaints register must be kept by the developer clearly recording all relevant information and reasons for the complaint. The log book must be made available to Council at any time on request.

The complaints log book is to record the following information:

- a) Name, address and contact details of the complainant;
- b) Description of complaint (e.g. character and volume);
- c) Frequency and duration of complaint;
- d) Meteorological conditions during complaint; and
- e) Any actions taken to resolve complaint.

#### ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the *Environmental Planning and Assessment Act* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).

5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. The development is to operate so as to not emit offensive noise, as defined in the Protection of the *Environment Operations Act 1997*.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The proposed development satisfactorily addresses the issues raised in objections received in response to public notification of the development, as follows:
  - (a) The traffic and parking impacts of the development are acceptable.
  - (b) Vehicle access into and out of the site is acceptable.
  - (c) Sufficient detail has been provided to enable an assessment of the application.
  - (d) The proposed development will not have an adverse impact on the visual amenity of the area, subject to conditions.
  - (e) The proposed development will not have an adverse noise impact, subject to conditions.
  - (f) The proposed development is suitable for the site.
  - (g) The proposed development will not have an adverse economic impact.

## Executive summary

OWNER/S	Mr Samuel J Reece & Ms Amy L Goble
APPLICANT	Mr Sam Reece C/- Barnson Pty Ltd
PROPERTY DESCRIPTION	345 Spring Flat Road, Spring Flat Lot 6 DP 756894
PROPOSED DEVELOPMENT	Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation
ESTIMATED COST OF DEVELOPMENT	\$50,000
REASON FOR REPORTING TO COUNCIL	Seven (7) submissions were received during the public notification period
PUBLIC SUBMISSIONS	Seven (7)

Council is in receipt of Development Application DA0204/2021 that seeks approval for a Function Centre with Amenities Building and Change of Use to Bed and Breakfast Accommodation, to be located at 345 Spring Flat Road SPRING FLAT NSW 2850, Lot 6 DP 756894, received by Council on 6 January 2021.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 3 February 2021. During the notification period, 7 submissions were received. A further information request was subsequently issued and this resulted in the applicant modifying the development to include a change of use to the existing dwelling to also include bed and breakfast accommodation. The application was renotified accordingly with no additional submissions received.

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

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that seven (7) or more objections have been made against the development.

The application is recommended for Approval.

## Deferred Consideration - Council Meeting 19 May 2021

The application was presented to Council's 19 May 2021 Ordinary Meeting with the following resolution made (minute number 131/21):

- A. receive the report by the Planning Coordinator on DA0204/2021 - Function Centre, Amenities Building and Change of Use to Bed and Breakfast Accommodation at 345 Spring Flat Road, Spring Flat; and*
- B. defer consideration of the matter to the June meeting and request the General Manager to discuss a better outcome for accessibility and road safety with the applicant.*

The General Manager and Director Development met with the Applicant and their consultant on the 26 May 2021 to discuss the resolution of Council.

The applicant has committed to the following to ensure there are no accessibility or road safety concerns associated with the operation of the development:

1. Provision of two (2) accessible parking spaces and internal pathways to be sealed in concrete or bitumen as part of the development (amended plans have been provided dated 1 June 2021); and
2. Contribution to the upgrade of Spring Flat Road (from the end of the existing bitumen on Spring Flat Road to the driveway of the subject site).

Amended conditions have been recommended accordingly and with all changes made in green text. This includes, the amended plans, dated 1 June 2021 have been included in Condition 1 – as approved plans. A new condition has been added requiring Spring Flat Road to be upgraded, from the end of the existing road seal to the front gate of the subject site, prior to the issue of an Occupation Certificate.

It is important to note that the programming and timing of the road upgrade works under a private works agreement cannot be managed by conditions of a development consent however, the upgrade works must be completed prior to issue of the Occupation Certificate and commencement of the use.

## Disclosure of Interest

Nil.

## Detailed report

### *SUBJECT SITE*

The subject site (Lot 6) is located on the northern side of Spring Flat Road and has an area of 12.95 hectares.

The site contains an existing dwelling and associated outbuildings, two dams and scattered vegetation throughout. 345 Spring Flat Road, encompasses two (2) lots being Lot 5 and Lot 6 DP

756894, however all works relating to this application are proposed within a cleared area of land within Lot 6 only. Refer to Figure 1 below.



Figure 1: Site Plan

#### *PROPOSED DEVELOPMENT*

The proposal will consist of the erection of two semi-permanent marquee structures (74m<sup>2</sup> and 194m<sup>2</sup>) to be used as a 'function centre' for weddings and events, and proposed to be limited to 150 seats. In addition, an amenities block (supported by a new onsite system of sewerage management) shall be provided to support the function centre along with establishment of a car parking area with 42 available spaces, 1 being a disabled space in accordance with AS1428. The carpark is proposed to be gravel with the exception of the disabled parking space. No signage is proposed as part of this application.

To complement the function centre land use, the proposal was amended during the assessment process to include the change of use of the existing dwelling located on the site to be used as bed and breakfast accommodation. The change of use will consist of 3 guest rooms associated with the bed and breakfast in accordance with the Mid-Western Regional Local Environmental Plan 2012 requirements. Plans of the development are provided within Attachment 1.

Operational elements proposed include:

- All events are proposed to finish at 11:30pm with music no later than 11:00pm and all patrons to be off the property by 12:00am.
- No food preparation carried out on the site. All events shall be fully catered by businesses with the food being made off-site.
- Temporary staff shall be employed for each event, consisting of wait and bar staff, as required by each event and the catering company.

- Temporary lights for each event, which is usually driven by the person booking the event (i.e. flood lights, lanterns, festoon lighting etc.).
- Use of the existing dwelling located on the site as bed and breakfast accommodation, consisting of three guest rooms and one main bedroom for the permanent residents.
- The owners shall reside in the dwelling within the main bedroom. The other three bedrooms shall be provided to guests, with a maximum occupancy of 6 at any one time.

Following the public exhibition period (and prior to submission of the further information request for a Traffic Assessment, Visual Impact Assessment and Noise Impact Assessment made by Council), the applicant made the following operational suggestions for the function centre to alleviate concerns raised by the submissions (refer to copy provided within Attachment 7):

- Venue owners propose that any amplified sound e.g. microphones/ speakers be restricted to inside the function centre only after 9pm and are not used elsewhere on the property.
- Venue owners propose that the function centre is enclosed (e.g. all sides/ doors closed) from 9pm to significantly restrict noise travel.
- Venue owners will recommend to all event hosts that local transport is provided for event guest's e.g. local mini bus/coach to transport guests to and from the venue. This will reduce noise impact & mitigate traffic concerns detailed below.
- Venue owners propose reducing the number of events per year from 100 to 60 to help mitigate the noise concern.
- Venue owners propose reducing the number of guests attending each event from 150 to 120 to help mitigate the noise concern.
- All music is to finish by 11pm.
- Venue owners are based permanently in Mudgee and will reside at the property. Venue owners and will be available and contactable at all times during an event.
- Venue owners or a dedicated events manager (to be hired by venue owners if required) will be in attendance and managing all events.

Conditions have been imposed accordingly.

#### 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 2000 (EP&A Regs).

###### **Integrated Development**

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

#### SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

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

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

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

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

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



**State Environmental Planning Policy (Koala Habitat Protection) 2020**

SEPP (Koala Habitat Protection) applies to the proposal as Mid-Western Regional Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal is greater than 1 hectare in size including adjoining land within the same ownership.

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

**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 a:

***Function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

And

***Bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—*

- (a) meals are provided for guests only, and*
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and*
- (c) dormitory-style accommodation is not provided.*

***Note—** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.*

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

The land is zoned RU4 Primary Production Small Lots and is therefore subject to the Plan.

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

The land is zoned RU4 Primary Production Small Lots pursuant to MWRLEP 2012. The proposal, being a function centre and bed and breakfast accommodation 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:

**RU4 Primary Production Small Lots**

1. *To enable sustainable primary industry and other compatible land uses.*

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

2. *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

**Comment** The proposal will provide diversification on the subject site whilst continuing to enable



the land to be used for primary industry enterprises.

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

**Comment** The proposal will not result in any significant conflict with adjoining land uses subject to compliance with the recommended conditions. The applicant has demonstrated that appropriate controls can be implemented on the subject site to mitigate impacts of the development including limiting the number of attendees, and it is also proposed to mitigate noise impacts by ensuring the recommendations of the Acoustic assessment are included as part of the development.

*4. To ensure that land is available for intensive plant agriculture.*

**Comment** The proposal will not hinder the use of the site for the purposes of intensive plant agriculture.

*5. To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

**Comment** The proposal will not result in any significant impact upon the immediate visual amenity or environmental/cultural heritage values of the site, subject to compliance with the conditions of consent.

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

The proposal involves a change of use to the existing dwelling house to include a bed and breakfast. Clause 5.4(1) requires the following:

*(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.*

***Note:** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.*

The current dwelling contains a total of 4 bedrooms with a 'media and study' also shown on the submitted floor plan. As a result, it is considered that a condition of consent will be required to be imposed to ensure that only 3 bedrooms are utilised as part of the bed and breakfast accommodation at any one time and the 4<sup>th</sup> bedroom, media and study are to only be utilised by the permanent residents. A guest register is also to be maintained to ensure compliance with the conditions of consent.

**Clause 5.10 Heritage Conservation**

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

**Clause 6.1 Salinity**

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

**Clause 6.2 Flood planning**

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

**Clause 6.3 Earthworks**

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

**Clause 6.4 Groundwater vulnerability**

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

**Clause 6.5 Terrestrial biodiversity**

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

**Clause 6.8 Airspace operations – Mudgee Airport**

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

**Clause 6.9 Essential Services**

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

**Clause 6.10 Visually sensitive land near Mudgee**

The land is located within the visually sensitive land map area. Clause 6.10 of the LEP requires consideration towards the following:

**6.10 Visually sensitive land near Mudgee**

- (1) *The objective of this clause is to protect the visually and environmentally significant land on the urban fringe of the town of Mudgee.*
- (2) *This clause applies to land shown as "Visually Sensitive Land" on the Visually Sensitive Land Map.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*
  - (a) *will complement the visual setting forming the backdrop to Mudgee, and*
  - (b) *will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.*

The proposed development involves the erection of two (2) semi-permanent 'marquees' which will have a total maximum height of 6.7m from natural ground level, and placed on a timber deck flooring system. The marquees are proposed to occupy 74m<sup>2</sup> and 194m<sup>2</sup> of the land and are to be used as a 'function centre' for weddings and events, proposed to be limited to 150 seats.

In addition, an amenities block (supported by a new onsite system of sewerage management) shall be provided to support the function centre, with establishment of a car parking area with 42 available spaces. The carpark shall be unformed gravel with the exception of the disabled space which will be concrete. No signage is proposed as part of this application.

As the proposal is located in an area mapped as 'visually sensitive land', the applicant was requested to provide a Visual Impact Assessment which was submitted on the 15 March 2021.

The assessment included a viewpoints analysis of ten areas surrounding the subject site accessible from public roads. The assessment demonstrated that:

*The existing character of the area is dominated by rural land uses, with scattered residential dwellings. The locality is generally flat throughout, and there are vegetated areas established along road reserves, within properties and along identified watercourses. Further, the development is fairly isolated, with large distances to nearby receptors or visually available areas. Given the established vegetation and large setback distances, and recommendations provided in this report, it is likely that there will be little to no impact upon the existing landscape character of the area if the development were to proceed.*

*There would be distant views from the Castlereagh Highway, given that the land in between is predominately vacant and used for rural/agricultural grazing purposes. However, the distance from the subject site to the Highway is approximately 1.5km, which to the naked eye is a considerable distance that is unlikely to trigger any significant visual intrusion. Therefore, the setbacks to the highway and nearby receptors in which the proposed development enjoys, would not be contributing any new or contrasting elements to the character of the locality.*

*Night lighting is likely to be required for the operation of the proposed development. It is likely that this will appear in keeping with existing lighting from vehicular traffic, farming and residential land uses.*

*The proposal is likely to be viewed as a continuation of the existing residential dwelling locality on the site. Therefore, as the chosen area on the site is already disturbed, it is our determination that the visual impacts from public domain areas are acceptable.*

Mitigation methods included the following;

- *The built form of the proposed buildings are of similar scale to surrounding residential and agricultural land uses;*
- *It is recommended that building materials be selected to reduce colour contrast and blend and new and existing structures, as far as possible, into the surrounding landscape;*
- *The existing vegetation established on the site and in the locality are recommended to be retained and supplementary planting incorporated where possible (in accordance with the screen planting principles below);*
- *Retention of trees surrounding the site to assist in fragmenting views of the proposed development.*

Screening principals included:

- *Foreground visual planting may be undertaken in areas surrounding the proposed development site;*
- *The use of endemic flora species which integrate with the existing landscape character whilst providing habitat for fauna is recommended;*
- *Planting should aim to fragment views instead of blocking completely.*

On this basis, the assessment concludes:

*The objective of this Visual Impact Assessment is not to determine whether the proposal is visible or not, but rather to determine how the proposal will impact on existing visual amenity, landscape character and scenic quality. If there is potential for negative impacts, it*

*must be investigated and determined how this impact can be mitigated to the extent that the impact is reduced to an acceptable level.*

*The existing landscape character is a mix of rural farming, residential development and some scattered wineries. Predominately, however, the locality consist of vacant lands. The scale and built form of the proposal is small compared to other developments in the area supporting those land uses.*

*The proposal is well sited in an area that already creates visual screening/buffering. The proposal is not immediately visible from nearby residential receptors and given the separation distances, would not be distinguished separately to existing developments on the site.*

*The recommended mitigation measures have been suggested to reduce visual impact further so the proposed development could be undertaken whilst maintaining the character of the locality, and have a negligible visual impact on the surrounding visual landscape.*

In assessing the Visual Impact of a development within the visually sensitive land mapped area, the consent authority must consider clause 6.10(3) which states:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*
- (a) *will complement the visual setting forming the backdrop to Mudgee, and*
  - (b) *will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.*

It is considered that the proposed development will incorporate appropriate mitigation measures that will provide for a complementary development for the locality and is to be located within an area containing mature vegetation and new landscaping. The development is deemed to be adequately setback from all boundaries and the road network and exceeds all minimum requirements under the DCP for front and side setbacks. As the current plans submitted demonstrate that the proposed marquees will be white, it is proposed that this will be conditioned in accordance with the Visual Impact Assessment and be required to incorporate *'building materials be selected to reduce colour contrast and blend and new and existing structures, as far as possible, into the surrounding landscape'*. In this regard, it is considered that imposing a restriction of greys, browns or greens to blend into the rural landscape is considered appropriate.

To further reduce any potential impacts from surrounding lands when the function centre is not in use, it is proposed to impose a condition that requires the marquees to be dissembled where there is no event scheduled to occur within 28 days of the prior event.

#### 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**

Not applicable. The application does not propose to have any signage installed as part of the application.

**Part 4.7 Tree Preservation Order**

No trees to be removed.

**Part 5.1 Car Parking**

The DCP requires parking to support the development as follows:

Land Use	Proposed	Required	Complies with DCP
Function Centre	42 spaces including 1 disabled space.	This is covered by 'Other uses' under the DCP and a Traffic Impact Assessment has been provided utilising the 'Places of Public Worship, Entertainment Facilities and Community Facilities' parking rates 1 space per 4 seats or 1 space per 10m <sup>2</sup> of GFA. This is deemed satisfactory on the basis that this will require a maximum of 37.5 spaces.	Yes
Bed and breakfast	Utilising existing dwelling parking and proposed overflow parking of the function centre.	1 space per unit (total of 3 spaces required)	Yes

**Part 5.2 Flooding**

Not applicable.

**Part 5.3 Stormwater Management**

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

**Part 5.4 Environmental Controls**

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

**Part 6.4 Tourist and Visitor Accommodation**

The proposal for the change of use to a bed and breakfast satisfies the tourist accommodation provisions of the DCP 2013 in that the property will retain a residential component. All services are available to the site.

A condition of consent has been included ensuring the bed and breakfast is limited to 3 bedrooms of the existing dwelling at any one time.

**Section 7.11 Contributions**

**Mid-Western Regional Contributions Plan 2019**

Pursuant to Council's Contributions Plan 2019, the development is proposing a commercial development with the value of works stated to total \$50,000. To verify this amount, a cost estimate report is to be submitted to Council. A condition has been imposed accordingly, prior to issue of a Construction Certificate.

## Section 64 - Water/Sewer Developer Services Charges

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

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

No Planning Agreements are applicable.

### Regulations –4.15(1)(a)(iv)

## Environmental Planning and Assessment Regulation 2000

### Clause 93 – Fire safety and other considerations

93(2) and (3) requires Council to consider fire safety measures and structural capacity when assessing a development application for change of use where no alterations or extensions to the building are proposed.

The proposal is seeking a change of use with no alterations or extensions to the building. Accordingly, Council's Health & Building Surveyor has provided the following comments:

*Clause 93 of the EP&A Regulation applicable requiring the consent authority required to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the buildings proposed use. Under Clause 93(3) of the EP&A Regs 2000 the building is to be brought into conformity with respect to Category 1 fire safety provisions. In this regard the building will need to comply with Performance Requirement P2.3.2 'Fire Detection and early warning' of BCA, Volume 2 and Performance requirement EP2.2 of BCA Volume 1. Condition to be included.*

*EP&A Reg's requires an OC to be issued for a change of use therefore a condition is recommended to be included to satisfy this requirement. OC to be issued on submission of the Final Fire Safety Certificate.*

*A Fire Safety Schedule shall be issued concurrently with the development consent should it be approved – please refer to additional attachment.*

### Likely impacts of the development – 4.15(1)(b)<sup>1</sup>

<sup>1</sup> 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, subject to compliance with the conditions recommended to mitigate the impacts of a large structure on the landscape and in accordance with the Visual Impact Assessment recommendations.

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

The implications of additional traffic, suitable access and parking have been considered in the context of the submitted Traffic Impact Assessment for the development. The assessment reviews the current traffic volumes for Spring Flat Road which has been calculated at an average of 360 vehicles per day and 34 vehicles per hour.

The assessment provides a proposed traffic generation for the function centre of 38 vehicles movements during the peak hour of arrival and departures. Deliveries will also occur on the day of



the function and will occur before and after each event on the site therefore will not contribute to the peak traffic movements for the function centre use.

The access to site has been assessed in accordance with Austroads Guidelines for the 100km speed limit environment which has determined that the eastern sight distance complies, with over 250m available, however the western sight distance does not comply with only 170m available due to a sharp bend in the road network. Council's Development Engineer has advised that warning signage should be installed within the road reserve to reduce potential traffic impacts.

Despite the above recommendations, the traffic impact assessment provided with the application concluded the following:

- *The proposed parking provisions are compliant with the requirements prescribed by Mid-Western Regional Council's Development Control Plan.*
- *Spring Flat Road is currently operating at an acceptable level of service and will continue to do so once the development is operational.*
- *The estimated existing traffic volumes and projected future volumes on the driveway and Spring Flat Road warrant BAL and BAR turn treatments in accordance with Austroads Guide to Road Design Part 4 (2017).*
- *The existing driveway condition satisfies the requirements for the BAL and BAR turn treatments.*
- *The existing driveway provides sufficient sight distances to both directions in accordance with Austroads Guide to Road Design Part 4a (2017).*
- *It has been concluded that the development is unlikely to have any significant impacts on the traffic operations of the existing local road network.*

Conditions have been imposed accordingly to address the above matters as recommended by Council's Development Engineer.

**(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**

No significant impact expected.

**(h) Soils**

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

**(i) Air and Microclimate**

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

**(j) flora and fauna**

No vegetation is proposed to be removed as a result of the development.

**(k) Waste**

Specific waste control measures will be required for the proposal. This will require the applicant to enter into a private arrangement with a contractor to collect and dispose of wastes on the site and have this disposed to a licenced waste facility.

**(l) Energy**

Not applicable.

**(m) Noise and Vibration**

Muller Acoustic Consulting Pty Ltd (MAC) has completed a Noise Impact Assessment (NIA) for the proposed Function Centre.

The assessment quantified noise levels from live music, patrons and vehicles, including catering vehicles, to receivers within the surrounding noise catchment.

Figure 2 below provides the locations of residents within the assessed catchment which are located approximately 550m (R2 west) to 1.3km (R5 east):



Figure 2: Noise Impact Assessment Location of Receivers

The conclusions of the assessment found that noise levels comply with relevant Noise Policy for Industry (NPI), Maximum Noise Level Assessment and Independent Liquor and Gaming Authority (ILGA) criteria with the implementation of the following recommendations:

- *Appropriately managing noisy patrons during functions at the project site;*
- *Ceasing music at 11.30pm at the conclusion of functions;*

- *All amplified music would be situated within the pavilions/marquees;*
- *The marquees should be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent). These panels should be utilised during the evening and night periods (6pm to 12am) on the north-eastern and western facing facades to minimise noise transmission to sensitive receivers during noise enhancing conditions; and*
- *Amplified music will only consist of DJ, trio/duet or medium level amplified music (i.e. ipod music and speakers). Larger band (i.e. rock bands) are not recommended for the project.*

*Based on the Noise Impact Assessment results, there are no noise related issues which would prevent Council approving the project once the noise control recommendations provided in this assessment have been implemented. Additionally, the results of the assessment show compliance with the relevant EPA criteria. Although there is potential for noise levels above the ILGA criteria at receiver R1 and R5 in the 63Hz frequency band, the received noise level is below the threshold of hearing and is anticipated to be inaudible.*

Conditions are imposed in regards to operational elements to mitigate noise impacts in addition to the need to provide acoustic monitoring during each event held on the subject site. Further, ensuring that all events, are held within the marquees and not outdoors has been conditioned accordingly.

**(n) Natural Hazards**

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

**(o) Technological Hazards**

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

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

Increased passive surveillance as a result of the proposed development.

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

It is considered that there are generally positive impacts generated by the proposal, subject to compliance with the recommended conditions of consent. The proposal will enable a boutique small scale events location that will be managed by the landowners and is a permitted land use in the RU4 zone.

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

Generally positive impacts are expected including the provision of additional employment and service opportunities for local suppliers associated with each event, along with additional expenditure from event guests in the local region.

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

Adequate as discussed throughout this report.

**(t) Construction**

To comply with the BCA where relevant.

**(u) Cumulative Impacts**

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

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

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

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

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

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

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 3 February 2021. During the notification period, seven (7) submissions were received.

A further information request was subsequently issued and this resulted in the applicant modifying the development to include a change of use to the existing dwelling to also include bed and breakfast accommodation. The application was subsequently renotified for a period of 14 days. No further submissions were received during this period.

A summary of the submissions is provided below and the Applicant also provided a formal response to the concerns raised.

<b>Matter of concern</b>	<b>Comment</b>
<p><b><u>Noise:</u></b></p> <ul style="list-style-type: none"> <li>- Material of the buildings not likely to contain any loud music / speakers. Sound proofing of the buildings should be required.</li> <li>- Finishing time of events should be 10pm, not midnight.</li> <li>- A noise assessment is required.</li> <li>- No speakers or sound systems permitted out on grass areas.</li> </ul>	<p>The applicant, upon a further information request made by Council, submitted an acoustic assessment prepared by MAC Consulting Engineers. Independent noise monitoring and modelling was undertaken by the consultant and assessment undertaken in accordance with AS1055:2018, "Acoustics – description and measurement of environmental noise".</p> <p>The conclusions of the assessment found that noise levels will comply with relevant Noise Policy for Industry requirements, with the implementation of the following recommendations:</p> <ul style="list-style-type: none"> <li>• <i>Appropriately managing noisy patrons during functions at the project site;</i></li> <li>• <i>Ceasing music at 11.30pm at the conclusion of functions;</i></li> <li>• <i>All amplified music would be situated within the pavilions/marquees;</i></li> <li>• <i>The marquees should be fitted with removable panels made from weatherproof fabric and loaded vinyl (2mm Sonicclear curtain or equivalent). These panels should</i></li> </ul>

	<p><i>be utilised during the evening and night periods (6pm to 12am) on the north-eastern and western facing facades to minimise noise transmission to sensitive receivers during noise enhancing conditions; and</i></p> <ul style="list-style-type: none"> <li>• <i>Amplified music will only consist of DJ, trio/duet or medium level amplified music (i.e. ipod music and speakers). Larger band (i.e. rock bands) are not recommended for the project.</i></li> </ul> <p>Based on the Noise Impact Assessment results, MAC consulting concluded that there are no noise related issues which would prevent Council approving the project once the noise control recommendations provided in this assessment have been implemented.</p> <p>A condition will be imposed to ensure the above matters are implemented accordingly prior to operations.</p> <p>The applicant also provided a response to the submissions that have raised noise as a concern resulting from the development. It was suggested that noise monitoring equipment will be used for each event to ensure compliance is maintained and recorded. A condition is to be further imposed in this regard and all records kept shall be maintained and provided to Council upon request.</p>
<p><u>Operations:</u></p> <ul style="list-style-type: none"> <li>- Time of the events should be limited to Friday and Saturday only.</li> <li>- Limited to 20 events per year.</li> <li>- Neighbour impact from each event managing the catering and alcohol management rather than the owners being present and onsite at each event.</li> <li>- Owners not living on the property and should be made to prove they do.</li> <li>- Drink driving on back roads to avoid police.</li> </ul>	<p>The applicant proposes that the events be reduced from 100 per year to 60. The applicant proposes to also reduce the number of guests from 150 to 120, per event.</p> <p>The applicant suggests that local transport (mini bus or coach) be utilised for transport to the event to reduce impacts on the road network and for the safety of guests.</p> <p>The applicant provides written confirmation that the venue owners are based permanently in Mudgee and will be available, and contactable during an event. Further, an events manager will be in attendance to manage all events.</p> <p>All alcohol management will be required to comply with Responsible Service of Alcohol and NSW Liquor Licencing requirements.</p> <p>All illegal activities such as drink driving will be subject to Police enforcement but will be required to be managed by the RSA requirements on the subject site.</p>



<p><u>Waste Management:</u> - No waste to be disposed of at the Queens Pinch Transfer Station.</p>	<p>A condition will be imposed to ensure that a waste contractor is engaged to manage the wastes associated with the development for each and every event held onsite.</p>
<p><u>Traffic</u> - Spring Flat Road and Wallinga Lane should be upgraded/sealed to reduce deterioration to the gravel road, prevent dust and noise. - Blind corners on Spring Flat Road, not safe and accidents increased due to visitors with no knowledge of the road conditions. - High number of near misses already on this road. - Increase in the maintenance of road will be required. - Road is currently only graded at once every two years under Council's Asset Management Plan. - The road is already at its maximum capacity. - Traffic assessment is required.</p>	<p>The applicant, upon a further information request made by Council, submitted a Traffic Impact Assessment for the proposed development.</p> <p>The traffic impact assessment provided concluded the following:</p> <ul style="list-style-type: none"> <li>• <i>The proposed parking provisions are compliant with the requirements prescribed by Mid-Western Regional Council's Development Control Plan.</i></li> <li>• <i>Spring Flat Road is currently operating at an acceptable level of service and will continue to do so once the development is operational.</i></li> <li>• <i>The estimated existing traffic volumes and projected future volumes on the driveway and Spring Flat Road warrant BAL and BAR turn treatments in accordance with Austroads Guide to Road Design Part 4 (2017).</i></li> <li>• <i>The existing driveway condition satisfies the requirements for the BAL and BAR turn treatments.</i></li> <li>• <i>The existing driveway provides sufficient sight distances to both directions in accordance with Austroads Guide to Road Design Part 4a (2017).</i></li> <li>• <i>It has been concluded that the development is unlikely to have any significant impacts on the traffic operations of the existing local road network.</i></li> </ul> <p>The application was also reviewed by Council's Development Engineering Officers and the assessment concluded that the proposal is considered acceptable subject to conditions of consent, including for the provision of a new advanced 'driveway ahead' warning sign being installed for eastbound vehicles within Spring Flat Road.</p>
<p><u>Land use:</u> - Not in keeping / not compatible with the RU4 Zoning.</p>	<p>The proposal is permitted in the RU4 zone with consent of Council. The development proposes to occupy a small portion of the site which therefore enables the remainder of the 27.32hectares to continue to be used for agricultural purposes.</p>
<p>Fire risks increased.</p>	<p>The subject site is not mapped as bushfire</p>



	<p>prone land. The surrounding land of the site is however identified to contain grassland which will require maintenance as an Asset Protection Zones and to ensure that there is no risk of a grass fire spreading from the subject site. A condition will be imposed to ensure that a Bushfire and Emergency Management Plan is prepared and that no events are held during high bushfire danger periods. A static water supply (minimum of 20,000L) is also to be available for firefighting purposes and will be conditioned accordingly.</p>
<p>Detrimental effect on value and lifestyle.</p>	<p>The proposal is not considered to have any significantly adverse impact on land values or lifestyle of properties in the locality, subject to conditions of consent being imposed.</p> <p>The structures are semi-permanent and can be removed where no events are to be held for an extended period of time.</p> <p>The proposal is deemed to adequately achieve noise and traffic criteria for this form of development, subject to conditions of consent being imposed and compliance being achieved. It is however also considered appropriate that a complaints register and management plan be prepared and managed by the landowners which should also include a direct contact phone number and email within the plan to ensure that all issues that arise during any event held is appropriately recorded and available where issues arise and Council must investigate.</p>

**(b) Submissions from Public Authorities**

No submissions were sought or received from public authorities.

**The Public Interest – 4.15(1)(e)**

**(a) Federal, State and Local Government interests and Community interests**

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

*CONSULTATIONS*

**(a) Health and Building**

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

**(b) Technical Services**

Council's Development Engineer has not raised any concerns with the proposal subject to conditions including an advance warning sign for the driveway location for eastbound vehicles along Spring Flat Road.

**(c) Heritage Advisor**

No consultation necessary.

**(D) Access committee**

Council's Access Committee has not raised any concerns with the proposal subject to provision of the following:

1. *The Applicant should ensure there is adequate accommodations in place to ensure people in wheelchairs or vision impaired people can alight the timber floor deck without it being a difficult obstacle/trip hazard;*
2. *The accessible bathroom may require a ramp from the pathway to the verandah of the building;*
3. *The accessible bathroom should comply with current disability standards.*

## Community Plan implications

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

## Strategic implications

**Council Strategies and Policies**

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

**Legislation**

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

## Financial implications

Based on the resolution of Council at the May 2021 meeting, upgrades to Spring Flat Road are proposed in which the Applicant is willing to make a voluntary contribution. The contribution amount of \$45,000 will not cover the full cost of the upgrades required. Therefore, Council will also be required to contribute to the upgrades (approximately 1km of road).

## Associated Risks

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

KAYLA ROBSON  
PLANNING COORDINATOR

LINDSAY DUNSTAN  
MANAGER, PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

26 May 2021

- Attachments:*
1. Application Supporting Documents. (separately attached)
  2. DA0204-2021 Updated Plans -attachment 1. (separately attached)
  3. Copy of Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.4 DA0371/2021 - Dual Occupancy (Attached) and Torrens Title Subdivision (1 into 2 Lots) at 21 Marskell Circuit, Mudgee (Lot 4 DP 1267151)

REPORT BY THE TOWN PLANNER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, DA0371/2021

### RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0371/2021 - Dual Occupancy (Attached) and Torrens Title Subdivision (1 into 2 Lots); and
- B. approve DA0371/2021 - Dual Occupancy (Attached) and Torrens Title Subdivision (1 into 2 Lots) subject to the following conditions and statement of reasons:

### CONDITIONS

#### APPROVED PLANS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

<i>Title / Name:</i>	<i>Drawing No / Document Ref:</i>	<i>Rev:</i>	<i>Date:</i>	<i>Prepared by:</i>
Site Plan/Analysis	01	D	04/05/21	A J Design & Draft
Lower Floor Plan	02	D	04/05/21	A J Design & Draft
Ground/First Floor Plan	03	D	04/05/21	A J Design & Draft
North-West & South-East Elevations	04	D	04/05/21	A J Design & Draft
North-East & South-West Elevations	05	D	04/05/21	A J Design & Draft
Section A-A	06	D	04/05/21	A J Design & Draft
Shadow Analysis	07	D	04/05/21	A J Design & Draft
Subdivision & Driveway Section	08	D	04/05/21	A J Design & Draft
Schedule of Finishes	09	E	20/5/21	A J Design & Draft
Landscape Concept Plan	21095 DA 1	A	5.5.21	Vision Dynamics

2. This development consent provides approval for the dual occupancy (attached) and Torrens Title subdivision – 1 into 2 Lots, only.

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

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

10. **Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.**
11. **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 \$25,000 or more.**

***Note - The amount payable is currently based on 0.35% 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.***

12. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*. The finished surface levels shown on the plan are to demonstrate compliance with the following:

- Any retaining walls are to be located a minimum of 0.3m from the boundary; and
- The depth of any fill must not exceed 0.6m; and
- No cut or fill is to occur within water, stormwater or sewer easements; and
- Cut shall not exceed a depth of 1.0m.

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

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

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

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

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

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

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

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

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

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

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



b) building involves the enclosure of a public place.

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

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

#### **BUILDING CONSTRUCTION**

19. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
21. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
22. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
23. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
24. The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours' notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Customer Counter on 6378 2850 and quote Council's DA reference number located on the front page of this consent.
- a. Internal and external sanitary plumbing and drainage under hydraulic test.
  - b. Water plumbing under hydraulic test.
  - c. Final inspection of the installed sanitary and water plumbing fixtures upon

the building's completion prior to its occupation or use.

25. **Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
  
26. **The requirements of BASIX Certificate numbers 1199700M issued on 6 May 2021 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.**
  
27. **All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system. In this instance, a grated pit of 600mm x 600mm with a 90mm glue capped stormwater stub is to be provided on the lower corner of each allotment to dispose of stormwater that cannot drain naturally to a public roadway or watercourse.**
  
28. **Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.**
  
29. **The buildings are to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the buildings as approved, wholly contained within the subject lots is to be submitted to the Principal Certifier prior to the pouring of any in-situ concrete.**
  
30. **If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.**

#### **CUT AND FILL**

31. **All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs. The site shall be graded so that it is free draining.**
  
32. **Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.**

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

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

34. Prior to the issue of an Occupation Certificate, the Developer must construct a new sealed crossover to each of the dwellings from Marskell Circuit. Separate approval is required from Council under the provisions of Section 138 of the *Roads Act 1993* and Council's Access to Properties Policy, prior to any works being undertaken.
35. Prior to issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
36. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation of each building. The developer shall contact Council to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819.
37. A 1.8 metre high screen fence is to be provided to all side and rear boundaries behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.

## FENCING CONDITIONS

38. Fencing shall be provided for the development in accordance with the following requirements:
  - a) A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line.
  - b) A 1.8 metre high screen fence is to be provided between the private open space areas of the units.
  - c) Fencing provided along property boundaries and between courtyards must not disrupt overland flow of stormwater and floodwater. Boundary fencing forward of the building line shall be a maximum height of 1.2m.
  - d) For corner allotments – no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 6 metres x 6 metres from the intersection of the two street boundary lines.
  - e) Any fencing provided forward of the front building line shall comply with the following requirements:
    - (i) The fences shall be constructed of open panels or a combination of open panels and masonry columns.
    - (ii) The fences shall be of timber or masonry construction. No Colorbond is to be used in fencing located forward of the building line.
  - f) All required fencing shall be provided prior to occupation of the dwelling unit.
  - g) All fencing shall be provided at the full cost of the developer.
  - h) All required fencing shall be maintained at all times.
  - i) Fencing is to be consistent in design and style with the dwelling in terms of style, colour, materials, textures, openings and finishes.

## PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

39. Under the *Environmental Planning & Assessment Act 1979*, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the NSW Land Registry Services.  
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges

40. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
41. Prior to issue of a Subdivision Certificate, the developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*, from Council.

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

42. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
43. Prior to issue of a Subdivision Certificate, the developer is to provide a separate sewer junction for each dwelling. This can be achieved by making payment to council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).

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

44. Prior to issue of a Subdivision Certificate, the developer is to provide a water service and meter for each dwelling. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE).

**Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains**

45. In accordance with the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Council's Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate.

#### Section 7.11 contribution rates – Mudgee

	1 New 4 x Bedroom Dwelling (1 x credit for existing Lot)
Transport facilities	\$4,347.00
Recreation and open space	\$2,182.00
Community facilities	\$635.00
Stormwater management	\$458.00
Plan administration	\$995.00
<b>Total</b>	<b>\$8,617.00</b>

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

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

46. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF;
  - b) Dwg format or "Autocad compatible";
  - c) MapInfo files.

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of Subdivision Certificate.

47. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) The final inspection report shall be submitted to Council with the Subdivision Certificate application.
  - b) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.

48. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
  - b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
  - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.

## **OTHER APPROVALS**

Not Applicable.

## **ADVISORY NOTES**

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate. A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

<b>Section 64 Contributions</b>		
<b>2 Residences (One credit for existing Lot)</b>		
	<i>ET/Unit</i>	<i>Value</i>
<b>Water Headworks</b>	<b>0.5</b>	<b>\$4,344.50</b>
<b>Sewer Headworks</b>	<b>0.5</b>	<b>\$1,983.50</b>
<b>Total Headworks</b>		<b>\$6,328.00</b>

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. It is recommended that all stormwater runoff from new roof surfaces be directed to a rainwater tank of sufficient capacity to provide for detention storage requirements no less than 1,500 litres, i.e., tank capacity 3,000 litres with restricted orifice for discharge set at 1,500 litres. Runoff should be discharged from the tank through a restricted outlet of no greater than 25 mm. Runoff from the restricted orifice and tank overflow should be directed to the existing point of discharge.
5. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
6. If you are dissatisfied with this decision Section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

## STATEMENT OF REASONS

The determination decision was reached for the following reasons:



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

## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Alex Jabbour
PROPERTY DESCRIPTION	21 Marskell Circuit, Mudgee (Lot 4 DP 1267151)
PROPOSED DEVELOPMENT	Dual Occupancy (Attached) and Torrens Title Subdivision – 1 into 2 Lots
ESTIMATED COST OF DEVELOPMENT:	\$600,000.00
REASON FOR REPORTING TO COUNCIL:	Council is the owner of the land and the construction value exceeds \$150,000
PUBLIC SUBMISSIONS:	0

Council is in receipt of Development Application DA0371/2021 that seeks approval for a dual occupancy (attached) and Torrens Title subdivision – 1 into 2 lots, located at 21 Marskell Circuit MUDGEES NSW 2850, Lot 4 DP 1267151, received by Council on 11 May 2021.

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

The application was notified, in accordance with the Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 31 May 2021. During the notification period, no submissions were received.

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

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

The application is recommended for Approval.

## Disclosure of Interest

Council is the owner of the land subject to this report.

## Detailed report

The site is located within the newly created Saleyards Lane subdivision, on the edge of the Mudgee urban area, to the west of town. The area is sloping up to the south, with a northerly aspect over the Cudgegong River flood plains and Castlereagh Highway. The area is characterised by vacant rural land, and newly emerging residential development which is a direct result of recent subdivisions along Saleyards Lane.

Development Details:

- Erection of an attached dual-occupancy - two-storey four-bedroom dwelling each with a total ground floor area of 178.3m<sup>2</sup>. The dwellings are to be built into the slope with a single-storey profile fronting Marskell Circuit and a two-storey northern elevation at the rear of the site. Each dwelling consists of:
  - Open kitchen/dining, single garage and driveway, balcony, and bathrooms on the ground and first floor; and patio, outdoor storage, and landscaped private open space on the lower ground level.
- One-into-two lots Torrens Title subdivision:
  - Lot 1 – 325m<sup>2</sup>, contains Dwelling 2.
  - Lot 2 – 355m<sup>2</sup>, located at the corner of Marskell Circuit and Croake Way, contains Dwelling 1.



Figure 1 – Site Plan

#### REQUIREMENTS OF REGULATIONS AND POLICIES

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

#### Designated Development

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

#### Integrated Development

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

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

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

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

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

**Mid-Western Regional Local Environmental Plan 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 a:

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note**—Dual occupancies (attached) are a type of **dual occupancy**

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

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

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

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being a dual occupancy (attached) is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

**R1 General Residential**

1. *To provide for the housing needs of the community.*

**Comment** The proposal will contribute to the housing needs of the community.

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

**Comment** The proposal will contribute to the variety of housing types and densities within the R1 zone.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment** The proposal is not expected to hinder other possible permissible land uses within the immediate area.

**Clause 2.6 Subdivision – consent requirements**

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

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

This clause applies as the land is zoned R1 General Residential.

The dual occupancy (attached) is proposed on a site sized 680m<sup>2</sup>, greater than the required 600m<sup>2</sup>.

Accordingly, the proposal complies with this development standard.

**Clause 4.1B Exceptions to minimum lot sizes for certain residential development**

This clause applies as the land is zoned R1 General Residential.

The proposal involves the erection of a dual occupancy (attached) and a subdivision that will result in a lot size of not less than 300m<sup>2</sup> for each dwelling – 355m<sup>2</sup> (Lot 1) and 325m<sup>2</sup> (Lot 2) . Accordingly, the proposal complies with this development standard and the application of 4.1 is unnecessary.

**Clause 4.3 Height of buildings**

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 5.6 metres and therefore complies.

**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 6.1 Salinity**

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

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

**Clause 6.2 Flood planning**

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

**Clause 6.3 Earthworks**

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

**Clause 6.4 Groundwater vulnerability**

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

impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

**Clause 6.5 Terrestrial biodiversity**

The development footprint is located within an area of 'High Biodiversity Sensitivity'. However, no vegetation is proposed to be removed as a result of the proposed development and, therefore, the impacts to be addressed in accordance with this clause are not considered significant.

**Clause 6.8 Airspace operations – Mudgee Airport**

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

**Clause 6.9 Essential Services**

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

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

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

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

*(iii) Any development control plans*

**Mid-Western Regional DCP 2013**

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

**Part 3.1 Residential Development**

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
<b>Minimum lot size</b>	
Attached Dual Occupancy – Minimum 600m <sup>2</sup>	Complies – The original lot is sized 680m <sup>2</sup>
<b>Building Setback from the street</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 4.5m and 5.5m to the garage	Complies – the building line and garages of both proposed dwellings are setback 4.5m and 5.5m from Marskell Circuit respectively
<b>Building Side/Rear setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 900mm	Complies – Dwelling 2 is setback 965mm from the western boundary. Both dwellings setback 9.05m from the rear boundary
<b>Building Secondary Frontage for corner lots setback</b>	
Zones R1, R2 and R3 where Lot size is less than 900m <sup>2</sup> : 0m for garages in laneways 2m to side boundary	Complies – Dwelling 1, which is located on a corner lot, has a 2m setback from Croake Way
<b>Building height / design</b>	
Elevated housing developments must minimise the impact on areas of predominantly single storey housing	Complies – the proposed dwellings have a single-storey profile from Marskell Circuit. The visual bulk of the two-storey section at the rear will be mitigated with the proposed 1.8m tall boundary fence and 3m tall plants that surround the rear private open space.



<p>Building height must ensure that adjacent properties are not overlooked or overshadowed.</p>	<p>Complies – privacy intrusions are sufficiently mitigated as described below:</p> <p>The closest approved dwelling (45 Saleyards Lane) is around 19m distance from the proposed dwellings and sits approximately 5m below the proposed first floor. A 1.8m tall fence will also be erected at the rear boundary. As a result, the neighbouring property is not likely to be overlooked.</p> <p>Window sills on the western elevations are located 1.5m from floor level to prevent overlooking and retain privacy for the inhabitants.</p> <p>A solid brick wall will be erected on the north-western side of the balcony to Dwelling 2 to prevent overlooking to the west.</p> <p>According to the shadow analysis submitted by the applicant, the dwelling will not overshadow the neighbouring lots.</p>
<p>The design is not a mirror or duplication for the two dwellings when fronting streets.</p>	<p>Complies. Varying windows, materials (brick and render) and colours.</p>
<p>75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)</p>	<p>Complies – living areas in both dwellings are oriented to the north with large windows on the northeast elevation to allow effective solar access.</p>
<p>Both dwellings have direct street frontage, ie battleaxe arrangements are not permissible</p>	<p>Complies – both dwellings are arranged side by side.</p>
<p>Minimum separation of 3 metres between buildings</p>	<p>Not applicable – attached dual occupancy</p>
<p>The garage door or carport does not exceed 45% of the front elevation</p>	<p>Complies – garage doors account for approximately 24.6%</p>
<p>All facades with street frontage contain windows</p>	<p>Complies</p>
<p>Street frontage elevations contain minimum 5% openings</p>	<p>Complies – each dwelling has approximately 17% openings on street frontage elevations</p>
<p>Building is not a transportable or relocated dwelling</p>	<p>Complies – both dwellings will be built on site.</p>
<p><b>Slope and cut and fill</b></p>	
<p>The slope of the site does not exceed 15%</p>	<p>Complies – the site has a 10.5% slope</p>
<p>Cut is limited to 1m</p>	<p>Conditioned.</p>
<p>Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.</p>	<p>Conditioned.</p>
<p>Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.</p>	<p>Not applicable</p>
<p>Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.</p>	<p>Conditioned.</p>



Cut / fill is clear of any water or sewer easements.	Complies. Clear of sewer easement at the rear north western corner of the site.
<b>Open space</b>	
Private open space is located on the Northern or Eastern side of dwellings.	Complies – private open spaces are located to the north of the dwelling
Private open space has direct access from main living areas.	Complies – direct access from main living areas to private open space is provided in both dwellings
Each dwelling provides a Principal Private Open Space with a minimum of 80m <sup>2</sup> and a minimum dimension of 5 metres.	Complies – details as follows: <u>Dwelling 1:</u> Minimum dimension: 9.05m Size: 92m <sup>2</sup> <u>Dwelling 2:</u> Minimum dimension: 9.05m Size: 88.1m <sup>2</sup>
If alfresco is to be counted as Principal Private Open Space, it must be: i) located at or near ground level ii) have direct northerly aspect iii) create no more than 25% of principal open space	Complies – the patio is provided at ground level with a direct northerly aspect in both dwellings. The patio of Dwelling 1 and Dwelling 2 is 12.4% and 12.9% respectively, of principle open space.
Where Principal Private Open Space is located within front set back: i) located behind suitably landscaped area ii) minimum width of 1.5 metres to the front boundary	Not applicable – Principal Private Open Space located at the rear of both dwellings
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Complies – Principal Private Open Spaces for both dwellings have northerly aspect with sufficient solar exposure during winter solstice
<b>Site coverage</b>	
Maximum site coverage of 50%	Complies – 45.5%
<b>Parking</b>	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies – a one-car garage and sufficient driveway space for stack parking is provided for each dwelling
Parking and manoeuvring areas are hard stand	Complies – driveway will be constructed in concrete
Driveways are located a minimum of 6m from any intersection	Complies – the driveway of Dwelling 1 is approximately 8m from the nearest intersection at Marskell Circuit.
<b>Utilities</b>	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement for the purpose of utility infrastructure	Complies – both dwellings are not located within an easement Complies – The proposed dwellings are set back approximately 7.5m from the nearest water main on Marskell Circuit. Dwelling 2 is located 6m away from the nearest sewer main in the backyard.
Structures are located a minimum of 1500mm from the centre of water and sewer main	
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Complies
<b>Fencing</b>	
1.8 metre high fencing is provided between Principal Private open	Complies. – a 1.8m tall boundary

spaces	fence will be provided between Lot 1 and Lot 2, and along the rear boundaries of Lot 1 and Lot 2. Conditioned.
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Complies – no fence proposed at the front of both dwellings. The front boundaries will be marked by metal garden edges. Condition included.
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	Complies – proposed side fence in front of the building line
Side and rear fences do not exceed 1.8 metres in height once behind the building	Complies and conditioned.
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Conditioned.
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	Conditioned

**Part 4.4 Signs**

Not applicable.

**Part 4.7 Tree Preservation Order**

No trees to be removed.

**Part 5.1 Car Parking**

Car Parking Requirement	Compliance
2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage that the space is contained wholly within the site.	Complies. The proposal has a single garage for each dwelling, and space in the front setback for stack parking. Total 2 spaces provided per dwelling.

**Part 5.2 Flooding**

Not applicable.

**Part 5.3 Stormwater Management**

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

**Part 5.4 Environmental Controls**

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

**Part 7.1 Urban Subdivision**

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<b>Applies to</b>	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
<b>Lot size</b>	
Minimum lot size as determined by MWRC LEP 2012	Yes
All lots have street frontage	All lots have frontage to Marskell Circuit.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m <sup>2</sup> – 10-15 degrees: 700m <sup>2</sup>	Complies. The site (680m <sup>2</sup> ) has a slope of approximately 6 degrees.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
– 15-20 degrees: 800m <sup>2</sup> – >20: subdivision prohibited	
All lots have 16m width at building line in residential and village zones	Not applicable. The proposed subdivision is for a dual-occupancy and subdivision. The 16m frontage is only relevant for the subdivision of land only.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
<b>Lot Design</b>	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access.
Lots generally rectangular in shape	The development includes 2 rectangular lots which are sufficiently sized to accommodate the attached dual occupancy dwellings.
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Not applicable
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Yes
<b>Street Trees</b>	
Two (2) street trees provided per lot	Complies – Street trees provided as required by the original subdivision (DA0248/2014).
Developer provides levy to Council to provide these trees after 80% of works carried out	Not applicable
<b>Utility Services</b>	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications
Evidence of consultation with relevant authorities submitted with application	Not applicable (small subdivision)
<b>Drainage</b>	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Concept plan adequate

### Section 7.11 Contributions

#### Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing residential accommodation comprising of 4 bedrooms per one additional dwelling which requires the payment of a contribution in accordance with the plan as follows:

\$8,617 per 2 or more bedroom dwelling.

The contribution payable has been calculated below:

#### Section 7.11 contribution rates – Mudgee

	1 New 4-Bedroom Dwelling (1 x credit for existing Lot)
Transport facilities	\$4,347.00

<b>Recreation and open space</b>	\$2,182.00
<b>Community facilities</b>	\$635.00
<b>Stormwater management</b>	\$458.00
<b>Plan administration</b>	\$995.00
<b>Total</b>	<b>\$8,617.00</b>

An appropriate condition has been imposed requiring payment of the contribution.

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

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

1 x credit – residential allotment (medium) 650m<sup>2</sup> - 1200m<sup>2</sup> (Water 1 ET and Sewer 1 ET)

Water - 2 x debit – residential allotment (small) <650m<sup>2</sup> (2 x 0.75 ET)

Sewer - 2 x debit – residential allotment (small) <650m<sup>2</sup> (2 x 0.75 ET)

Total ET - water 0.5 ET and sewer 0.5 ET

<b>Section 64 Contributions</b>		
<b>2 Residences (One credit for existing Lot)</b>		
	<b>ET/Unit</b>	<b>Value</b>
Water Headworks	0.5	\$4,344.50
Sewer Headworks	0.5	\$1,983.50
<b>Total Headworks</b>		<b>\$6,328.00</b>

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

No Planning Agreements are applicable.

#### Regulations –4.15(1)(a)(iv)

##### Environmental Planning and Assessment Regulation 2000

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

#### IMPACT OF DEVELOPMENT

##### Context and Setting

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

##### Access, transport and traffic

The local road network is capable of absorbing the additional traffic generated from this dual occupancy development. The proposal is considered appropriate.

##### Public domain

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

##### Utilities

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

**Heritage**

Not applicable.

**Other land resources**

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

**Water**

No significant impact expected.

**Soils**

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

**Air and Microclimate**

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

**Flora & fauna**

Not applicable.

**Waste**

Waste service available.

**Energy**

Development to comply with the BASIX energy efficiency requirements.

**Noise & vibration**

No significant impact expected from the residential use.

**Natural Hazards**

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

**Technological hazards**

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

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Social impact in the locality**

Generally positive.

**Economic impact in the locality**

Generally positive.

**Site design and internal design**

Generally positive.

**Construction**

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

**Cumulative Impacts**

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

### *SUITABILITY OF SITE FOR DEVELOPMENT*

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

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

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

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

### *SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

#### ***Public Submissions***

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 31 May 2021. During the notification period, no submissions were received.

#### ***Submissions from public authorities***

No submissions were sought or received from public authorities.

### *THE PUBLIC INTEREST*

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

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

### *CONSULTATIONS*

#### ***Health & Building***

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

#### ***Development Engineer***

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

#### ***Heritage Advisor***

No consultation necessary.

#### ***Summary***

The proposed development complies with the requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant State Environmental Planning policies, Mid-Western Local Environmental Plan 2012, Mid-Western Regional Council Development Control Plan 2013 and Mid-Western Community Participation Plan 2019 and is therefore recommended for approval subject to the attached conditions of consent.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 31 May 2021. During the notification period, no submissions were received.

#### ***Recommendation***

Having considered the matters raised and discussed in the assessment of the Application, the subject Development Application DA0371/2021 for Dual Occupancy at Lot 4 DP 1267151, 21



Marshell Circuit MUDGEES NSW 2850, is recommended for approval subject to the conditions attached.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable.

### Council Policies

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

### Legislation

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

## Financial implications

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

## Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

21 May 2021

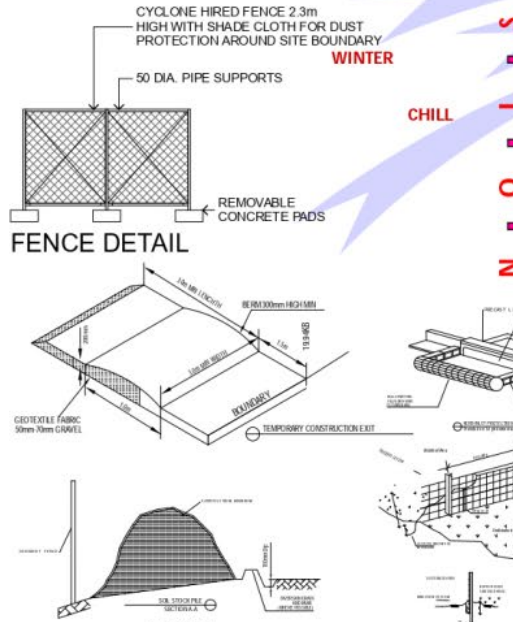
*Attachments:* 1. Development Plans.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

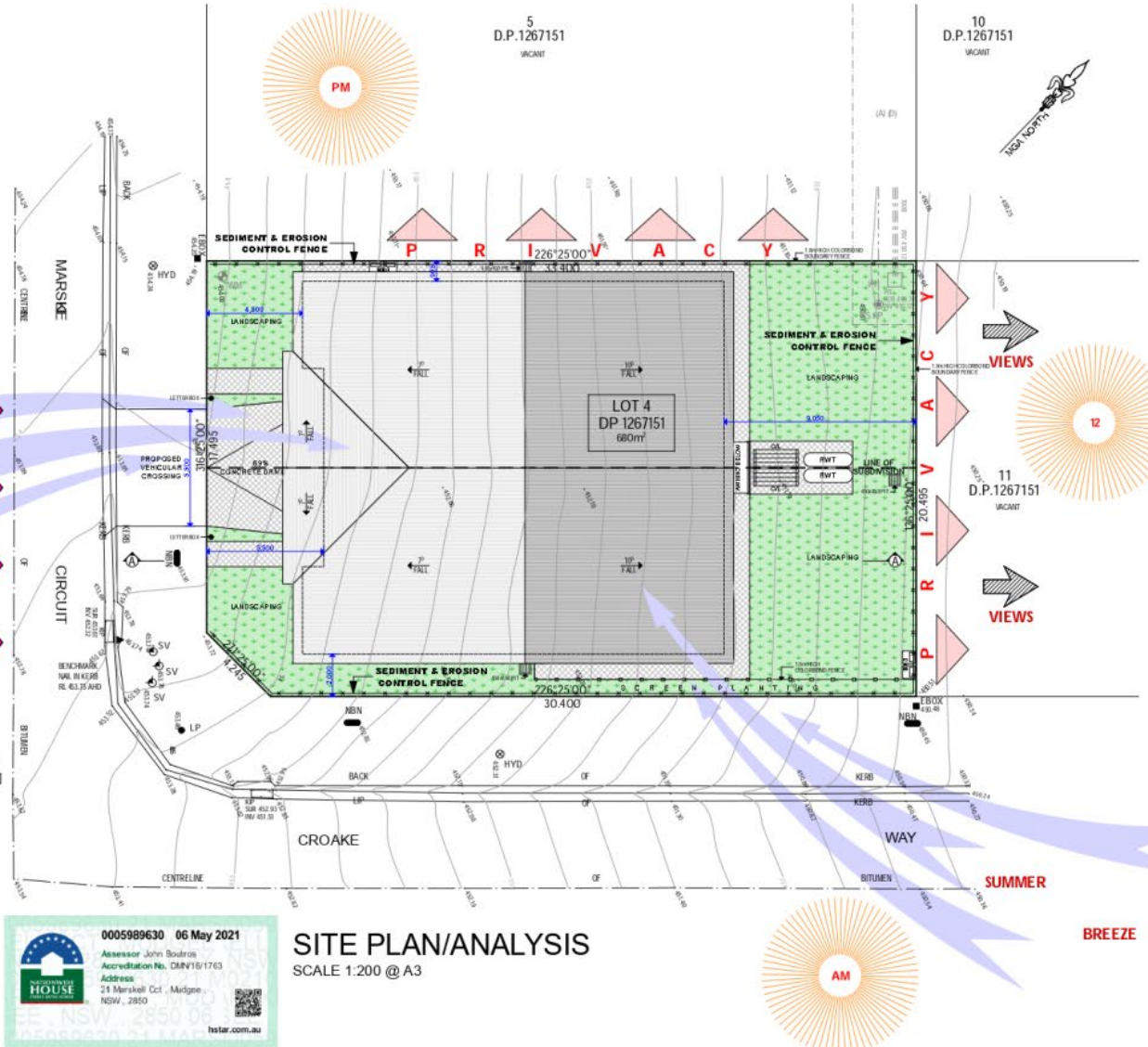


LOCATION MAP - SOURCED FROM SIX MAPS



SEDIMENT & EROSION CONTROL PLAN- NTS

Issue	Amendment	Date
A	CLIENT REVIEW	13/04/21
B	CLIENT REVIEW	16/04/21
C	CONSULTANT CO-ORDINATION	20/04/21
D	DEVELOPMENT APPLICATION	04/05/21

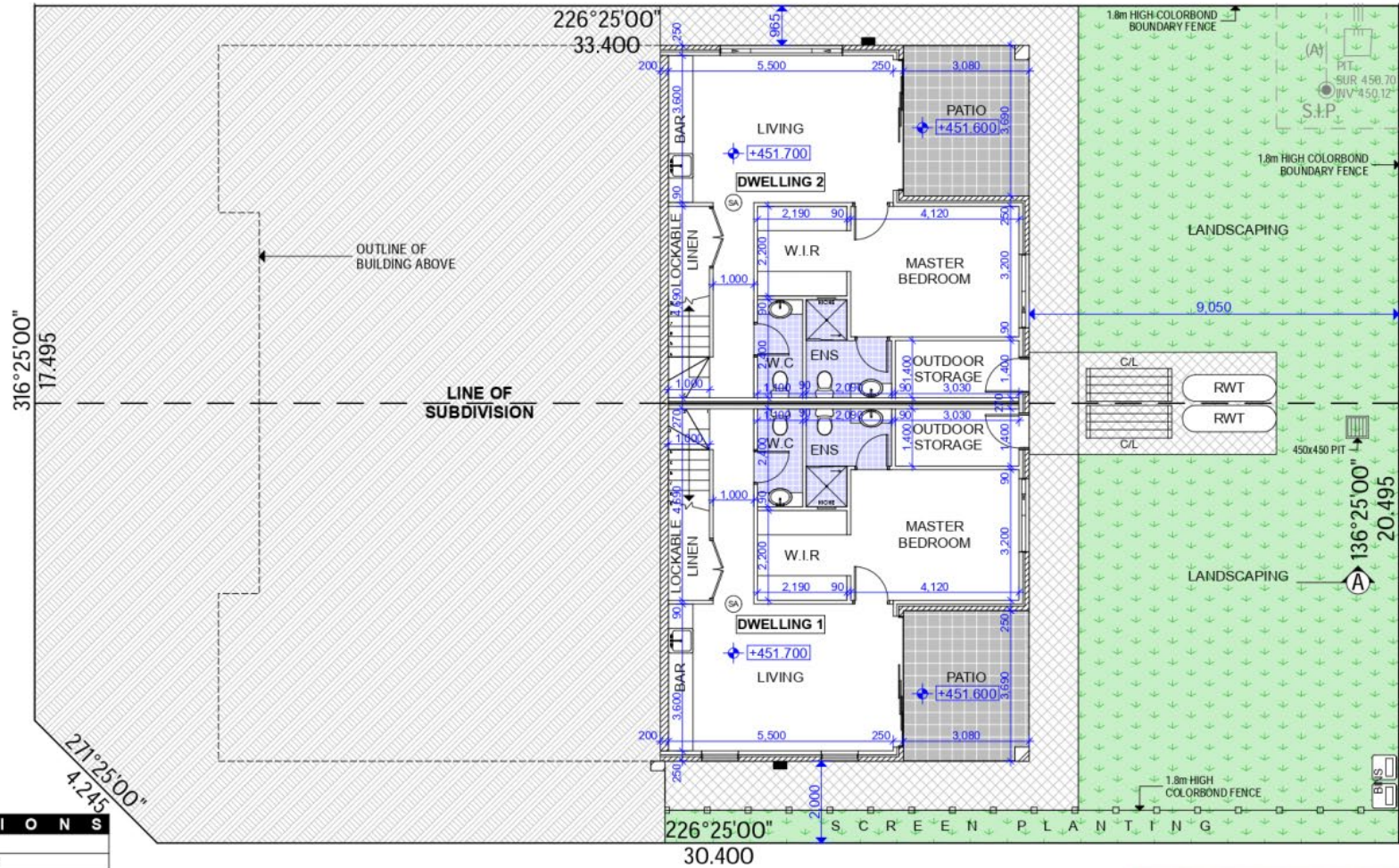


0005989630 06 May 2021  
 Assessor John Boulton  
 Accreditation No. CLN15181763  
 Address  
 21 Marske Cct, Mudgee  
 NSW, 2850  
 hstar.com.au

SITE PLAN/ANALYSIS  
 SCALE 1:200 @ A3

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				02- LOWER FLOOR PLAN		09- SCHEDULE OF FINISHES				Drawing SITE PLAN/ANALYSIS	
				03- GROUND/ FIRST FLOOR PLAN						Client DIBCON PTY LTD	
				04- NORTH-WEST & SOUTH-EAST ELEVATIONS						Issue DA	
				05- NORTH-EAST & SOUTH-WEST ELEVATIONS						Date 24/03/21	
				06- SECTION A-A						Project No: 21-10	
				07- SHADOW ANALYSIS						DWG No: <b>01</b>	
								Scale: AS SHOWN Designer: AJ Checked: AJ			





**C A L C U L A T I O N S**

TOTAL SITE AREA = 680m <sup>2</sup>	
LOT 1 = 355m <sup>2</sup>	LOT 2 = 325m <sup>2</sup>
MAX SITE COVERAGE = 340m <sup>2</sup> (50%)	
PROPOSED SITE COVERAGE = 309.3m <sup>2</sup> (45.5%)	
<b>D W E L L I N G 1</b>	<b>D W E L L I N G 2</b>
LOWER GROUND FLOOR = 56.3m <sup>2</sup>	LOWER GROUND FLOOR = 56.3m <sup>2</sup>
GROUND/FIRST FLOOR = 122m <sup>2</sup>	GROUND/FIRST FLOOR = 122m <sup>2</sup>
TOTAL GFA = 178.3m <sup>2</sup>	TOTAL GFA = 178.3m <sup>2</sup>
PRIVATE OPEN SPACE REQUIRED = 80m <sup>2</sup> 5m x 5m	
P.O.S PROPOSED = 92m <sup>2</sup>	P.O.S PROPOSED = 88.1m <sup>2</sup>
LANDSCAPING = 133.2m <sup>2</sup>	LANDSCAPING = 94.9m <sup>2</sup>

**LEGEND**

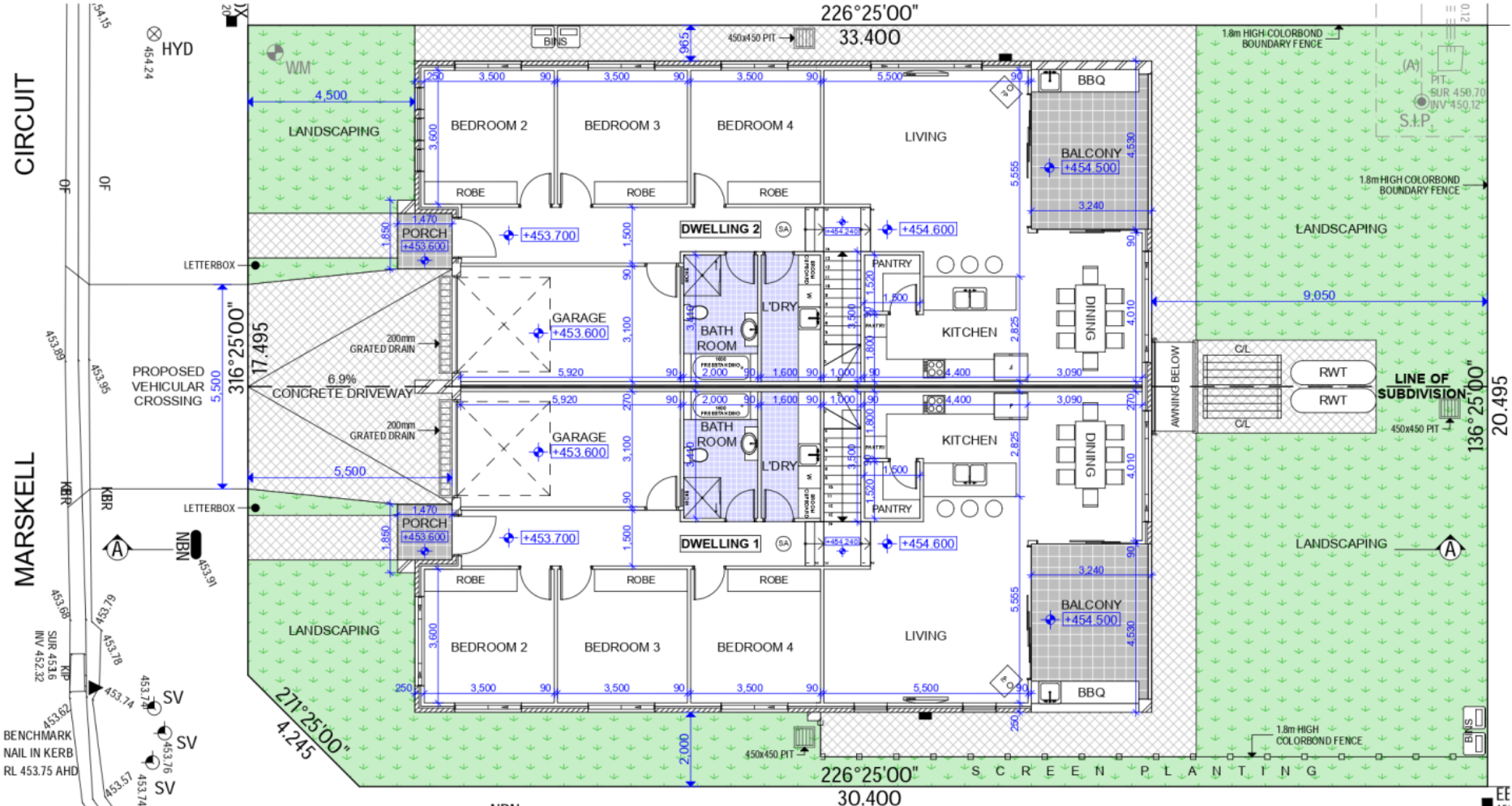
PROPOSED BRICK VENEER WALLS	
PROPOSED TIMBER STUD WALLS	
PROPOSED SOLID BRICK WALLS	
SMOKE ALARMS TO AS 3786	
ELECTRIC INSTANTANEOUS HOT WATER SYSTEM	

**LOWER GROUND FLOOR PLAN**

SCALE 1:100 @ A3



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	A	CLIENT REVIEW	13/04/21	01- SITE PLAN/ANALYSIS	08- SUBDIVISION & DRIVEWAY SECTION	 <b>AJ DESIGN &amp; DRAFT</b> Mob: 0433 810 118 Email: alex@ajdd.com.au ABN: 71 605 258 820	PROPOSED DUAL OCCUPANCY DEVELOPMENT 21 MARSKELL CCT, MUDGEE
	B	CLIENT REVIEW	16/04/21	02- LOWER FLOOR PLAN	09- SCHEDULE OF FINISHES		Drawing
	C	CONSULTANT CO-ORDINATION	20/04/21	03- GROUND/ FIRST FLOOR PLAN			LOWER FLOOR PLAN
D	DEVELOPMENT APPLICATION	04/05/21	04- NORTH-WEST & SOUTH-EAST ELEVATIONS 05- NORTH-EAST & SOUTH-WEST ELEVATIONS 06- SECTION A-A 07- SHADOW ANALYSIS		Client		
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				Drawn	AJ	Project No.	21-10
				Drawn	AJ	DWG No.	<b>02</b>



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**bdoo**  
ACCREDITED  
BUILDING DESIGNER  
ACCREDITATION NO. 1071

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Issue	Amendment	Date
A	CLIENT REVIEW	13/04/21
B	CLIENT REVIEW	16/04/21
C	CONSULTANT CO-ORDINATION	20/04/21
D	DEVELOPMENT APPLICATION	04/05/21

SCHEDULE OF DRAWINGS	
01- SITE PLAN/ANALYSIS	
02- LOWER FLOOR PLAN	
03- GROUND/ FIRST FLOOR PLAN	
04- NORTH-WEST & SOUTH-EAST ELEVATIONS	
05- NORTH-EAST & SOUTH-WEST ELEVATIONS	
06- SECTION A-A	
07- SHADOW ANALYSIS	

Project No: 08- SUBDIVISION & DRIVEWAY SECTION  
09- SCHEDULE OF FINISHES

Project No: AS SHOWN

Designer: **AJ Design & Draft**

Mob: 0433 810 118  
Email: alex@ajdd.com.au  
ABN: 71 605 258 820

Project: PROPOSED DUAL OCCUPANCY DEVELOPMENT  
21 MARSKELL CCT, MUDGEE

Drawing: GROUND/ FIRST FLOOR PLAN

Client: DIBCON PTY LTD

Issue: DA Date: 24/03/21 Project No: 21-10 DWG No: 03

0005989630 06 May 2021

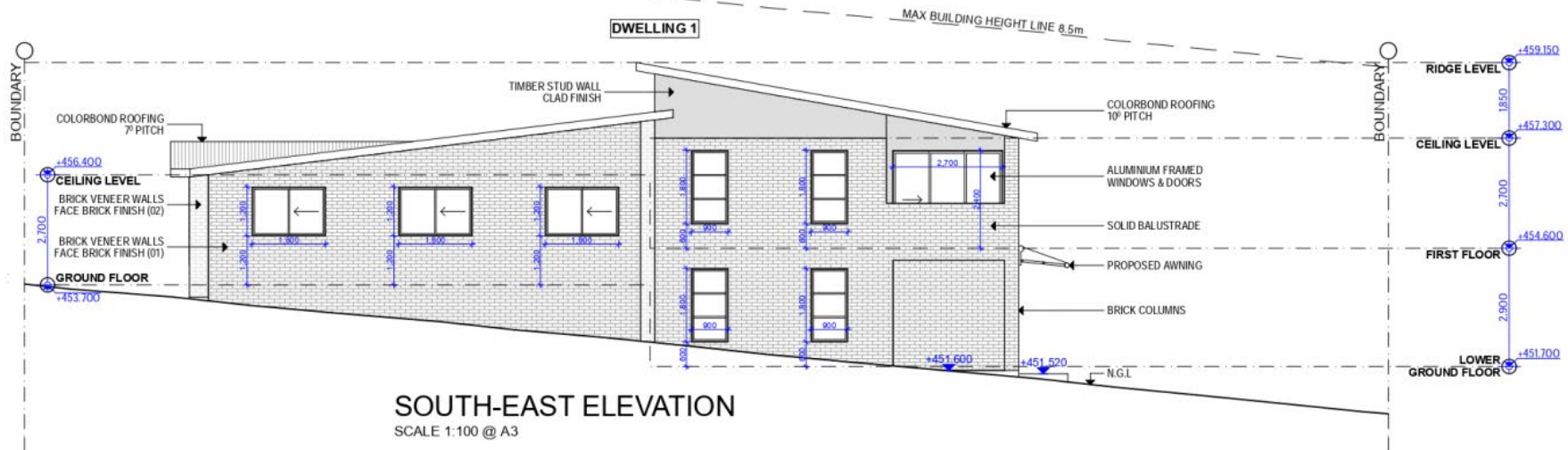
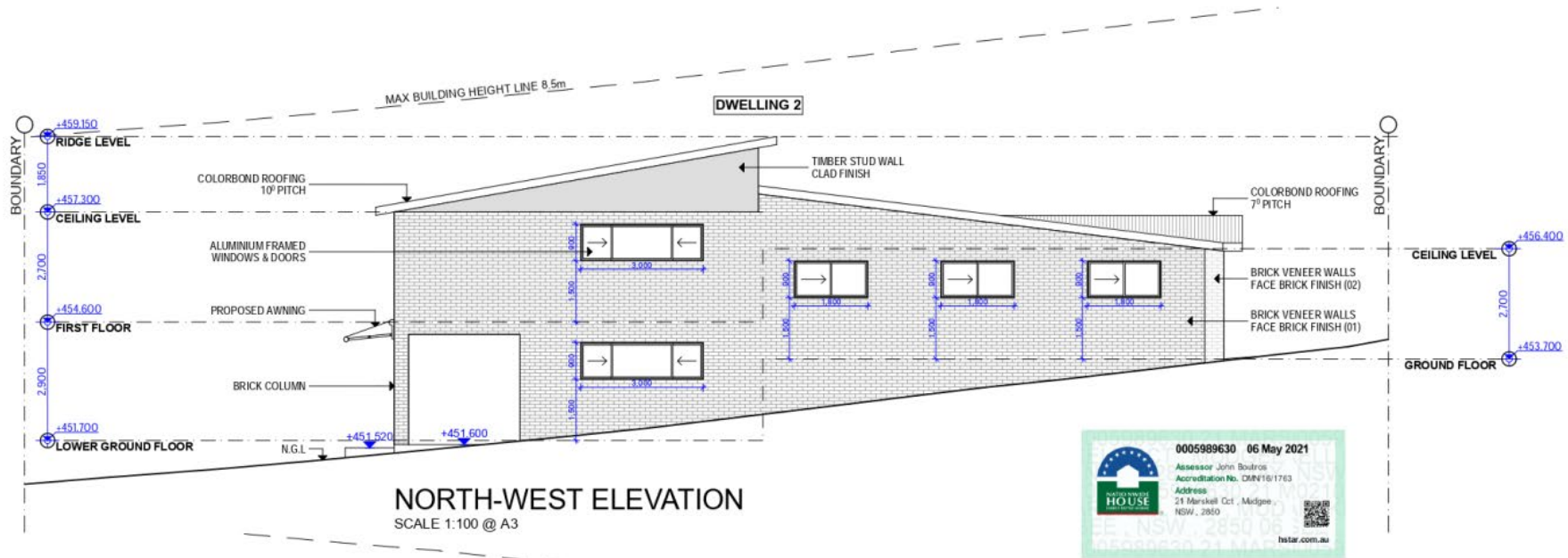
Assessor: John Soudras  
Accreditation No. DMV15/1763

Address:  
21 Marskell Cct, Mudgee,  
NSW, 2850

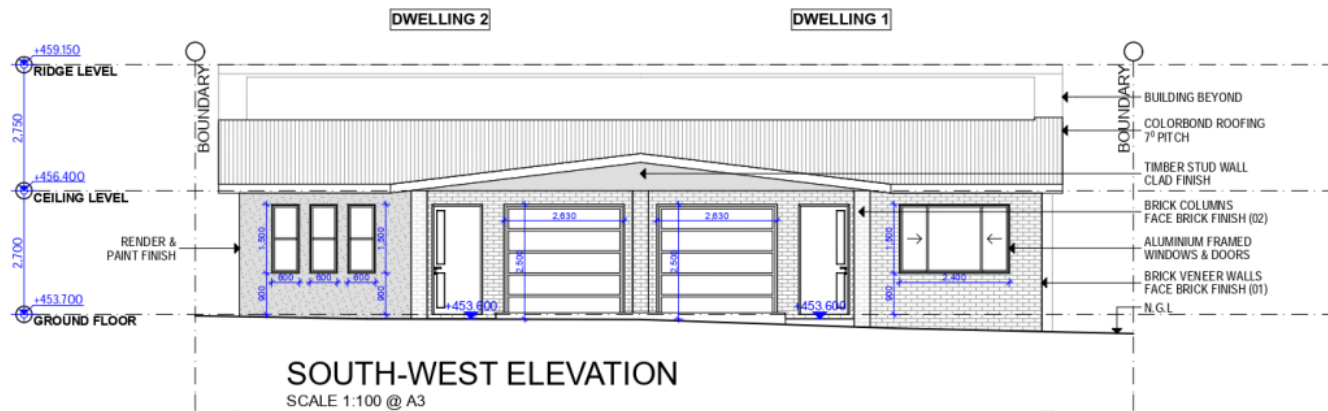
**NSW HOUSE**

hstar.com.au





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		A	CLIENT REVIEW	13/04/21	01- SITE PLAN/ANALYSIS	06- SUBDIVISION & DRIVEWAY SECTION	AS SHOWN	DA	24/03/21	Project No: 21-10	DWG No: <b>04</b>
		B	CLIENT REVIEW	16/04/21	02- LOWER FLOOR PLAN	09- SCHEDULE OF FINISHES	DA	24/03/21	Project No: 21-10	DWG No: <b>04</b>	
		C	CONSULTANT CO-ORDINATION	20/04/21	03- GROUND/ FIRST FLOOR PLAN						
			D	DEVELOPMENT APPLICATION	04/05/21	04- NORTH-WEST & SOUTH-EAST ELEVATIONS					
						05- NORTH-EAST & SOUTH-WEST ELEVATIONS					
						06- SECTION A-A					
						07- SHADOW ANALYSIS					



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		A	CLIENT REVIEW	13/04/21				
		B	CLIENT REVIEW	16/04/21				
		C	CONSULTANT CO-ORDINATION	20/04/21				
		D	DEVELOPMENT APPLICATION	04/05/21				
E	AMENDED FACADE	20/05/21						
Issue: DA Date: 24/03/21 Project No: 21-10 DWG No: <b>05</b>								



**BASIX COMMITMENTS**

- EACH DWELLING IS TO HAVE 4 STAR SHOWERHEADS, 3 STAR KITCHEN/BATHROOM TAPS AND 4 STAR TOILET FLUSHING SYSTEMS
- EACH DWELLING IS TO HAVE A 1200L RAINWATER TANK TO COLLECT AT LEAST 40m<sup>2</sup> OF ROOF AREA CONNECTED TO LANDSCAPED AREA
- ALL DWELLINGS ARE TO BE FITTED WITH AN ELECTRIC INSTANTANEOUS HOT WATER SYSTEM
- ALL BATHROOMS, KITCHENS & LAUNDRIES ARE TO BE FITTED WITH AN INDIVIDUAL FAN DUCTED TO FACADE OR ROOF WITH A MANUAL ON/OFF SWITCH
- EACH DWELLING IS TO HAVE AIR CONDITIONING DUCTING
- EACH KITCHEN, BATHROOM, LAUNDRY, HALLWAY, 2 LIVING ROOMS & 4 BEDROOMS/STUDY ARE TO HAVE ARTIFICIAL LIGHTING
- ALL DWELLINGS ARE TO HAVE ELECTRIC COOKTOPS AND ELECTRIC OVENS AS WELL AS WELL-VENTILATED FRIDGE SPACES
- ALL DWELLINGS ARE TO HAVE FIXED OUTDOOR CLOTHES DRYING AREAS
- DWELLING 2 IS TO HAVE A MINIMUM 3.5KW PHOTOVOLTAIC SYSTEM CONNECTED TO THE DEVELOPMENTS ELECTRICAL SYSTEM

**NATHERS COMMITMENTS**

- FLOORS: CONCRETE SLAB ON GROUND, TIMBER ABOVE LOWER GROUND LEVEL
- EXTERIOR WALLS: ALL DWELLING WALLS THAT ARE NOT PARTY WALLS TO OTHER DWELLINGS
  - R2.0 INSULATION TO BRICK VENEER WALLS WITH FOIL SARKING (WALL SYSTEM REACHING TOTAL R3.12). MODELLED WITH DEFAULT MEDIUM COLOUR FINISHES. AS PER STAMPED PLANS
  - R2.0 INSULATION TO LIGHTWEIGHT WALLS WITH FOIL SARKING (WALL SYSTEM REACHING TOTAL R2.69). MODELLED WITH DEFAULT MEDIUM COLOUR FINISHES. AS PER STAMPED PLANS
  - R2.0 INSULATION TO INTERIOR GARAGE WALLS WITH FOIL SARKING (WALL SYSTEM REACHING TOTAL R2.72).
- GLAZING: HIGH SOLAR GAIN LOW-E GLASS WITH ALUMINIUM FRAMING TO DWELLING 1 (LIVING ROOM & DINING)
  - TYPE A- U-VALUE: 5.4, SHGC: 0.49
  - TYPE B- U-VALUE: 5.4, SHGC: 0.58
- GLAZING: SINGLE CLEAR GLASS WITH ALUMINIUM FRAMING TO REMAINING
  - TYPE A- U-VALUE: 6.7, SHGC: 0.57
  - TYPE B- U-VALUE: 6.7, SHGC: 0.7
- U-VALUE & SHGC ARE COMBINED GLASS & FRAME FIGURES
- CEILING INSULATION: MINIMUM R4.0 CEILING INSULATION TO ALL CEILINGS TO ROOF (OR BALCONY OVER)
  - MODELLED WITH SEALED LED DOWNLIGHTS & WET AREA EXHAUST FANS
- METAL ROOF MODELLED AS UNVENTILATED WITH DARK COLOUR FINISH & \*ANTICORN 90° GLASSWOOL/FOIL UNDER (OR SIMILAR R2.0 RATED PRODUCT)

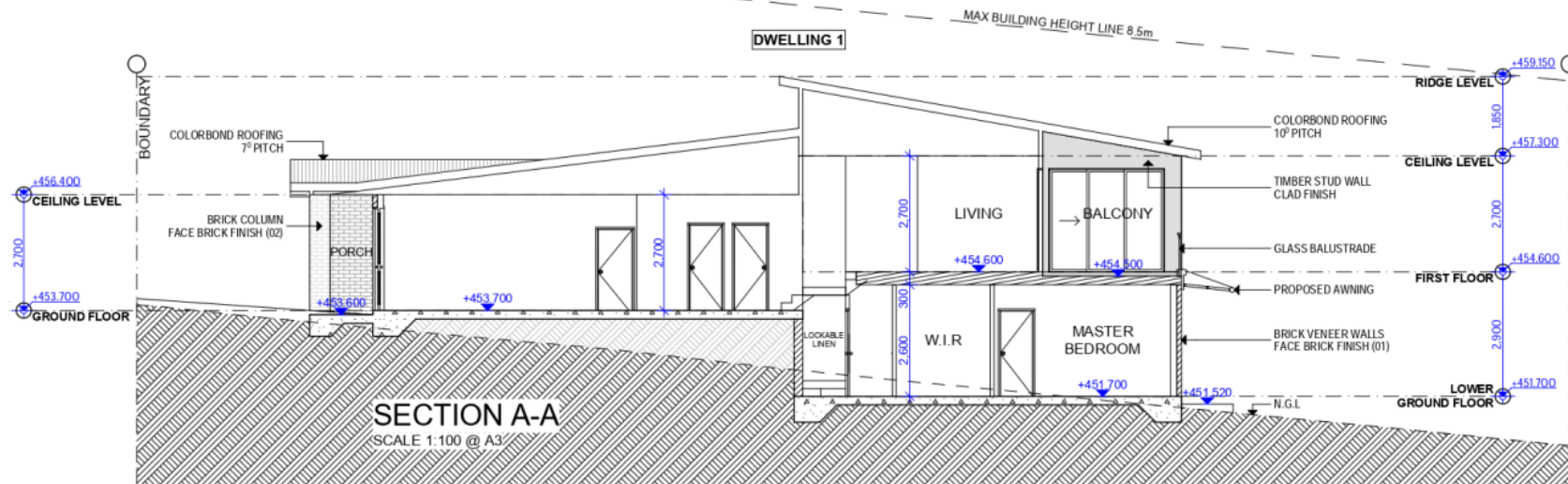
REFER TO NATHERS INDIVIDUAL CERTIFICATES FOR FURTHER DETAILS



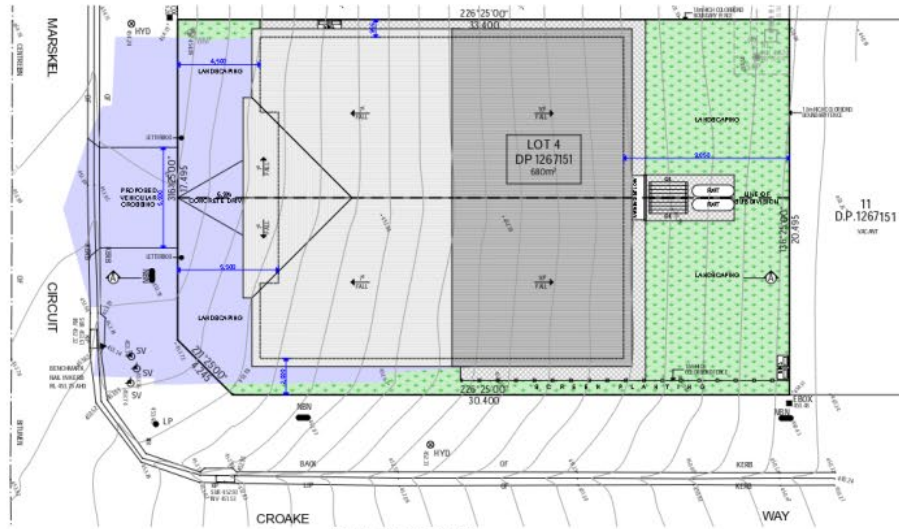
Thermal loads				
Dwelling no.	Area adjusted heating load (in mJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in mJ/m <sup>2</sup> /yr)		
1	258.3	8.8		
All other dwellings	259.2	9.6		

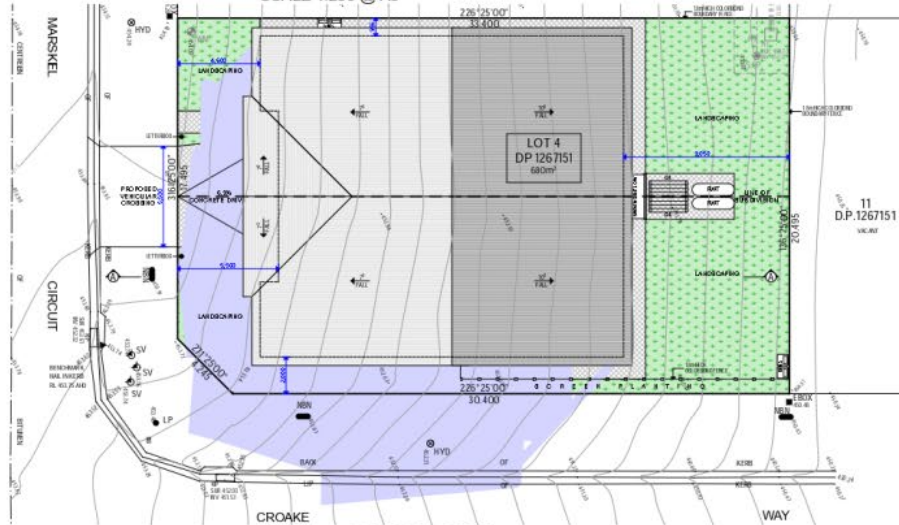
Construction of floors and walls					
Dwelling no.	Concrete slab on ground(m <sup>2</sup> )	Suspended floor with open subfloor (m <sup>2</sup> )	Suspended floor with enclosed subfloor (m <sup>2</sup> )	Suspended floor above garage (m <sup>2</sup> )	Primarily rammed earth or masonry walls
All dwellings	124	-	-	-	No



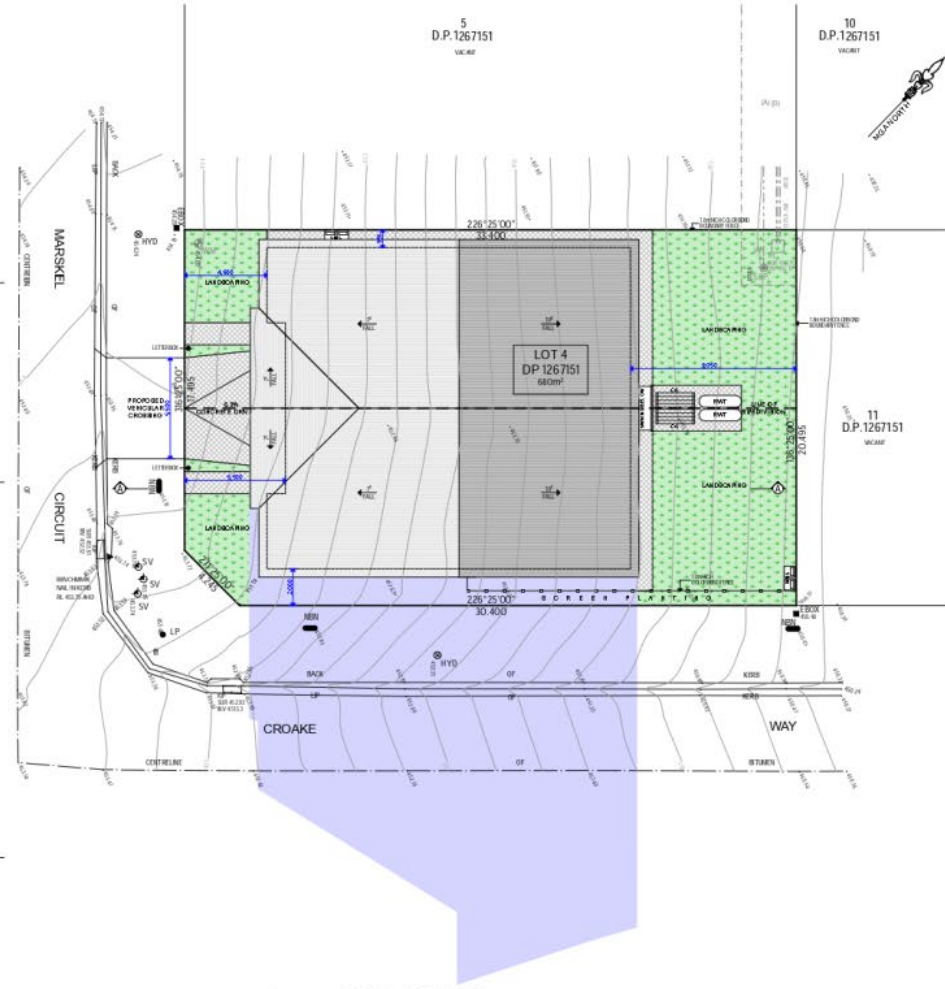
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		Drawing SECTION A-A Client DIBCON PTY LTD	Issue DA Date 24/03/21 Project No 21-10 DWG No 06					






**9am SHADOW**  
SCALE 1:250 @ A3



**12pm SHADOW**  
SCALE 1:250 @ A3



**3pm SHADOW**  
SCALE 1:250 @ A3

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STEGBAR



WOODLAND GREY

AUSTRAL



GREY GUM

WEATHERTEX



SELFLOK ECOGROOVE SMOOTH

AUSTRAL



BLACKSTONE

COLORBOND



WOODLAND GREY

DULUX



SILKWORT

RENDER & PAINT FINISH  
SILKWORT SN4H2  
OR SIMILAR IN COLOUR  
SELECTED FROM  
DULUX COLOUR RANGE

FACE BRICK FINISH  
'GREY GUM' OR SIMILAR  
IN COLOUR SELECTED  
FROM AUSTRAL BRICKS

WALL CLADDING  
'SELFLOK ECOGROOVE SMOOTH'  
OR SIMILAR SELECTED FROM  
WEATHERTEX

FACE BRICK FINISH  
'BLACKSTONE' OR SIMILAR  
IN COLOUR SELECTED  
FROM AUSTRAL BRICKS

POWDERCOATED  
ALUMINIUM  
WINDOWS & DOORS  
'WOODLAND GREY' OR  
SIMILAR SELECTED FROM  
STEGBAR COLOUR CHART

METAL SHEET ROOFING  
'WOODLAND GREY' OR SIMILAR  
SELECTED FROM  
COLORBOND RANGE



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**SCHEDULE OF DRAWINGS**

01- SITE PLAN/ANALYSIS
02- LOWER FLOOR PLAN
03- GROUND/ FIRST FLOOR PLAN
04- NORTH-WEST & SOUTH-EAST ELEVATIONS
05- NORTH-EAST & SOUTH-WEST ELEVATIONS
06- SECTION A-A
07- SHADOW ANALYSIS

08- SUBDIVISION & DRIVEWAY SECTION  
09- SCHEDULE OF FINISHES

Project Month



Scale  
AS SHOWN

Designer



**AJ DESIGN & DRAFT**  
Mob: 0433 810 118  
Email: alex@ajdd.com.au  
ABN: 71 605 258 820

Drawn AJ

Checked AJ

Project PROPOSED DUAL OCCUPANCY DEVELOPMENT  
21 MARSHELL CCT, MUDGEE

Drawing SCHEDULE OF FINISHES

Client DIBCON PTY LTD

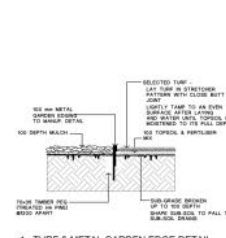
Issue	Date	Project No.	DWG No.
DA	24/03/21	21-10	<b>09</b>

LEGEND / FINISHES SCHEDULE	
	EXISTING PL
	EXISTING TREE TO BE REMOVED NOTE: All removal works on the site shall be removed and destroyed as per their specification under the relevant weeds Act.
	EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION IN ACCORDANCE WITH AS 4970-2009 TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373
	PROPOSED TREES, SHRUBS & GROUND COVER REFER NO. TO PLANT SCHEDULE
	BOUNDARY FENCE MATCHED GARDEN BED 800 WIDE MIN. OR AS SHOWN ON PLAN REFER TO DETAIL 1 & 2 SELECTED METAL GARDEN EDGE OR AS SELECTED REFER TO DETAIL 1
	LAWN AREA SIS WALTER BUFFALO REFER TO DETAIL 1 All turf area shall be finished level with existing surface and shall fall away to approved point of drainage
	PERMEABLE PEBBLE AREA SELECTED 50 DEPTH RUBBER PEBBLES WITH REEF MAT UNDER
	DRIVEWAY / PATH SELECTED STINKLED OR COLOURED CONCRETE TO SUIT STANDARDS PATIO / TERRACE / PATH SELECTED TREES TO SUIT STANDARDS
	SELECTED CLOTHES LINE TO MANUF. DETAIL
	SELECTED LETTER BOX TO SUIT MOST REQUIREMENTS AND TO AS/NZS 4153:1994
	SELECTED ILLUMINATION ILLUMINATION SHALL BE DESIGNED BY A QUALIFIED LIGHTING AS 4281, AS 1600 & AS 1518 IN ACCORDANCE
	DRAINAGE REFER TO ENGINEER PLANS FOR DETAILS
	DRAINAGE PIT NOTE: PROVIDE SELECTED HEEL GUARD GRATES TO FIT ON TRANSFORMABLE AREAS - TO MANUF. DETAIL
ITEM	MATERIAL
SOIL	NOTE: ALL SOIL TYPE AS PER ASUST NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4476 AND AS 4478 FOR SOIL CONDITIONS AND COMPOSITE
MAINT	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 444
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED BRICK OR AS SELECTED REFER TO DETAIL 1
FENCE	800 HIGH COLOURBOND
SIDES & REAR BOUNDARY	UNLESS THE TYPE OF MATERIAL IS STIPULATED IN ANY PLAND STUDY PREPARE FOR THE SITE NOTE: SIDE FENCES ARE TO BE TAPER FROM THE FRONT BUILDING LINE TO BE NOT MORE THAN 100MM HIGH AT THE FRONT BOUNDARY
COURTYARD SEPARATION FENCE	800 HIGH COLOURBOND
FRONT	REFER TO ARCHITECT'S DETAIL

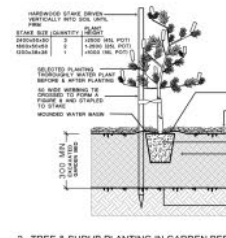


**PROPOSED PLANT SCHEDULE**  
 IN ACCORDANCE WITH AS 2303: 2018

ID	BOTANICAL NAME	COMMON NAME	APPROX MATURED HEIGHT	POT SIZE	QUANTITY
<b>GROUND COVER / BOARDER</b>					
1	Lilium monatum 'Just Dign'	Just Right Lilium	0.2	150mm	25
2	Dianella tasmanica 'Destiny'	Destiny Flea Lily	0.4	150mm	10
7	Phoradendron discoloratum	Discolorated Mani	0.4	150mm	2
<b>LOW SHRUBS</b>					
10	Brachyotum indica 'Snow Maiden'	Indian Heather	1	200mm	12
14	Syringa 'Standard'	Lily, gilly Standard	1.2	200mm	2
20	Westringia Blue Gem	Westringia	1.2	200mm	20
<b>TALL SHRUBS</b>					
23	Blackbeard myrtle	Grey Myrtle	3	200mm	2
24	Callistemon SLIM	Sheo bush	3	200mm	16
26	Phoradendron discoloratum 'Silver Sheen'	Discolorated Silver Sheen	3	200mm	11
<b>TREES</b>					
35	Callistemon 'Wood Sentinel'	Red Sentinel	1.2	25 L	2
40	Alphita newmanii variegata	Variegated Sheo	1.5	200mm	4
41	Elaeagnus reticulata	Blueberry Ash	4	45 L	1
44	Tristania laurina 'Luscious'	Water gum	4	45 L	1
45	Lagerstromia indica 'Indian Sentinel'	Crope Myrtle	6	45 L	2



1. TURF & METAL GARDEN EDGE DETAIL



2. TREE & SHRUB PLANTING IN GARDEN BED

NOTE:  
 THE TREES SHALL COMPLY WITH NATISED SPECIFYING TREES  
 A GUIDE TO ASSIGNMENT OF TREE QUALITY LEVELS OR AUSTRALIAN STANDARD AS 2303  
 2018 TREE STOCK FOR LANDSCAPE USE  
 HEIGHT AND SPAN ARE INDICATIVE ONLY SUBJECT TO ON SITE ENVIRONMENTAL FACTORS  
 USE ONLY AS A GUIDE

REV	DESCRIPTION	REVISION DATE
A	DA ISSUE	9.9.21

NOTE:  
 1. In the event of any inconsistency between the architectural plans and stormwater plans, the architectural plan shall prevail to the extent of the inconsistency.  
 2. All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION OF AUSTRALIA  
 3. Contractors must verify all dimensions at the site before commencing any work or making any shop drawings which must be approved before manufacturing.  
 4. Do not scale drawing, if in doubt - ASK  
 5. This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans  
 6. All existing trees to remain shall be protected as per attached report & council requirements  
 7. All grading shall be in accordance with the AS 4373  
 8. Thoroughly eradicate weeds from all garden areas  
 9. No variation to the works to be carried out without prior approval from owner  
 10. All materials to be the best of their respective kinds and shall comply with approved sample type indicated or specified  
 11. Substitution of plant species or varieties will not be permitted  
 12. Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer  
 13. All storm water outlets & surface run off shall be to hydraulic Engineers detail  
 14. Provide sub-surface drainage to garden beds & lawn areas where required - To be confirmed on site  
 15. Refer to survey plan for position of all existing services  
 16. Refer to Architectural elevations & Sections for existing and proposed ground lines  
 17. All landscape works shall comply with all Councils DA & DC conditions and all relevant 'AUSTRALIAN STANDARDS' and AUS SPEC NOT1 Specification C073-Landscaping  
 18. Irrigation system - If required, shall be designed & installed to comply with AS 2386-01 2004-1 2004, AS 2698.2 2004, AS 2698.3 1992, water seal and other relevant authority regulations

**MAINTENANCE**  
 All landscape works are to be maintained for a period of 12 months from the completion of the works by the landscape contractor after final completion AND shall be maintained at all times in a suitable manner. Details of plants which have failed with the same species. Much to be maintained as specified detail. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.



**PROPOSED DUPLEX**  
 21 Marskell Cct.  
 Mudgee

ARCHITECT:

LANDSCAPE DESIGN:

184050408 DESIGN  
 8 Blaxland Road  
 Kilarra NSW 2571  
 PH:02 8499 0888 FAX:02 8499 0889  
 OR: 0438296282 E: info@visiondynamics.com.au

DRAWING TITLE: **LANDSCAPE CONCEPT PLAN**

DRAWN BY: FF SCALE: 1:100 (A1 OR 1:200 (A2))

DATE: 21/09/21 DA 1

REV: A

## 8.5 MA0043/2021 - Torrens Title Subdivision & Erection of Industrial Buildings

REPORT BY THE TOWN PLANNER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, MA0043/2021

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner on the MA0043/2021 - Torrens Title Subdivision & Erection of Industrial Buildings;
- B. approve MA0043/2021 - Torrens Title Subdivision & Erection of Industrial Buildings to do the following:
  - I. Amend the approved plans, for the buildings on proposed Lots 2, 3 and 4; and
  - II. Amend Condition 1A to refer to the amended plans; and
  - III. Revised Statement of Reasons.

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

#### PARAMETERS OF CONSENT

#### Approved Plans

- 1A. The development is to be carried out in accordance with the following plans endorsed with Council's stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting Services
Site Plan (Lots 1-4)	3312-A02	D	Feb 2021	Giselle Denley Drafting Services



Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & Elevations (Lots 2 and 3)	3312-A04	E	Feb 2021	Giselle Denley Drafting Services
Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	D	Feb 2021	Giselle Denley Drafting Services
Shed 4 South West, North East & North West Elevation	3312-A14	A	May 2021	Giselle Denley Drafting Services
Master Plan	3312-A01	A	April 2013	Giselle Denley Drafting Services
Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2013	Jabek Pty Ltd

The following plans/drawings supersede the above listed plans/drawings in relation to the road layout, stormwater drainage concept, proposed lot boundaries, boundary setbacks, car parking layout and landscaping.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX-10284.01-C2.0	B	17/11/17	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX-10284.01-C2.1	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX-10284.01-C3.0	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 2 of 2	MX-10284.01-C3.1	B	17/11/17	Triaxial Consulting
Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting

(AMENDED MA0043/2021)

- 2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.
- 2A. The following limits apply to the proportion of the building on proposed Lot 6 that may be used for industrial premises or warehouse purposes:
  - a) A maximum of 2,000m<sup>2</sup> of the building on proposed Lot 6 may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
  - b) Any amount of the building less than the cumulative total of 2,000m<sup>2</sup> may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
  - c) The total floor area of the building on proposed Lot 6 may be used for warehouse/storage purposes.

Note – this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.  
(ADDED MA0020/2017)

- 2C. Landscaping is to be provided in all areas identified as landscaping within the following plan:

Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting
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(ADDED MA0020/2017)

**AMENDMENTS TO APPROVED PLANS**

- 3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.
- 4. No roller-doors are to be constructed in the north–western wall of the proposed sheds on Lots 1 - 4, that adjoin the golf course and residential area at the north-eastern end of Inverness Avenue.  
(AMENDED MA0043/2021)
- 5. A minimum 1.8 metre high lapped and capped timber fence is to be provided along the western and southern boundaries (Golf Club land and adjoining industrial development to the south) of the development prior to the commencement of any works on the site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.  
(ADDED MA0017/2020)
- 5A. All lots in the approved subdivision shall have a minimum lot size of 2,000m<sup>2</sup>.

Note – Proposed Lot 5 on the approved plans has a lot size of 1,870m<sup>2</sup>. Lot 5 may be readily increased to 2,000m<sup>2</sup> by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.  
(ADDED MA0020/2017)

- 5B. Amended plans are to be submitted to and approved by Council, indicating that a minimum of 16 parking spaces are provided on proposed Lot 4. Such plans are to be approved by Council prior to the issue of a Construction Certificate for any development on proposed Lot 4.  
(ADDED MA0020/2017)**

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL**

- 6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.**
- 7. A detailed engineering design (including sediment and erosion control) supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.**
- 8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.**

**Note 1: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.**

**Note 2: Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.**

- 9. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.**
- 10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to “AUSTROADS Design Vehicles and Turning Path Templates Guide 2013” to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.**
- 11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.**

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING**

*The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.*

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
13. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
  - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$55,426.00
Sewerage Headworks	\$26,959.00
Total Payable	\$82,385.00

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

- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.  
(AMENDED MA0020/2017)

- 14A. In accordance with the provisions of section 94A of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$2,450,000), an indicative total levy of \$24,500 is payable.

A pro-rata portion of the Section 94A contribution may be paid prior to the issue of a Construction Certificate for only part of the total development.  
(ADDED MA0020/2017)

- 14B. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan

shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:
  - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.
  - (ii) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with an average height of 2m at maturity, within the approved landscaped areas.
- f) Utilise endemic species, where practicable, which are appropriate for the site.
- g) Details of an irrigation system connecting to the on-site rainwater tanks.  
(ADDED MA0020/2017)

- 14C. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.  
(ADDED MA0020/2017)

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

15. Prior to development the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.  
(AMENDED MA0020/2017)
16. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

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

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

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

19. 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**
20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- stating that unauthorised entry to the work site is prohibited;
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
  - the name, address and telephone number of the principal certifying authority for the work; and
  - The sign shall be removed when the erection or demolition of the building has been completed.
21. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.  
(AMENDED MA0020/2017)

#### CIVIL CONSTRUCTION

- 21A. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.  
(NUMBERED MA0020/2017)
22. 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.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- Installation of sediment and erosion control measures.
  - Water and sewer line installation prior to backfilling.
  - Establishment of line and level for kerb and gutter placement.
  - Road and driveway pavement construction (including excavation, formwork and reinforcement).
  - Road pavement surfacing.
  - Practical completion.
25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the



work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

Item	Requirement
Road Reserve Width	21.6 m
Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head	15m radius to invert
Seal	(i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater runoff to subdivision drainage design in accordance with Section 5.3 of the Development Control Plan

(ADDED MA0020/2017)

30. Car parking for lots 1-6 must comply with the following standards:
  - a) All vehicles must be provided adequate means to exit the lot in a forward direction;
  - b) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.6 – 2004;
  - d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

32. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### **WATER AND SEWER**

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

#### **BUILDING CONSTRUCTION**

36. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and *Regulations* and all relevant Australian Standards.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. Construction work noise that is audible at other premises is to be restricted to the following times:  
Monday to Saturday - 7.00am to 5.00pm  
No construction work noise is permitted on Sundays or Public Holidays.
39. All mandatory inspections required by the *Environmental Planning & Assessment Act* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.



Note: Council does not permit other bodies to connect to 'live' water mains.

OR

51. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

$$\text{TOTAL PAYABLE } 6 \quad \times \quad \$370 \quad = \quad \$2,220$$

Note: Council does not permit other bodies to connect to 'live' water mains.

52. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

$$\text{TOTAL PAYABLE } 6 \quad \times \quad \$1,450.00 \quad = \quad \$8,700$$

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

#### PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

53. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
54. All car parking and associated driveway works are to be completed prior to occupation of the development.
- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.  
(ADDED MA0020/2017)

#### CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

55. 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.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the *Waste Minimisation & Management Act 1995*.

59. All security fencing is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
60. 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".
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times;  
Monday to Saturday 7.00am to 6.00pm  
No work is permitted on Sundays or Public Holidays
64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.
65. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them.  
(ADDED MA0020/2017)
66. Landscaping is to be maintained in accordance with the approved landscape plan.  
(ADDED MA0020/2017)

#### ADVISORY NOTES

- 1 The removal of trees within any road reserve requires separate approval of Council in accordance with the policy "Tree Removal and Pruning Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 [Division 8.2 of the \*Environmental Planning and Assessment Act 1979\* \(EP&A Act\) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.](#)  
(MODIFIED MA0043/2021)
- 4 [If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10\(1\)\(b\).](#)

**(MODIFIED MA0043/2021)**

- 5 To ascertain the date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.
- 7 The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.  
(ADDED MA0020/2017)

**STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

- The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.
- The proposed modification complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
- The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.  
(NEW STATEMENT OF REASONS MA0043/2021)

## Executive summary

OWNER/S	Dan Baggett
APPLICANT:	Dan Baggett
PROPERTY DESCRIPTION	86 Depot Road, Mudgee NSW 2850
PROPOSED DEVELOPMENT	Subdivision and Industrial Development
ESTIMATED COST OF DEVELOPMENT:	\$48,000
REASON FOR REPORTING TO COUNCIL:	The original application was determined by Council
PUBLIC SUBMISSIONS:	0

A modification of consent application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 20 April 2021. The proposed modification of Development Consent MA0017/2020 (originally DA0214/2014) seeks to increase the height of Sheds 2, 3 and 4, install male and female amenities, reconfigure the office space, add a crib room (lunch room) above the amenities, and create 2 tenancies within Shed 4.

The proposed modification specifically seeks to modify:

- Condition 1A Approved Plans.

The application was notified, in accordance with the Mid-Western Regional Community Participation Plan 2019 (MWR CPP), for a period of 14 days, ending 13 May 2021. During the notification period, no submissions were received.



The proposal generally complies with the relevant plans and controls and is recommended for approval.

In accordance with staff delegations, because the original determination was made by Council, this application is required to be determined at the monthly Council Meeting.

## Disclosure of Interest

Nil.

## Detailed report

### Approved development

The original application, approved on 21 May 2014, was for a Torrens title subdivision, resulting in 7 lots, and erection of industrial buildings (DA0214/2014). The approved development includes an extension to Depot Road that terminates in a cul-de-sac head.

The original approval was modified at the Council meeting held on 20 June 2018 and subsequently on 20 November 2019. These modifications changed the road design and stormwater concept and provided landscaping areas along the property frontages; and made minor alterations to the buildings on proposed Lots 1, 2, 3 and 4, and reduced the amount of timber fencing along the north-western boundary of the property.

### Proposed modification

The modification involves minor changes to the building height and layout, without increasing the floor area. The purpose is to cater to larger industrial operators through the use of internal cranes that are common in industrial buildings, and provide better functionality through the addition and placement of doors, as well as increased staff amenities i.e. male and female toilets, lunch rooms and offices. It is noted that there is no building height limit specified in the *Mid-Western Regional Local Environmental Plan 2012* (LEP) for the industrial area, and therefore a merit assessment has been undertaken.

## REQUIREMENTS OF REGULATIONS AND POLICIES

### **Section 4.55 Modification Legislation**

#### Minimal Environmental Impact

The Modified Application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* pertains to modifications to a Development Consent that are of minimum environmental impact. It is considered that the proposed modification, involving minor alterations to the approved buildings, will have 'minimal environmental impact' compared to the originally approved proposal.

#### Substantially the Same Development

The proposed development is considered to be substantially the same development as the approved buildings and lot layout for the subdivision remains substantially the same. The proposed modifications to the buildings are minor in nature and do not increase the density of development on the site.

#### Consultation

The original development application was not integrated development, and no consultation with other approval bodies is required for this modification.

### Notification and Submissions

The application was notified in accordance with MWRCPP 2019. No submissions were received during the notification period, ending 13 May 2021.

### Matters for Consideration

The consent authority is required to consider the relevant matters outlined in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These considerations are summarised as follows:

- a) The provisions of any environmental planning instruments.

The proposed modification does not alter the approved development's compliance with the provisions of the *Mid-Western Regional Local Environmental Plan 2012* and the applicable State Environmental Planning Policies.

- b) The provisions of any development control plan.

The proposed modification does not alter the approved development's compliance with the relevant provisions of Mid-Western Regional Development Control Plan 2013 (the DCP). It is noted that the previous modification approved a number of variations from the DCP requirements. The current modification application makes no changes to those aspects of development that varied from DCP requirements (eg building setbacks and the amount of landscaping provided along property frontages).

- c) The provisions of any planning agreement.

Not applicable.

- d) The regulations.

Not applicable.

- e) The likely impacts of development.

The majority of the proposed modifications are minor in nature and do not alter the proposal's environmental impacts. The increase in height is consistent with other industrial development in this area, which is a necessary feature to allow buildings to service the mining industry, among other things.

- f) The suitability of the site for the development.

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

- g) Any submissions received.

Not applicable – no submissions received in response to neighbour notification of the proposed modification.

h) The public interest.

No significant issues in the interest of the public are expected as a result of the proposed modification.

#### *ASSESSMENT OF PROPOSED MODIFICATIONS*

##### ***Proposed modifications to the buildings on proposed Lots 2 and 3***

This application seeks to:

Amend the floor plans and elevations of the building on proposed Lots 2 and 3 by:

- Increasing the building height by 500mm to 10.4m high, to allow for an overhead crane within the shed.
- Installing male and female toilets.
- Installing a stacker door at the front, and a roller door at the rear.
- Reconfiguring the office space to include an additional office (total 4).
- Addition of a crib room above the male toilets.
- The building footprint remains the same.

The proposed modification results in only a minor change to the height of the building and configuration of the floor plan, as well as the installation of stacker doors on the front elevation. These minor changes provide better functionality to the building by allowing an internal overhead crane and additional doors for manoeuvrability. The crib room will provide a usable space for workers.

There is no building height limit specified in the LEP for the industrial zones and the buildings are consistent with many of the industrial buildings in the area, including the adjacent Council Depot. The buildings are to be located adjacent to the vacant and unused land owned by the Golf Club between the subject site and the 13<sup>th</sup> Fairway. The small increase in height of 500mm to 10.4m is not anticipated to have any further impact on that land than is currently approved. The height increase is negligible and will provide the building with more versatility in securing prospective tenants.

The installation of the roller doors at the rear has been assessed further below.

##### ***Proposed modifications to the building on proposed Lot 4***

This application seeks to:

Amend the floor plan on Lot 4

- Creating 2 tenancies both with showroom, offices, crib room and amenities.
- Increasing the building height by 600mm to 10.4m high.
- Installing male and female toilets.
- Installing roller doors on the side and rear elevations of each tenancy.
- Installing stacker doors on the front elevation, replacing 3 roller doors.
- Addition of a crib room above the male toilets.
- The building footprint remains the same.

Similar to Lots 2 and 3, the changes to the Lot 4 building will provide for better functionality to the building and future tenants. The height increase to 10.4m is negligible and consistent with most industrial buildings in the locality.

The industrial use of the building will remain the same, albeit with the availability of 2 tenancies. The proposal does not increase the floor area or intensity of the site, only separating the building into 2 tenancies. This will not increase car parking requirements, access arrangements or impacts to amenity. Because of this, the nature of the original industrial development, and the associated impacts are the same. Each tenancy will have access to their own facilities, office space, amenities and loading/unloading areas that will allow them to operate independently.

The installation of the roller doors at the rear has been assessed further below.

Both Council's Health and Building and Water and Sewer Departments have reviewed the modification application and have advised that previous comments and conditions still apply. No other changes are required. As the consent authority, Council is satisfied that the development is substantially the same, and the impacts associated are negligible.

#### **Installation of Roller Doors on the North-Western Façade of Shed 2, 3 and 4**

The proposed addition of roller doors on the north-western (ie rear) wall of buildings 2, 3 and 4 is intended to provide access to the rear of the property and allow for cross-ventilation within the building. These buildings were originally approved without any doors/openings on the north-western facade.

Condition 4 of the development consent specifically requires that no roller door be provided on the north-western side of the building on Lot 1. This condition was applied in the original consent in order to address concerns in relation to noise impacting on the residences located on Inverness Avenue and the golf course. This is because the original acoustic assessment set noise levels and made recommendations on the basis that there were no openings on this side of the buildings.

No justification has been provided in this modification application to change the original assessment of the noise concerns. The applicant has been advised that this part of the modification will not be supported because no acoustic report has been provided to support the inclusion of additional openings in the rear. Industrial uses with open doors fronting the north-west may cause noise impacts to the residential areas and golf course. Accordingly, in the absence of an acoustic assessment confirming otherwise, it is recommended that the proposed rollers door not be approved and Condition 4 of the development consent be amended to include Lots 2, 3 and 4.

#### *IMPACT OF DEVELOPMENT*

##### **Context and Setting**

The sheds are suitable in the industrial setting. The minor change in design will have a negligible impact on the vacant and unused land to the rear owned by the golf club.

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

No changes to access and traffic arrangements will result as part of this modification.

##### **Public domain**

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

##### **Utilities**

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

**Heritage**

Not applicable.

**Other land resources**

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

**Water**

No significant impact expected.

**Soils**

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

**Air and Microclimate**

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

**Flora & fauna**

Not applicable.

**Waste**

Waste service available.

**Energy**

Not applicable.

**Noise & vibration**

Not applicable.

**Natural Hazards**

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

**Technological hazards**

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

**Safety, security and crime prevention**

Increased passive surveillance as a result of the proposed development.

**Social impact in the locality**

Generally positive.

**Economic impact in the locality**

Generally positive.

**Site design and internal design**

Adequate as discussed throughout this report.

**Construction**

To comply with the BCA where relevant.

**Cumulative Impacts**

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

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

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

**Are the site attributes conducive to development**

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

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

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

**Submissions from public authorities**

No submissions were sought or received from public authorities.

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

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

*CONSULTATIONS***Health & Building**

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

**Water and Sewer**

Council's Water and Sewer Officer has not raised any concerns with the proposal, subject to standard conditions.

**Development Engineer**

No consultation necessary.

**Heritage Advisor**

No consultation necessary.

## Community Plan implications

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

## Strategic implications

**Council Strategies**

Not Applicable.

**Council Policies**



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

**Legislation**

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

Financial implications

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

Associated Risks

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

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

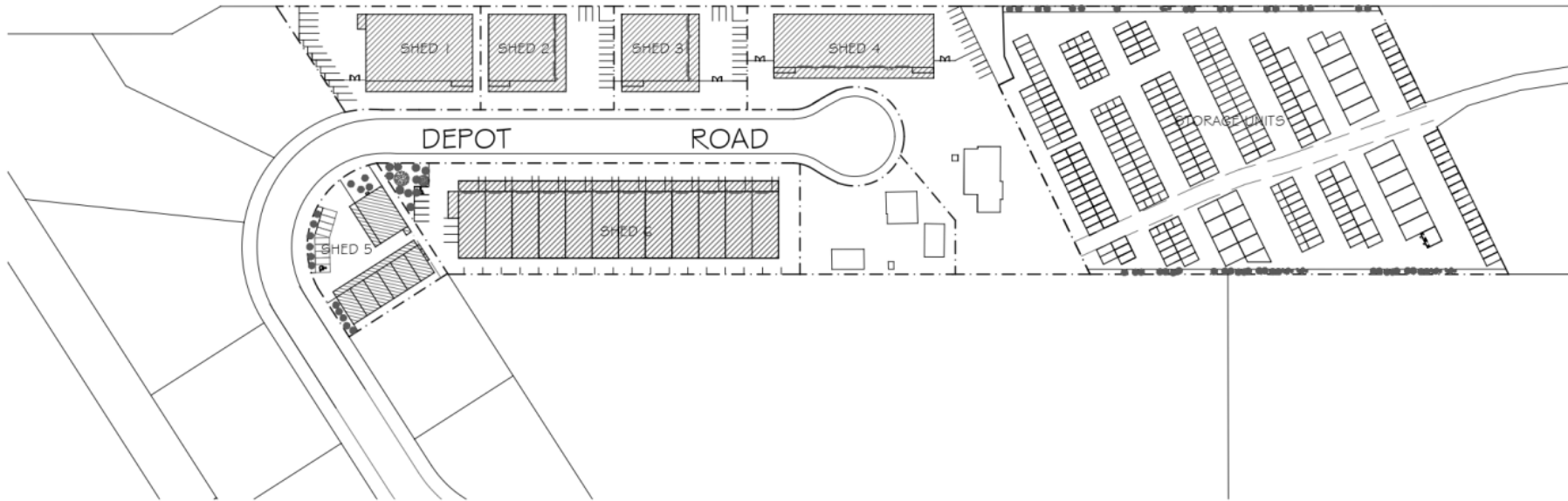
26 May 2021

*Attachments:* 1. Development Plans.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# MUDGEE INDUSTRIAL PARK DEPOT ROAD MUDGEE



LOT 210  
DP 775001

MASTER PLAN  
SCALE 1:1500



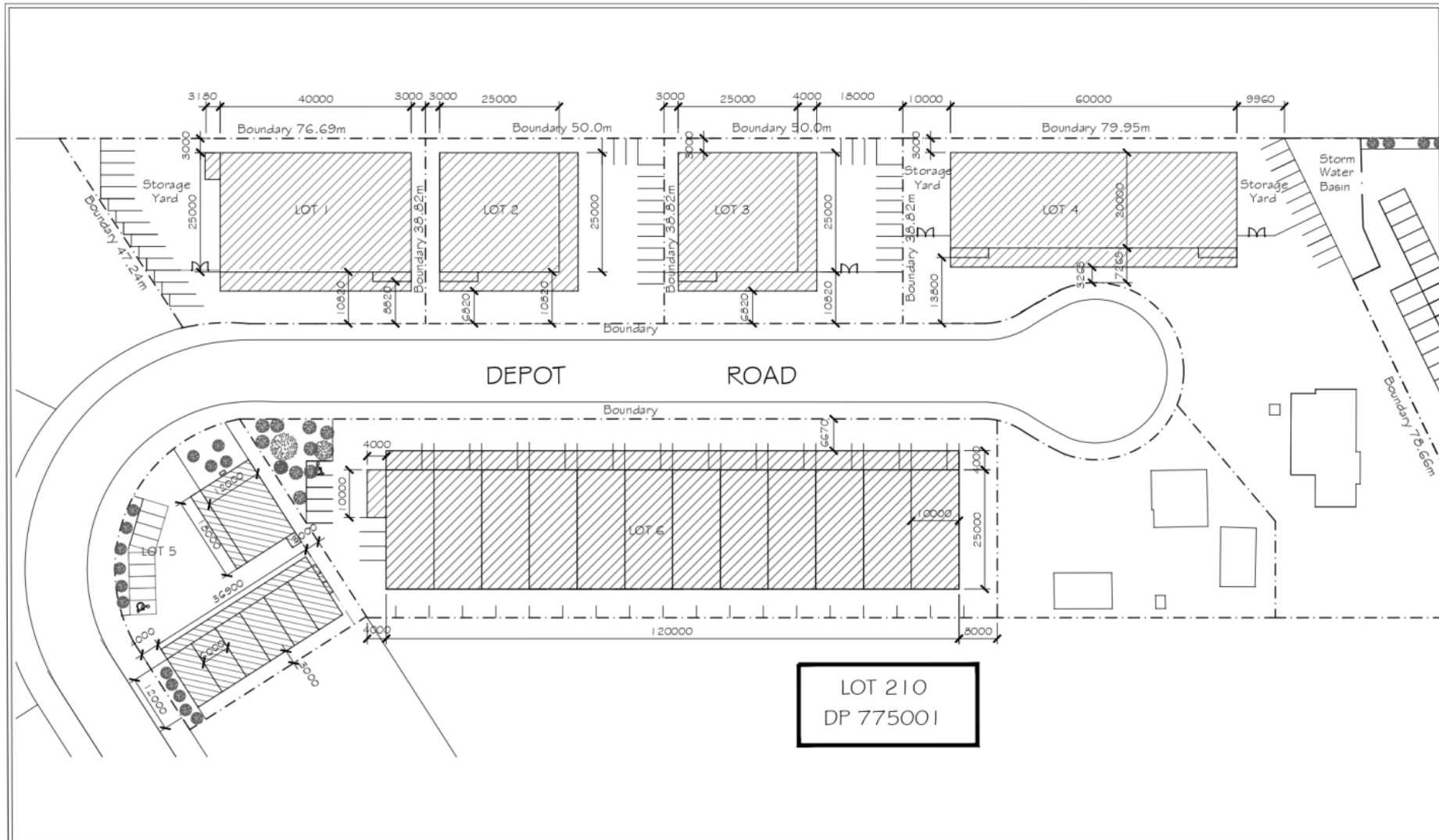
**Giselle Denley**  
Drafting Services  
giselle.denley@bigpond.com  
0417 866 326  
53 Hill Sixty Drive  
Mudgee NSW 2850

REV	DATE	BY	DESCRIPTION
A	APRIL 2013	G.D.	ISSUED FOR APPROVAL

DTM PROPERTY ENTERPRISES

MUDGEE INDUSTRIAL PARK  
DEPOT ROAD MUDGEE

SCALE: 1500	FILE: 3312-A01	DWG No.	REV.
DRAWN: G.D.	DATE: APRIL 2013	3312-A01	A
CKD: D.B.	DATE: APRIL 2013		



LOT 210  
 DP 775001

**Giselle Denley**  
 Drafting Services  
 giselle.denley@bigpond.com  
 0417 688 328  
 53 Hill Sixty Drive  
 Mudgee NSW 2850

REV	DATE	BY	DESCRIPTION
D	FEB 2021	G.D.	LOT 3 REVISED
C	NOV 2017	G.D.	ROAD & BOUNDARY ADJUSTMENTS
B	OCT 2017	G.D.	SHEDS 1-3 SIZE REVISED
A	NOV 2012	G.D.	ISSUED FOR APPROVAL

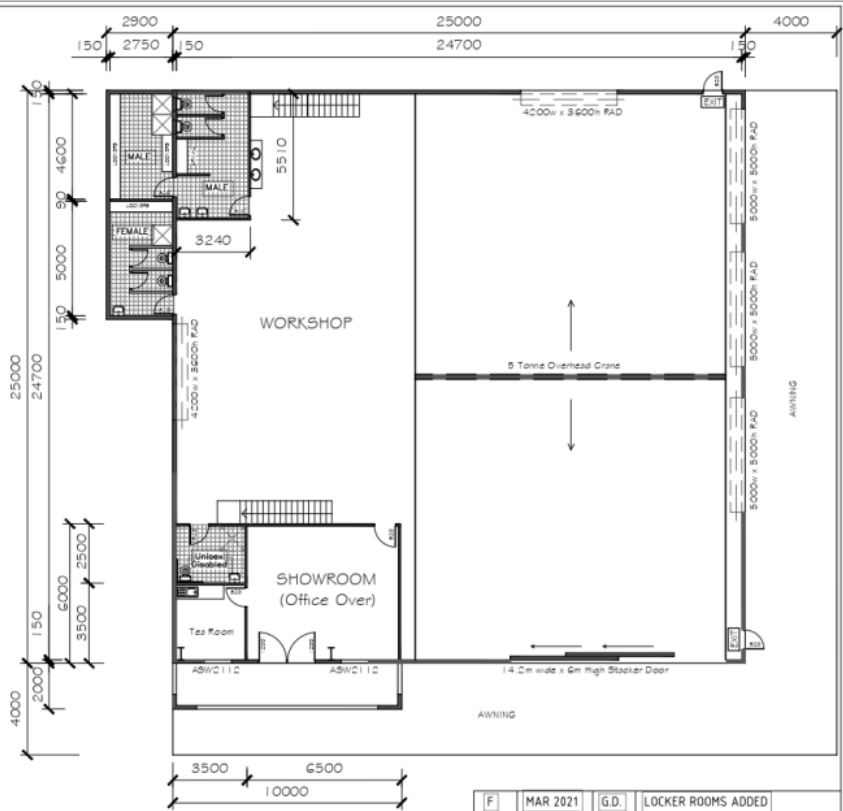
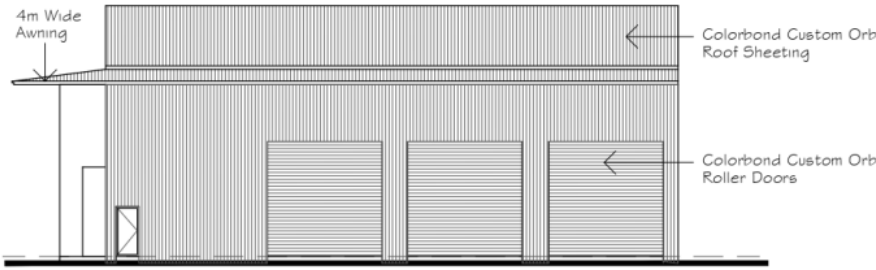
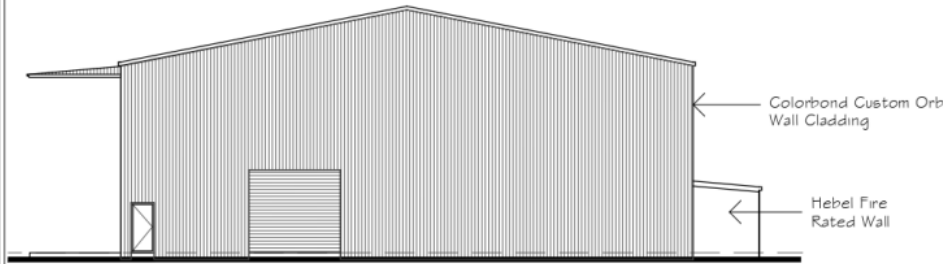
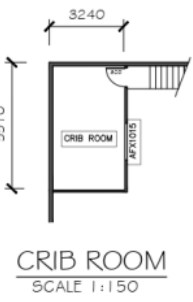
SITE PLAN  
 SCALE 1:750



DTM PROPERTY ENTERPRISES

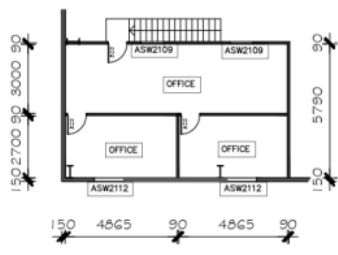
MUDGE INDUSTRIAL PARK  
 DEPOT ROAD MUDGE

SCALE: 1:750	FILE: 3312-A01	DWG No.	REV.
DRAWN: G.D.	DATE: NOV 2012	3312-A02	D
CKD: D.B.	DATE: NOV 2012		



LOTS 2 & 3 GROUND FLOOR PLAN

- SCALE 1:150
- LEGEND**
- FHR 30m Fire Hose Reel
  - FE Fire Extinguisher
  - EXIT Illuminated Exit Sign and Emergency Lighting



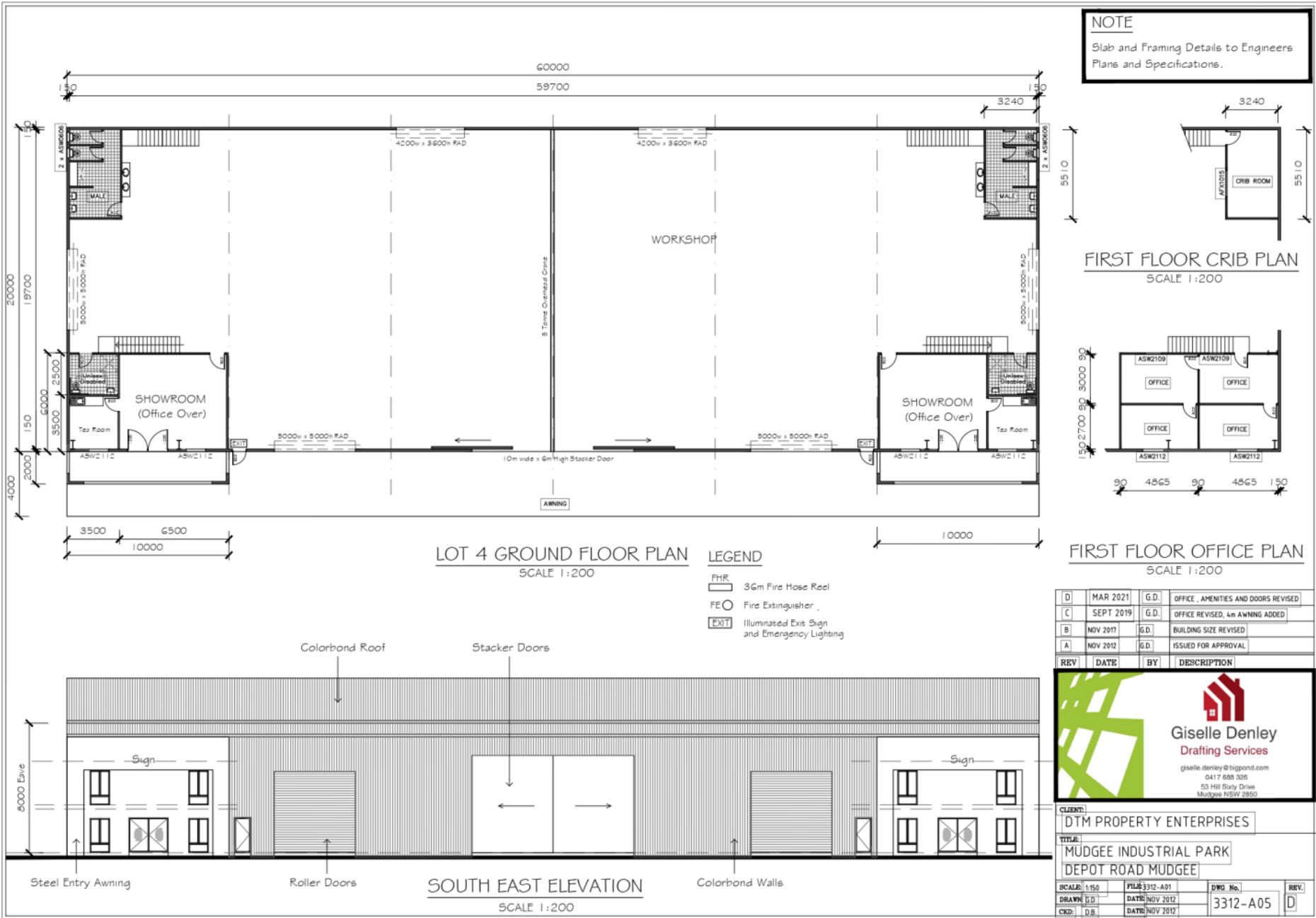
LOT 2 & 3 - FIRST FLOOR PLAN

F	MAR 2021	G.D.	LOCKER ROOMS ADDED
E	FEB 2021	G.D.	DOORS AND LAYOUT REVISED
D	JULY 2020	G.D.	ALL ELEVATIONS ADDED
C	SEPT 2019	G.D.	OFFICE REVISED, 4m AWNING ADDED
B	NOV 2017	G.D.	BUILDING SIZE REVISED
A	NOV 2012	G.D.	ISSUED FOR APPROVAL

**Giselle Denley**  
Drafting Services

giselle.denley@bigpond.com  
0417 688 326  
53 Hill Sixty Drive  
Mudgee NSW 2850

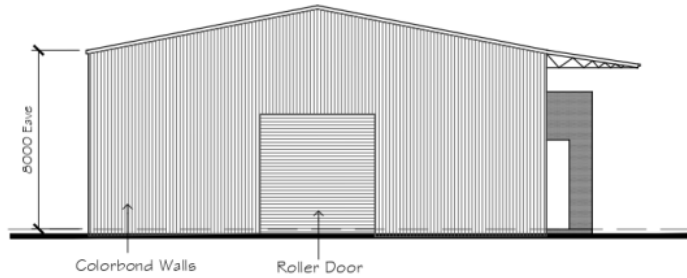
CLIENT:	DTM PROPERTY ENTERPRISES		
TITLE:	MUDGEE INDUSTRIAL PARK DEPOT ROAD MUDGEE		
SCALE:	1:150	FILE:	3312-A01
DRAWN:	G.D.	DATE:	NOV 2017
CKD:	D.B.	DATE:	NOV 2017
DWG No.:	3312-A04	REV:	F



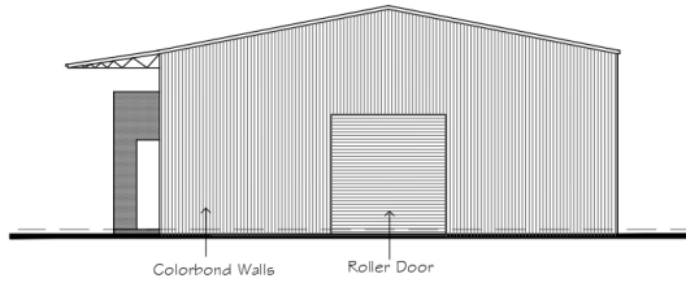
D	MAR 2021	G.D.	OFFICE, AMENITIES AND DOORS REVISED
C	SEPT 2019	G.D.	OFFICE REVISED, 4m AWNING ADDED
B	NOV 2017	G.D.	BUILDING SIZE REVISED
A	NOV 2012	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION

**Giselle Denley**  
 Drafting Services  
 giselle.denley@bigpond.com  
 0417 688 326  
 53 Hill Sixty Drive  
 Mudgee NSW 2850

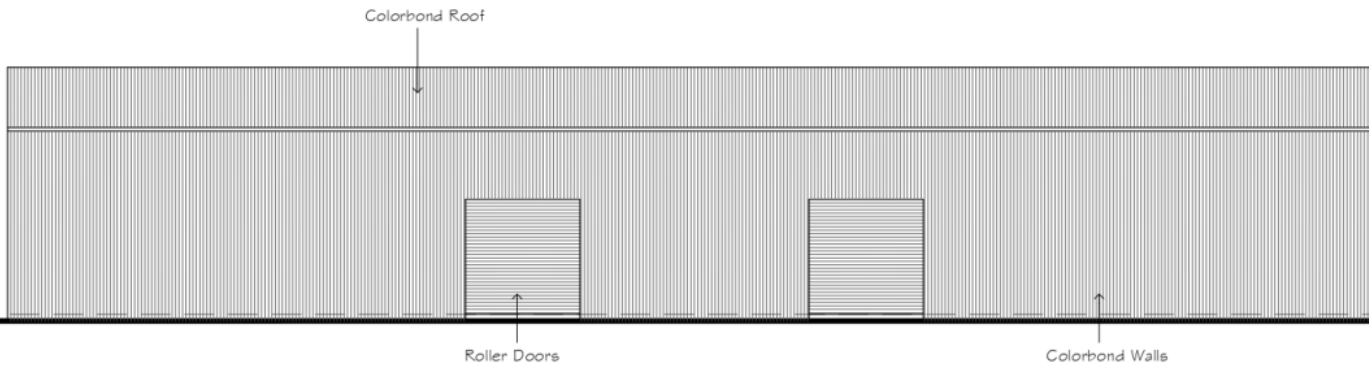
CLIENT:	DTM PROPERTY ENTERPRISES		
TITLE:	MUDGEE INDUSTRIAL PARK DEPOT ROAD MUDGEE		
SCALE:	1:150	FILE: 3312-A01	DWG. No.:
DRAWN:	G.D.	DATE: NOV 2012	3312-A05
CKD:	D.B.	DATE: NOV 2012	REV.:
			D



**SHED 4 SOUTH WEST ELEVATION**  
SCALE 1:200



**SHED 4 NORTH EAST ELEVATION**  
SCALE 1:200



**SHED 4 NORTH WEST ELEVATION**  
SCALE 1:200

A	MAY 2021	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION
 <p><b>Giselle Denley</b> Drafting Services giselle.denley@bigpond.com 0417 688 326 53 Hill Sixty Drive Mudgee NSW 2850</p>			
CLIENT: DTM PROPERTY ENTERPRISES			
TITLE: MUDGE INDUSTRIAL PARK DEPOT ROAD MUDGE			
SCALE: 1:150	FILE: 3312-A01	DWG No:	REV:
DRAWN: G.D.	DATE: MAY 2021	3312-A14	A
CHKD: D.B.	DATE: MAY 2021		



## 8.6 Events Assistance - NSW Police Rugby League

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, ECO800009

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Events Assistance - NSW Police Rugby League; and**
2. **provide in-kind Events Assistance to NSW Police Rugby League of \$1800.**

### Executive summary

This report considers a late application for Events Assistance under Council's Events Assistance Policy. It relates to period 2 of 2020/21, between 1 January and 30 June 2021. The application is in regards to waiving field hire costs of Glen Willow Regional Sports Complex in relation to hosting the NSW Police Rugby League training camp and City versus Country match held from 24-26 May 2021.

### Disclosure of Interest

Nil

### Detailed report

This application for Events Assistance relates to field and facility hire of Glen Willow Regional Sports Complex for NSW Police Rugby League to hold a two-day training camp, followed by a City versus Country match. Representative Police teams from City and Country arrived in town on 23 May and played the final representative match on 26 May 2021. The event included 160 players, along with their families and was promoted through a range of marketing channels and live streamed to 10,000 viewers.

If Council wishes to support the event in 2021, the recommended amount of funding based on the scoring scale is \$1800 of in-kind support.

The Events Assistance scoring system below was used to score applications against set criteria.

### LOCAL COMMUNITY/VOLUNTEER PARTICIPATION IN EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

### CAPACITY TO ENSURE EVENT CONTINUES AND DEVELOPS IN THE FUTURE

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

### ECONOMIC ACTIVITY GENERATED FROM EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	\$0-\$25K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
8	\$150k-\$200K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
14	\$300K+	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)

### ADDITIONAL POINTS IN-KIND REQUESTS

**SCORE VALUE JUDGEMENT**

10	All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded
----	--

### Community Plan implications

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

### Strategic implications

**Council Strategies**

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest and visit. By supporting events that provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

**Council Policies**

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors the region.

**Legislation**

The Local Government Act 1993, Section 356, states: (1) a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions

### Financial implications

Funding of \$46,922 was budgeted for the 2020/21 year for Events Assistance. Based on the scoring system, the recommendation of staff is to provide \$1800 in Events Assistance to NSW Police Rugby League.

A budget of \$29,344 remains under the Events Assistance program for 2020/21.

### Associated Risks

It is important for Council to provide support to these type of planned events in order to help encourage visitors back to the region and help stimulate the tourism economy following the recent challenging times of the COVID-19 pandemic. If Council does not support events such as these, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of further lost economic benefits to the Mid-Western Region.

There is also a risk that an applicant provides false or fraudulent information in order to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

ALINA AZAR  
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

31 May 2021

*Attachments:* 1. NSW Police Rugby League Application for Events Assistance.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Events Assistance Funding Application 2021 / 2022

# #12

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, May 31, 2021 11:12:58 PM  
**Last Modified:** Monday, May 31, 2021 11:42:54 PM  
**Time Spent:** 00:29:55  
**IP Address:** 1.129.18.211

## Page 2: CONTACT DETAILS

### Q1

Period 1 - Events held between July 1 2021 - Dec 31 2021

Which period of Events Assistance are you applying for?

### Q2

Please enter your contact details below:

Name: Rodney Sheraton  
Organisation: NSW Police Rugby League  
ABN: 52497961987  
Address: 14 Alexandra Crescent  
Suburb: Harrington Park  
State: NSW  
Post Code: 2567  
Email Address: [REDACTED]@pansw.org.au  
Phone Number: [REDACTED]

### Q3

Bank Details for cash component of grant

Account Name: NSW Police Rugby League  
BSB: [REDACTED]  
Account Number: [REDACTED]

### Q4

Which of the below apply to your organisation?

Are you registered for GST? No  
Is your organisation incorporated? Yes  
Is your organisation not-for-profit? Yes

**Q5**

Events MUST have insurance current at time of the event, to be eligible to receive funding. Please upload a copy of your current Certificate of Currency. If this will expire before your event date, an updated version will be required before funding is released.

**Certificate\_of\_Currency\_-\_Public\_Liability\_-\_Special\_Events\_2020-21.pdf (782.3KB)**

---

**Q6**

Please upload high resolution images in relation to your event (Maximum file size 16MB)

**BCD29529-7BFA-4B21-B6D7-86BEC79AA4B8.jpeg (129.1KB)**

---

**Q7**

Please provide website details and social media handles

Facebook Page: **NSW Police Rugby League**

---

Page 3: EVENT INFORMATION

**Q8**

Name of event:

NSWPRL City v Country representative games

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**Q9**

Date / Time

**24/05/2021 13:00**

What is the event start date?

---

**Q10**

Number of days event is held:

3

---

**Q11**

Event location:

Glen Willow Sports Ovals

---

**Q12**

**Yes**

Is the event being held on Council land or venue?

---

Page 4



Events Assistance Funding Application 2021 / 2022

**Q13** **Yes**

Has a booking form been completed or a request to book been made?

**Q14** **Yes**

Does the booking relate to Glen Willow?

Page 5

**Q15** **Main stadium (inclusive of all facilities),  
Field 2,  
Field 1 (no other stadium facilities)**

Please select all areas of the facility you wish to use in your booking?

**Q16** **Date** **26/05/1982**

What year was the event established?

**Q17** **Annual**

How often is the event held?

**Q18** **Yes**

Has your event previously received funding from Council?

**Q19** **No**

Do you wish to apply for multi-year funding?

Page 6

**Q20** **Respondent skipped this question**

Please select the years you are applying for funding for -

**Q21**

Event description:

Representative games and training camps for NSW Police men's and womens City & Country representative teams

**Q22**

Event aims and objectives:

Provide a quality facility for NSW Police Men & Women to attend & train for a representative Police Rugby League match. Show case the facility and town by advertising the event on our Facebook site and live stream this event with 10000 views

Events Assistance Funding Application 2021 / 2022

**Q23**

Desired outcomes of event:

Provide an event which is safe and enjoyable for our participants. Showcase the Mudgee Region to our competitors and viewers on our Facebook account. Encourage police to look at working at Mudgee in the future

**Q24**

**Less than 500 residents**

Local Community members or Volunteers participating in the event

**Q25**

Number of visitors to the region for this event?

Single day visitors	<b>160</b>
Overnight visitors	<b>160</b>

**Q26**

What methods do you use to collect data on attendance and visitor numbers?

**Gut-feel,**  
Other (please specify):  
Accommodation bookings

**Q27**

How do you plan to promote or market the event?

**PR,**  
**Social media,**  
**Radio Advertising**

Page 7: PROJECT BUDGET AND FINANCIAL DETAILS

**Q28**

Please provide details of your event income:

Events Assistance Funding Requested:	<b>Funding to assist with ground hire costs</b>
Expected Sales Revenue (including entry/ticket sales):	<b>Nil</b>
Contribution from your Organisation/Club:	<b>\$25000</b>

**Q29**

Please provide details of your event expenditure:

Venue Hire:	<b>1800</b>
Other 1:	<b>\$25000 accommodation &amp; meals for competitors over 3 days</b>

Events Assistance Funding Application 2021 / 2022

**Q30**

Total Surplus/Deficit:

\$ **\$26800 deficit**

---

**Q31**

If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

No surplus

---

**Q32**

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

Sponsorship

---

Page 8: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

**Q33**

Please provide details of IN-KIND support requested AND value of support (dollar amounts): All events requesting 100% in-kind assistance receive 10 bonus points. Towards scoring of application(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire Fee	<b>\$1800</b>
Total:	<b>\$1800</b>

---

**Q34**

Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Other	<b>Ground hire</b>
Total:	<b>\$1800</b>

---

Page 9: AUTHORISATION OF APPLICANT

**Q35**

Authorisation of Applicant:

Name:	<b>Rodney Sheraton</b>
Position	<b>Vice President</b>
Date:	<b>31/5/21</b>

---

**Q36**

I confirm:

**that the information contained in the application form and within the attachments are true and correct.**

,

**that this application has been submitted with the full knowledge and support of the applicant.**

,

**a copy of the event COVIDSafe plan will be provided before funding is received**

,

**a copy of current insurance in relation to the event date, will be provided before funding is received**

---

## 8.7 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, A0420109

### RECOMMENDATION

**That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.**

### Executive summary

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

### Disclosure of Interest

Nil

### Detailed report

Included in this report is an update for the month of May 2021 Development Applications determined and Development Applications processing. The report will detail:

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

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

01 June 2021

*Attachments:* 1. Monthly Development Application Processing and Determined - May 2021.

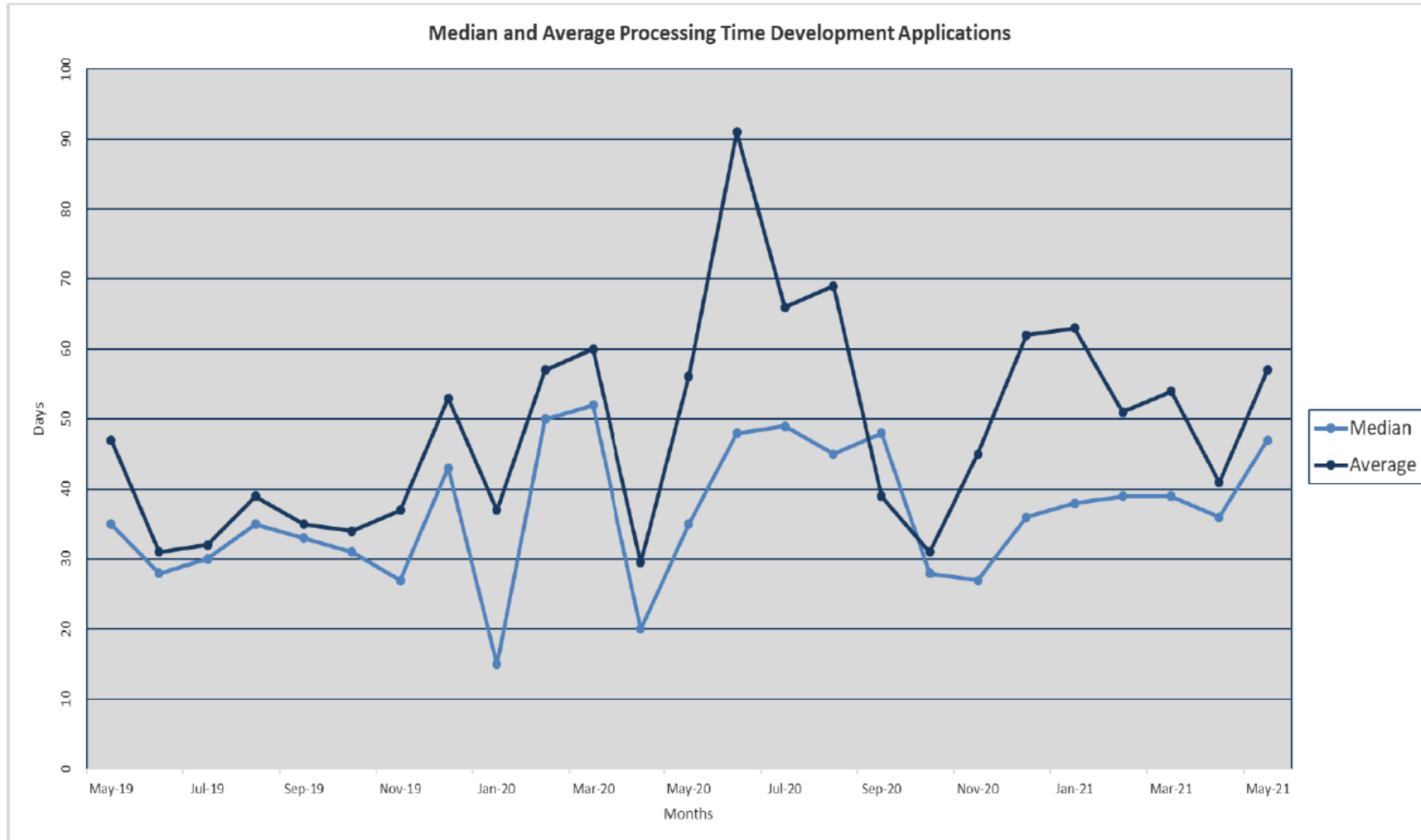
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



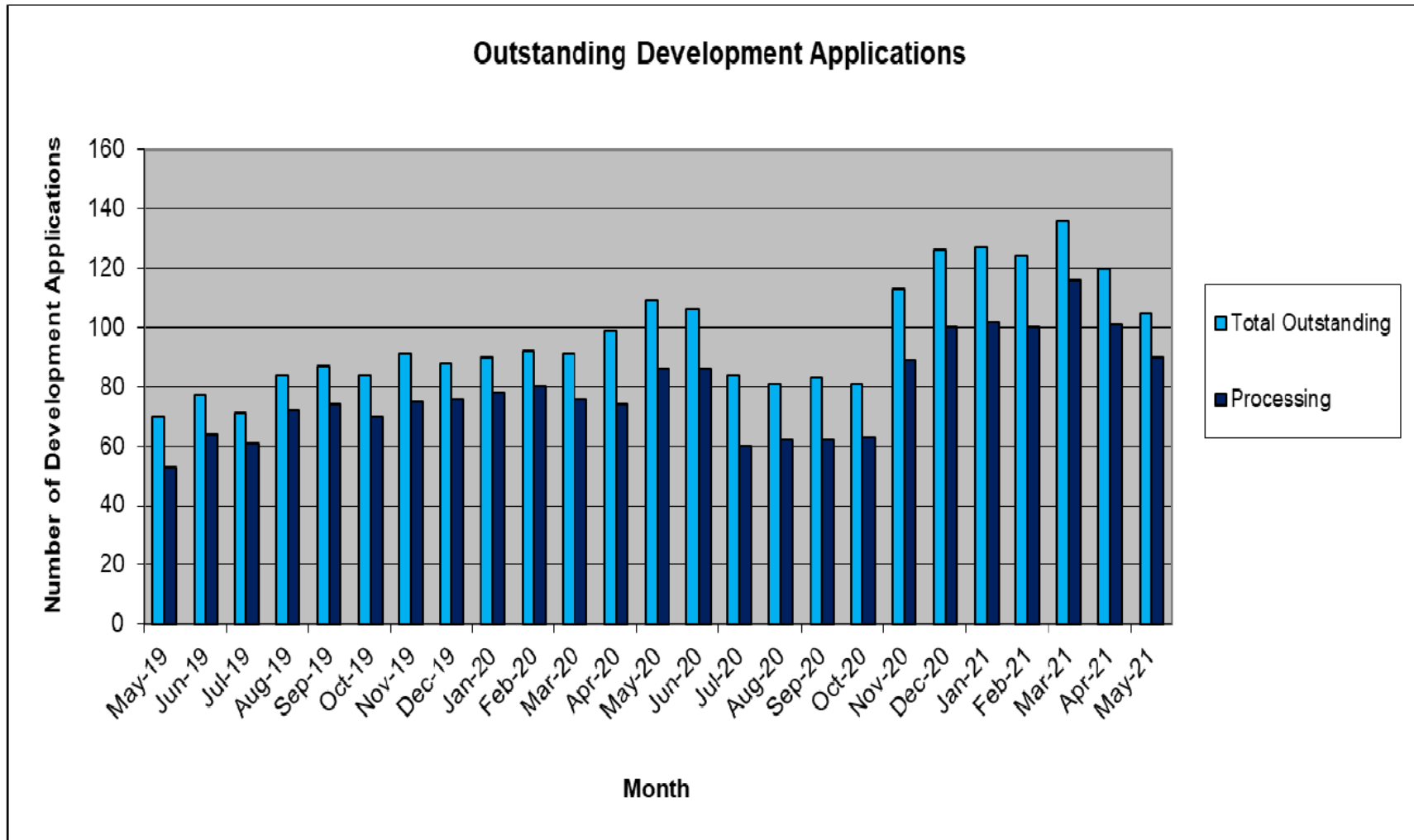
### Monthly Development Application Processing Report – May 2021

This report covers the period for the month of May 2021. Graph 1 indicates the processing times up to 31 May 2021 with the month of May having an average of 57 days and a median time of 47 days.



## Monthly Development Application Processing Report – May 2021

Graph 2 indicates the total number of outstanding applications, the number currently being processed and the number on “stop clock”.



## Monthly Development Application Processing Report – May 2021

The Planning and Development Department determined 46 Development Applications either by Council or under delegation during May 2021.

### Development Applications Determined – May 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0118/2020	Change of use - Retail shop Beautician	26	Market Street	MUDGEE
DA0032/2021	Multi dwelling housing	68	Mortimer Street	MUDGEE
DA0126/2021	Dwelling House	111	Pleasant Lane	BUCKAROO
DA0141/2021	Dwelling House	329	New Olivers Road	RUNNING STREAM
DA0178/2021	Dwelling House	55	Byrnes Lane	BURRUNDULLA
DA0186/2021	Tourist and visitor accommodation	109	Tinja Lane	EURUNDEREE
DA0189/2021	Subdivision - Torrens Title	283	Erudgere Lane	ERUDGERE
DA0195/2021	Dwelling House	931	Castlereagh Highway	MULLAMUDDY
DA0201/2021	Change of use - Bakery and signage	131	Church Street	MUDGEE
DA0205/2021	Dwelling House	60	Dangar Street	KANDOS
DA0239/2021	Dwelling House	1403	Blue Springs Road	BUNGABA
DA0243/2021	Alterations & Additions	33	Coolcalwin Street	OLINDA
DA0253/2021	Dwelling House	3	Kilkenny Avenue	MUDGEE
DA0269/2021	Residential Shed	23	Atkinson Street	MUDGEE
DA0278/2021	Residential Shed	66	Banjo Paterson Avenue	MUDGEE
DA0282/2021	Carport	10	Spring Road	MUDGEE
DA0286/2021	Residential Shed	1335	Pyramul Road	PYRAMUL
DA0288/2021	Retaining Wall	36	Banjo Paterson Avenue	MUDGEE
DA0294/2021	Residential Shed	162	Bruce Road	MUDGEE
DA0300/2021	Carport	19	Redbank Road	MUDGEE
DA0304/2021	Residential Shed	50	Spring Road	MUDGEE
DA0308/2021	Pergola	88	White Circle	MUDGEE
DA0310/2021	Moveable dwelling	3	Tallawang Road	GULGONG
DA0312/2021	Swimming Pool	44	Horatio Street	MUDGEE
DA0313/2021	Swimming Pool	4	Albens Lane	MUDGEE
DA0317/2021	Dwelling House	3739	Lue Road	MONIVAE
DA0318/2021	Residential Shed	48	Norris Lane	GALAMBINE
DA0320/2021	Carport	93	Williams Road	GULGONG
DA0323/2021	Dwelling House	218	Castlereagh Highway	GULGONG
DA0326/2021	Dwelling House	7	Meramie Street	CAERLEON

## Monthly Development Application Processing Report – May 2021

DA0328/2021	Residential Shed	96	Spring View Lane	BUDGEE BUDGE
DA0329/2021	Commercial Alterations/Additions	93	Church Street	MUDGE
DA0332/2021	Dwelling House	10	Butler Circle	BOMBIRA
DA0333/2021	Residential Shed	151	Robertson Street	MUDGE
DA0336/2021	Dwelling House	36	Tinja Lane	PUTTA BUCCA
DA0337/2021	Residential Shed	1	Scott Avenue	GULGONG
DA0338/2021	Dwelling House	17	Hone Creek Drive	CAERLEON
DA0339/2021	Residential Shed	15	Tongbong Street	RYLSTONE
DA0340/2021	Residential Shed	4	Lovett Court	SPRING FLAT
DA0343/2021	Function centre	109	Tinja Lane	EURUNDEREE
DA0348/2021	Residential Shed	190	Mayne Street	GULGONG
DA0349/2021	Alterations & Additions	144	Norris Lane	GALAMBINE
DA0351/2021	Alterations & Additions	387	Melrose Road	MOUNT FROME
DA0357/2021	Dual Occupancy	52	Saleyards Lane	MUDGE
DA0365/2021	Pergola	107	Windeyer Road	GRATTAI
DA0368/2021	Residential Shed	23	Farrelly Street	CLANDULLA

**\*NOTE – four Development Applications were approved with a variation to the DCP as listed below:**

DA number	Number of DCP variation(s)	Level of variation
DA0178/2021	2	>10% (building setback); <10% (boundary adjustment)
DA0032/2021	4	>10% (dwelling setback); >10% (landscape area); >10% (driveway width); >10% (driveway setback)
DA0332/2021	1	10% (dwelling setback)
DA0286/2021	1	>10% (shed setback)

## Monthly Development Application Processing Report – May 2021

### Development Applications currently being processed – May 2021

App/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEE
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping ground	2970	Lue Road	LUE
DA0089/2019	Change of use - Shed to Dwelling	2037	Cox Creek Road	RYLSTONE
DA0228/2019	Recreation facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0025/2021	Caravan Park	196	Waterhole Road	MOUNT FROME
DA0053/2021	Change of use - Concrete Workshop to Fabrication Workshop	22	Industrial Avenue	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE
DA0147/2021	Subdivision - Torrens Title	13	Belmore Street	GULGONG
DA0155/2021	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0157/2021	Farm stay accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0191/2021	Subdivision - Torrens Title	209	Robertson Road	SPRING FLAT
DA0199/2021	Change of use - Service Apartment	1	Sydney Road	MUDGEE
DA0204/2021	Function centre	345	Spring Flat Road	SPRING FLAT
DA0211/2021	Eco-tourist facility	1245	Coxs Creek Road	COXS CREEK
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE

## Monthly Development Application Processing Report – May 2021

DA0232/2021	Tourist and visitor accommodation	2976	Goolma Road	GOOLMA
DA0251/2021	Change of use - Cellar Door to Light Industrial	18	Sydney Road	MUDGEE
DA0262/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0273/2021	Change of use - Serviced Apartment	857	Spring Ridge Road	BERYL
DA0283/2021	Commercial Premises	3	Sydney Road	BURRUNDULLA
DA0299/2021	Function centre	833	Goolma Road	GUNTAWANG
DA0302/2021	Cafe	24	Cox Street	LUE
DA0303/2021	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0322/2021	Commercial Alterations/Additions	433	Ulan Road	EURUNDEREE
DA0324/2021	Commercial Alterations/Additions	548	Hill End Road	ERUDGERE
DA0331/2021	Industrial Building	35	Depot Road	MUDGEE
DA0334/2021	Shed >150m2	166	Lesters Lane	PIAMBONG
DA0341/2021	Subdivision - Torrens Title	85	Rocky Waterhole Road	MOUNT FROME
DA0342/2021	Dual Occupancy	8	Grant Bruce Court	MUDGEE
DA0344/2021	Demolition	37	Racecourse Road	GULGONG
DA0344/2021	Commercial Alterations/Additions	37	Racecourse Road	GULGONG
DA0345/2021	Dual Occupancy	29	Ilford Road	RYLSTONE
DA0346/2021	Subdivision - Torrens Title	17	Harvey Street	BOMBIRA
DA0352/2021	Subdivision - Torrens Title	71	Fairydale Lane	MUDGEE
DA0353/2021	Garage	262	Mount Vincent Road	RUNNING STREAM
DA0355/2021	Dwelling House	44	Saleyards Lane	MUDGEE
DA0356/2021	Dwelling House	172	Springwood Park Road	COPE
DA0358/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0359/2021	Serviced apartment	1807	Ulan Road	FROG ROCK
DA0361/2021	Residential Shed	9	Durack Court	MUDGEE
DA0362/2021	Dual Occupancy	3	Woodside Close	MUDGEE
DA0363/2021	Shed >150m2	1677	Spring Ridge Road	MEBUL
DA0366/2021	Pergola	252	Burrundulla Road	BURRUNDULLA
DA0367/2021	Residential Shed	145	Bruce Road	MUDGEE
DA0370/2021	Alterations & Additions	276	Perseverance Lane	GULGONG
DA0371/2021	Dual Occupancy	21	Marskell Circuit	MUDGEE
DA0372/2021	Dwelling House	8	Consadine Grove	SPRING FLAT
DA0374/2021	Residential Shed	15	Butler Circle	BOMBIRA



### Monthly Development Application Processing Report – May 2021

DA0375/2021	Residential Shed	8	Old Mill Road	GULGONG
DA0376/2021	Shed >150m2	842	Ridge Road	COOKS GAP
DA0377/2021	Swimming Pool	53	Thompsons Lane	GULGONG
DA0378/2021	Change of use - Shed to Dwelling	143	Cypress Drive	YARRAWONGA
DA0380/2021	Subdivision - Torrens Title	18	Alexander Dawson Court	MUDGEE
DA0381/2021	Secondary dwelling	387	Cypress Drive	YARRAWONGA
DA0382/2021	Alterations & Additions	1167	Mount Vincent Road	ILFORD
DA0383/2021	Signage	5	Knox Crescent	CAERLEON
DA0383/2021	Child Care Centre	5	Knox Crescent	CAERLEON
DA0387/2021	Dwelling House	87	Bellevue Road	MUDGEE
DA0389/2021	Shed >150m2	303	Stoney Creek Road	STONY CREEK
DA0393/2021	Dwelling House	35	Beryl Road	GULGONG
DA0394/2021	Residential Shed	37	Common Road	MUDGEE
DA0395/2021	Serviced apartment	22	Rheinberger Avenue	MUDGEE
DA0396/2021	Child Care Centre	26	Melton Road	MUDGEE

## Monthly Development Application Processing Report – May 2021

### Heritage Development Applications currently being processed – May 2021.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0300/2019	Demolition	80	Madeira Road	MUDGEE
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	Information and education facility	49	White Street	GULGONG
DA0188/2021	Multi dwelling housing	47	Lewis Street	MUDGEE
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartment	110	Church Street	MUDGEE
DA0215/2021	Residential Shed	42	Court Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0246/2021	Dual Occupancy	90	Louee Street	RYLSTONE
DA0296/2021	Dual Occupancy	61	Denison Street	MUDGEE
DA0309/2021	Restaurant	91	Horatio Street	MUDGEE
DA0347/2021	Commercial Alterations/Additions	42	Court Street	MUDGEE
DA0350/2021	Residential Shed	188	Church Street	MUDGEE
DA0354/2021	Carport	151	Market Street	MUDGEE
DA0360/2021	Alterations & Additions	98	Denison Street	MUDGEE
DA0364/2021	Secondary dwelling	35	Court Street	MUDGEE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0373/2021	Dwelling House	87	Belmore Street	GULGONG
DA0379/2021	Commercial Alterations/Additions	28	Market Street	MUDGEE
DA0384/2021	Residential Shed	42	Mudgee Street	RYLSTONE
DA0385/2021	Dwelling House	43	Denison Street	MUDGEE
DA0386/2021	Residential Shed	11	Lynne Street	GULGONG
DA0388/2021	Secondary dwelling	118	Medley Street	GULGONG
DA0390/2021	Secondary dwelling	130	Mortimer Street	MUDGEE
DA0391/2021	Residential Shed	2	Inglis Street	MUDGEE
DA0392/2021	Demolition	40	Inglis Street	MUDGEE
DA0397/2021	Demolition	22	Lawson Street	MUDGEE

## Item 9: Finance

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### 9.1 Write-off of Debts - Period 20/5/2020 to 25/5/2021

REPORT BY THE REVENUE COORDINAOR  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, GOV400087, GOV400067, A0140197

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Revenue Coordinator on the Write-off of Debts - Period 20/5/2020 to 25/5/2021;**
2. **note the write-offs totalling \$3,636.46 made under delegated authority as stipulated in Attachment 1 to this Report for the period 20/5/2020 to 25/5/2021; and**
3. **authorise the write-off of those debts greater than \$2,500 and totalling \$3,308.00 as stipulated in Attachment 1 to this Report for the period 20/5/2020 to 25/5/2021.**

#### Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 20th May 2020 under delegated authority and seeks Council's resolution to write off debts that are greater than \$2,500 that are owed to Council.

#### Disclosure of Interest

Nil.

#### Detailed report

The Local Government Regulations specify the requirements and restrictions placed on Council to write off debts, as outlined in the Legislation section of this report. The attached summaries document the delegated write offs and outlines the debts greater than \$2,500 that require Council's resolution to write off.

The total amount written off for the period 20 May 2020 to 25 May 2021 under delegation was \$3,636.46, including \$37.66 rates interest write-offs in accordance with Councils' COVID-19 rates assistance provisions. The COVID-19 related write-offs are outlined in the attached confidential list.

Consultation has been undertaken with Council's debt collection agent throughout the entire debt recovery process. The alternative option was to continue to pursue the debts, however this was not considered appropriate for the reasons stated in the attachment.

It is important to note that a debt that has been written off does not prevent Council initiating legal proceedings in the future to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

The total amount of debts greater than \$2,500 requiring a Council resolution to write off is \$3,308.00.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Councils Debt Management and Recovery & Credit Policies

### Legislation

Sections 213 and 131 of the Local Government (General) Regulation 2005 specify restrictions on writing off debts owed to a council. Council has previously resolved that the General Manager be delegated to write off amounts up to \$2,500. Debts owed to Council that are greater than \$2,500 must have a Council resolution directing that the stipulated amounts be written off.

Regulation 213(5) states that a debt can only be written off if it satisfies one of the following criteria:

- a) if the debt is not lawfully recoverable, or
- b) as a result of a decision of a court, or
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Regulation 131(6) states that the general manager must advise the council of rates and charges written off by written order of the general manager.

## Financial implications

The writing off of the amounts shown in the attachment will reduce the balances of outstanding receivables. The Sundry debtor write-offs are within existing provisions, while the rates and water write-offs exceed existing provisions for doubtful debts. The impact on operating performance ratio will depend on the assessment of other debts at financial year end.

Councils Credit Policy is in place to minimise the expenditure of valuable resources collecting and writing off overdue and bad debts.

There are no budget variations required for this write-off.

## Associated Risks

Not Applicable

IAN CLAYTON  
REVENUE COORDINAOR

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

25 May 2021

- Attachments:*
1. Write-off of debts - Period 20-5-20 to 25-5-21.
  2. Write-off of debts - Confidential - Period 20-5-20 to 25-5-21. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Debts Written Off Under Delegation - Period 20/5/2020 - 25/5/2021**

Account No	Debtor Name	Amount	Date of Debt	Background	Reason for Write-off
10382	The Proprietors Strata Plan 81399	837.26	15/07/2019	Water usage charges - unexplained high usage & meter issue	An attempt to recover the amount would not be cost effective
720039683	Cirrus Aircraft Services Pty Ltd	91.76	24/09/2019	Uncollected landing fees	Amount is under \$100- to recover would not be cost effective
720040571	Mr R E Merridew	56.00	21/02/2020	Uncollected landing fees	Amount is under \$100- to recover would not be cost effective
720035435	Prescott Page Advisory P/L	86.70	20/04/2018	Uncollected landing fees	Amount is under \$100- to recover would not be cost effective
FP0211	Mrs Moritza Levitz	92.90	3/02/2020	Fee for Business Use of Footpath	Permit cancelled and amount is under \$100- to recover would not be cost effective
23374	Mr DE Scrivener	222.69	10/01/2020	Water usage charges	Unpaid water charges on subdivided property - unable to collect
24176	Down The Track Cafe	175.68	24/11/2016	Rates	Rates on cancelled rail license - unable to recover
24176	Down The Track Cafe	348.46	24/11/2016	Water usage charges	Water charges on cancelled rail license - unable to recover
24420	Mr CJ Hawes & Mrs KE Hawes	6.62	1/04/2020	Interst charges on water charges	Unpaid interest on subdivided property - unable to collect
25381	Estate Of Clyde C Donnelly	19.52	13/08/2019	Interst charges on rates	Unpaid interest on cancelled Crown license property - unable to collect
9703610	Mr P Orsini	136.80	4/06/2019	Meals on Wheels	Former client - not economical to collect
9703562	Mrs N Willis	95.00	7/01/2019	Meals on Wheels	Former client - not economical to collect
9703558	Ms S Robbins	556.84	6/02/2019	Showground table Hire fees	Unable to recover
9703700	Workshop 526	120.00	12/02/2020	Food vendor fee for Charity Shield event	Business sold - unable to collect
9703663	Ms N Westrip	15.30	3/12/2019	Meals on Wheels	Former client - not economical to collect
9701224	Pacific National	9.16	2/10/2018	Trade waste collection	Balance of charge - uneconomical to collect
9701096	Ian Colley Earthmoving	427.10	19/10/2017	Private works	Damage to Council infrastructure in 2017. Uneconomical to collect.
9701503	Mudgee Home Improvement Centre	44.00	6/04/2020	Tipping fees	Not economical to collect
FD0075	The Wineglass Bar and Grill	198.00	2/07/2018	Food inspection fees	Company wound up - no funds to pay
8300657	Blue Wren	56.00	13/01/2020	Recycling fees	Company sold - not economical to collect
9701796	Kai Sun	3.01	24/07/2018	Balance of Flavours of Mudgee stalholder fee	Shortpaid Flavours account in 2018. Not economical to collect
		<b>3598.80</b>			

**Debts Written Off by Council Resolution - Period 20/5/2020 -**

Account No	Debtor Name	Amount	Date of Debt	Background	Reason for Write-off
9702944	Mrs N Craft	3308.00	11/02/2016	Meals on Wheels	Follow-up of debt unsuccessful - unable to collect
		<b>3308.00</b>			



tive

## 9.2 Renaming of a section of Upper Turon Road raised by Lithgow City Council

### REPORT BY THE PROPERTY SUPPORT OFFICER

TO 16 JUNE 2021 ORDINARY MEETING

GOV400088, R0790041 R0009025

### RECOMMENDATION

#### That Council:

1. receive the report by the Property Support Officer on the renaming of a section of Upper Turon Road raised by Lithgow City Council; and
2. support the proposal by Lithgow City Council so long as their public consultation process includes the affected property owners within the Mid-Western Regional Council area and the majority of affected property owners within Bathurst, Mid-Western and Lithgow areas agree with the proposal.

### Executive summary

Lithgow City Council (LCC) considered a Notice of Motion at their Ordinary Meeting on 24<sup>th</sup> August 2020 and resolved to rename sections of Upper Turon Road following confusion in relation to road names and addresses during the 2019/2020 bushfires in that area.

### Disclosure of Interest

Nil.

### Detailed report

Following the 2019/2020 bushfires in the Upper Turon, Palmers Oaky, Running Stream and Capertee areas the Captain of the Palmers Oaky RFS Brigade requested Lithgow City Council look at re-naming parts of Upper Turon Road to avoid confusion for Emergency Services departments.

Sections of Upper Turon Road cross into Mid-Western Regional Council's (MWRC) area within the locality of Upper Turon. Sixteen properties within the MWRC area are addressed from Upper Turon Road. Of those properties there would be nine properties affected by Lithgow City Council's proposed road name change should Council support the proposal to rename Upper Turon Road through to the intersection with Red Hill Road.

LCC's resolution is for the proposed re-naming to be determined following residents and public consultation and receipt of submissions on the matter. Should Council support the proposal, MWRC staff will contact the affected property owners within the MWRC area seeking any feedback they may wish to provide. The feedback will then be passed on to LCC to be included in their submission to the Geographical Names Board. LCC will then progress the submission process until a conclusion is reached on the matter. If the road is re-named then MWRC Council staff will provide new addressing for the affected MWRC properties.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

Not applicable as MWRC is not the actioning Council.

### Legislation

The Roads Act, 1993.  
Road Regulation 2008.  
Geographical Names Act, 1996.

## Financial implications

Road signage in the area will need to be replaced. At this time it is not known how many road signs are in place along the affected section but it is assumed there is at least one at the Red Hill Road intersection that will require replacement. Most other signs will be in Bathurst Regional Council's area or Lithgow City Council's area.

Cost of and installation of one road sign is currently within existing street signage budgets.

## Associated Risks

Nil.

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 May 2021

*Attachments:*

1. Lithgow City Council Notice of Motion 24/8/2020.
2. Lithgow City Council Minute 24/8/2020.
3. Map.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.2. Notice of Motion - Renaming of Upper Turon Road and Turon River Road

**Report by** Councillor Maree Statham

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### **Commentary by Councillor Statham in support of the motion**

During the December / January Palmers Oakey / Turon horrific fires confusion regarding naming of roads created unwarranted worries and delays for fire fighters and Emergency Services.

It has been requested by the Captain of Palmers Oakey Brigade with support of the community and fire fighters that the Upper Turon Road be renamed either Capertee Road as it was historically originally known or Turon Gates Road.

This road has never been known as Upper Turon Road by the locals or Emergency Services. Palmers Oakey Road starts at the junction of the Mount Horrible Road and Dark Corner Road. This road travels north over 9 kms where it hits the Turon River. Official maps have the Palmers Oakey Road continuing west adjacent to the Turon River for further 10 kms at the junction of Red Hill Road. Upper Turon Road comments as Sofala and joins the junction of Red Hill Road and Palmers Oakey Road.

#### **Turon River Road**

It is requested that the "Turon River Road" section should be RENAMED to Palmers Oaky Road when in the Palmers Oakey locality and Upper Turon Road when in the Upper Turon locality.

This will ensure no renumbering of street addresses will be required only the renaming of the Upper Turon Road section. This should be renamed the Capertee or Turon Gates Road.

These changes are needed to avoid confusion for Emergency Services, Police, Ambulance and Fire Brigades.

A recent Upper Turon / Palmers Oaky Fire highlighted the confusion with the Upper Turon Road, brigades were delayed not knowing if access was via Robyn Hill Road or Mount Horrible Road. The delays in crews attending the fire may have contributed to the fire escaping control lines and resulting in a far more serious fire than otherwise could have been.

Recently two Police Officers from Chifley Area Command could not locate 1620 Upper Turon Road, they had to retrace their journey and had to ask a local for directions. This could have created a disastrous situation if the call out was a medical emergency. The extra delay could have resulted in a fatality.

### **Attachments**

Nil

### **Recommendation**

THAT:

1. Upper Turon Road be renamed to Capertee Road as it was historically known or if Council Staff recommend Turon Gates Road.
2. Turon River Road be renamed to Palmers Oaky Road when in the locality of Palmers Oaky and Upper Turon Road when in the Upper Turon locality.

Ordinary Meeting of Council 24 August 2020

## 9.2. Notice of Motion - Renaming of Upper Turon Road and Turon River Road

### 20 -192 RESOLVED

THAT:

1. Lithgow City Council rename the road shown in pink (on the map provided) and currently named Upper Turon Road (in the Lithgow LGA) to Capertee Road (to be determined following residents and public consultation and submissions); and
2. Lithgow City Council liaise with adjacent Council's (mid-Western Regional and Bathurst Regional) to determine the name of the dark green road (on the map provided) if required, arrange for it to be renamed Palmers Oakey Road, which will continue the Palmers Oakey Road from Mt Horrible Road to Upper Turon Road (shown in cyan on the map provided).

**MOVED:** Councillor M Statham

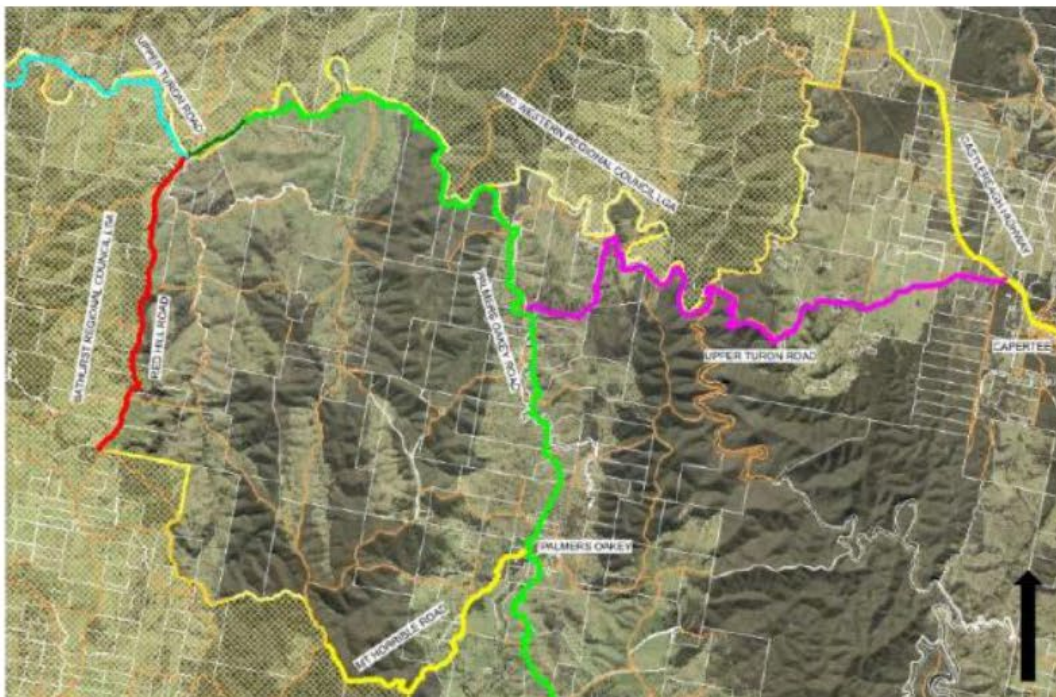
**SECONDED:** Councillor D Goodsell

**CARRIED:** Unanimous

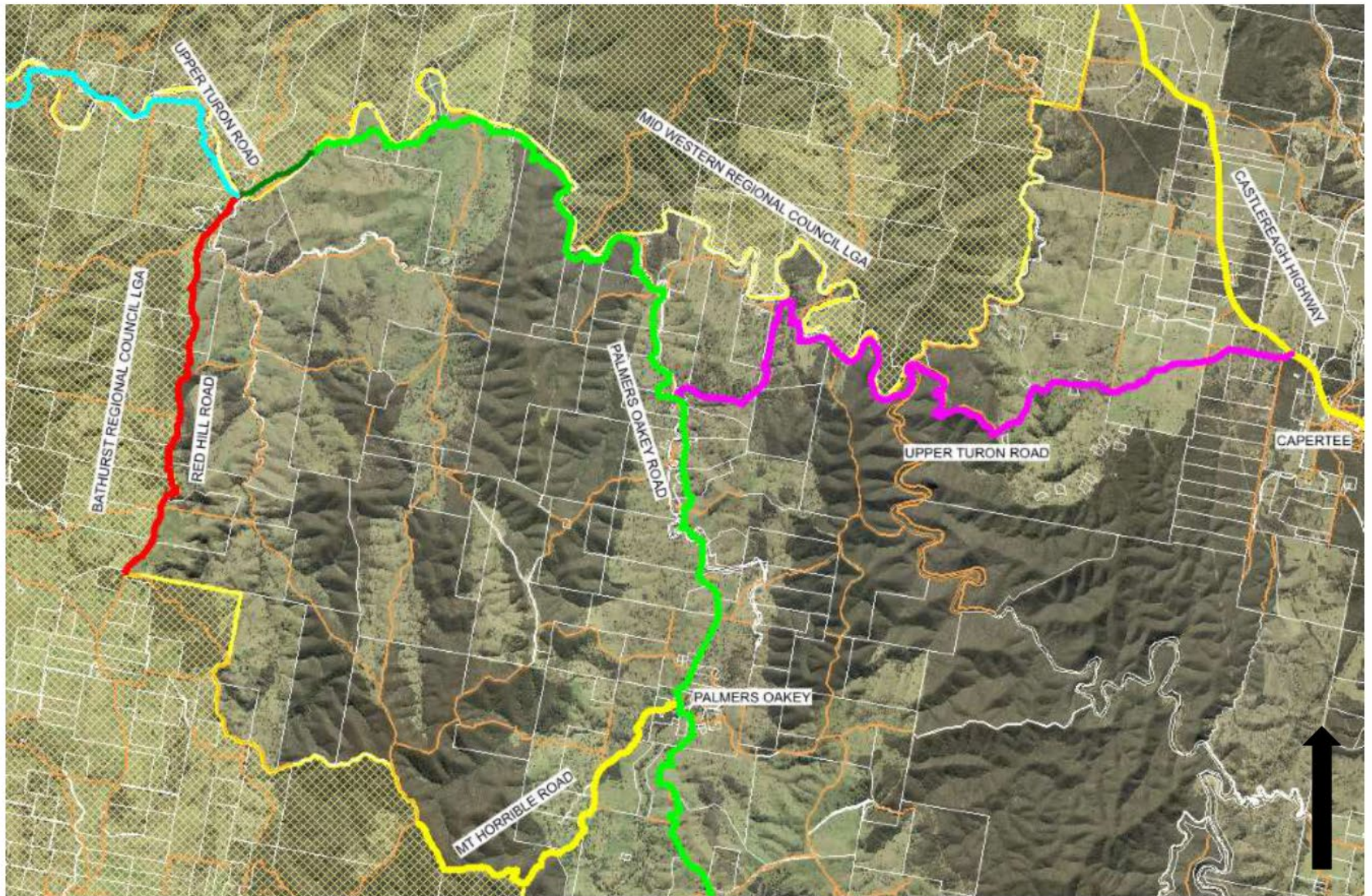
### Divisions

**FOR:** Councillor R Thompson, Councillor S Ring, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor M Statham

**AGAINST:** nil









## 9.3 2021/22 Operational Plan and 2017/22 Delivery Program

REPORT BY THE MANAGER FINANCE  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400067, A0000000

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Finance on the 2021/22 Operational Plan and 2017/22 Delivery Program;
  2. adopt the Operational Plan for 2021/22 and Revised Delivery Program for 2017-2022, including the Fees & Charges Schedule;
  3. makes the following rates and charges for the 2021/22 financial year:
    - 3.1 A Residential Rural Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential, with a minimum rate of \$708.78;
    - 3.2 A Residential Urban Rate of 0.621094 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$708.78;
    - 3.3 A Farmland Rate of 0.442077 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Farmland, with a minimum rate of \$708.78;
    - 3.4 A Business Rate of 0.839604 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business, with a minimum rate of 708.78;
    - 3.5 A Business Rylstone Aeropark Rate of 0.289731 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$232.67;
    - 3.6 A Mining Rate of 2.402869 cents in the dollar on the land value as at 1 July 2021 of all land so categorised as Mining, with a minimum rate of \$708.78;
    - 3.7 A Hunter Valley Catchment Contribution Rate of 0.00964 cents in the dollar on the land value as at 1 July 2021 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993. Council contributes to the provision of watercourse management in the area controlled by Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the authority, is to be applied for the purposes of the Local Land Services Regulation 2014.
    - 3.8 The interest to be charged on overdue rates and charges shall be calculated at a rate of 6% per annum for the 2021-22 financial year, on a daily simple interest basis;
-

- 3.9 A Domestic Waste Management Charge of \$304 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 3.10 A General Waste Disposal Charge of \$226 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 3.11 A Business Waste Management Charge of \$235 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 3.12 Water charges for rateable and non-rateable properties within the water supply area of:**

<b>Charge Type</b>	<b>Detail</b>	<b>Amount</b>
Service Availability	20mm meter	\$168
	25mm meter	\$263
	32mm meter	\$430
	40mm meter	\$672
	50mm meter	\$1,050
	80mm meter	\$2,688
	100mm meter	\$4,200
	150mm meter	\$9,450
Usage - per kL	Residential	\$3.30
	Business	\$3.30
	Raw Water	\$1.35
	Standpipe	\$6.11

**In relation to any multi-unit residential development, including any strata development, each unit will be levied a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge.**

- 3.13 Sewer charges for rateable and non-rateable properties within the sewer service area of:**

<b>Charge Type</b>	<b>Detail</b>	<b>Amount</b>
Service availability	Residential	\$912
	Non-Residential	\$509
Usage - Non Residential	Based on kLs of water that would reasonably	\$2.92

	be deemed to enter MWRC sewer schemes	
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$100
	Category 2 Discharger	\$200
	Large Discharger	\$665
	Industrial Discharger	\$201.5 - \$662
	Re-inspection Fee	\$98
Liquid Trade Waste - Category 1 without appropriate equipment	Per kilolitre	\$1.85
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$1.85
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$17

## Executive summary

At the Extraordinary Council Meeting on 26 May 2021, Council considered all public and management submissions. Council resolved that the amended the 2021/22 Operational Plan and 2021/22 Delivery Program be brought back to Council at the June Ordinary Meeting for endorsement.

## Disclosure of Interest

Nil.

## Detailed report

Council has been through an extensive planning process over the past few months to determine an appropriate annual plan, culminating in the Draft 2021/22 Operational Plan and 2021/22 Delivery Program.

In April 2021, Council placed its' Draft Operational Plan 2021/22 and Revised Delivery Program 2021-2022 on exhibition. In this time, Council received a number of submissions that were considered on 26 May 2021.

## **RATES MODEL**

The Rates Model proposed as part of the Draft 2021/22 Operational Plan and 2021/22 Delivery Program includes an increase to all rating categories of the IPART capped rate of 2.0%, distributed evenly. Land rating categories are:

- Farmland;
- Residential;
- Business; and
- Mining

It should be noted that changes to land valuations and categorisation of properties will impact the net increase of a rating category, which may result in an adjusted movement of more or less than the 2.0% capped rate.

Council notes that Notional General Income calculations including compliance with the rate pegging provisions of the Local Government Act are subject to audit by the NSW Auditor General, whose findings are referred to the Office of Local Government to ensure compliance.

## Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

## Strategic implications

### Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program and draft Operational Plan, including the Community Strategic Plan, and Resourcing Strategies.

### Council Policies

Relevant Integrated Planning and Reporting Policies may influence the way the Delivery program and Operational Plan are developed, for example the Asset Management Policy.

### Legislation

The below sections of the Local Government Act 1993 have been referenced in this report, and/or have been taken into consideration for the recommendation set out in this report.

#### LOCAL GOVERNMENT ACT 1993 - SECT 405

##### 405 Operational plan

(1) A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.

(2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

(3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.

(4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.

(5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.

(6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

LOCAL GOVERNMENT ACT 1993 - SECT 494

494 Ordinary rates must be made and levied annually

- (1) A council must make and levy an ordinary rate for each year on all rateable land in its area.
- (2) Each category or subcategory of ordinary rate is to apply only to land of the same category or subcategory.

LOCAL GOVERNMENT ACT 1993 - SECT 509

509 Maximum general income for a year

(1) A council must not make rates and charges for a year so as to produce general income of an amount that exceeds the notional general income of the council for the previous year as varied by the percentage (if any) applicable to the council under section 506, 508 (2) or 508A for the year for which the rates and charges are made, except as provided by section 511 or 511A.

(2) The "notional general income of a council for the previous year" is the amount that would have been derived if the same rates and charges as were made to produce the general income for that previous year had been so made but, in the case of rates, had been made in respect of:

(a) the valuations of rateable land in the council's valuation record applicable as at 1 July in that previous year and required under this Act to be used in that previous year for the making and levying of rates (not including valuations of those parcels of rateable land for which supplementary valuations referred to in paragraph (b) have been furnished), and

(b) supplementary valuations of rateable land having the same base date as those valuations and furnished to the council under the Valuation of Land Act 1916 during that previous year, and

(c) any estimates of increase in value of rateable land that are provided to the council under section 513 in respect of that previous year.

LOCAL GOVERNMENT ACT 1993 - SECT 532

532 Publication of draft operational plan

A council must not make a rate or charge until it has given public notice (in accordance with section 405) of its draft operational plan for the year for which the rate or charge is to be made and has considered any matters concerning the draft operational plan (in accordance with that section).

LOCAL GOVERNMENT ACT 1993 - SECT 533

533 Date by which a rate or charge must be made

A rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

## Financial implications

All financial information is shown in the attached Draft Operational Plan 2021/22 and Revised Delivery Program 2017-2022.

## Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

1 June 2021

*Attachments:* 1. MWRC Operational Plan 21-22. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 9.4 Monthly Budget Review - May 2021

REPORT BY THE MANAGER FINANCE  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400087, FIN300240

### RECOMMENDATION

#### That Council

1. receive the report by the Manager Finance on the Monthly Budget Review - May 2021;
2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

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### Executive summary

This report provides Council with information on the progress of the 2020/21 capital works program as at 31 May 2021.

### Disclosure of Interest

Nil.

### Detailed report

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

### Community Plan implications

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

#### Council Strategies

Not applicable.

#### Council Policies

Not applicable.

### Legislation

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

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

### Financial implications

It is anticipated that the rolling of the Sewer Management Studies and Water management studies budget into future years will have a positive impact for 2020/21 and a negative impact in future years of the operating performance ratio.

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

### Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

2 June 2021

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

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



*Good  
Government*

## MONTHLY BUDGET REVIEW – 31 MAY 2021

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

16 JUNE 2021

MID-WESTERN REGIONAL COUNCIL  
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



## 1. PROPOSED BUDGET VARIATIONS

## SUMMARY

Fund	Funding Source	20/21	21/22	Grand Total
General	OTR - OTHER REVENUE	-17,686		-17,686
	RMS CONTRIBUTIONS - CAPITAL	-90,000	90,000	0
	Unrestricted Cash	-5,014		-5,014
	VPA	85,572		85,572
<b>General Total</b>		<b>-27,128</b>	<b>90,000</b>	<b>62,872</b>
Sewer	Unrestricted Cash	400,000	-400,000	0
<b>Sewer Total</b>		<b>400,000</b>	<b>-400,000</b>	<b>0</b>
Waste	WASTE RESERVE	-20,000		-20,000
<b>Waste Total</b>		<b>-20,000</b>		<b>-20,000</b>
Water	Unrestricted Cash	225,000	-225,000	0
<b>Water Total</b>		<b>225,000</b>	<b>-225,000</b>	<b>0</b>
<b>Grand Total</b>		<b>577,872</b>	<b>-535,000</b>	<b>42,872</b>

FINANCIAL YEAR: 20/21

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – MAY 2021

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Staff Leave Entitlements - Increase to workers compensation insurance premium \$68k, offset by lower than expected leave. Increase to expected entitlements balance due to lower leave \$365k (non-cash)	-365,100	MWRC INC - INTERNAL INCOME	365,100	-	0	0
CONNECTING OUR REGION	General	Ulan And Wollar Road Upgrades - Funds were applied to Munghorn Upgrade project on Wollar Road	-85,558	-	0	VPA	85,572	(14)
GOOD GOVERNMENT	General	Corporate Governance - For unexpected legal advice required.	5,000	-	0	-	0	(5,000)
CONNECTING OUR REGION	General	Hill End Road Safety Improvements - Bring back 90k into the 2020/21 which was previously rolled into the next year, however this amount is now likely to be spent for this multi-year project.	90,000	RMS CONTRIBUTIONS - CAPITAL	(90,000)	-	0	0
CONNECTING OUR REGION	General	Footpath - Lions Drive - For the footpath construction on Lions Drive	15,970	OTR - OTHER REVENUE	(15,970)	-	0	0
CONNECTING OUR REGION	General	Buggy Path Lighting - For the buggy path lighting	1,716	OTR - OTHER REVENUE	(1,716)	-	0	0
LOOKING AFTER OUR COMMUNITY	General	Affordable Housing - Reallocate to the correct income resource account	0	-	0	-	0	0
PROTECTING OUR NATURAL ENVIRONMENT	Sewer	Sewer Management Studies - Roll into the 2021/22 financial year to continue items incl next 5 year capital program scoping detail. IWCM/Strategic planning project timeframe is realised over a 2+ year period.	-400,000	-	0	-	0	400,000
PROTECTING OUR NATURAL ENVIRONMENT	Waste	Gulgong WTS Office Replacement - Additional costs required to complete works.	20,000	-	0	WASTE RESERVE	(20,000)	0
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Management Studies - Roll into the 2021/22 financial year to continue items incl next 5 year capital program scoping detail. IWCM/Strategic planning project timeframe is realised over a 2+ year period.	-225,000	-	0	-	0	225,000
	<b>Total</b>		<b>(942,972)</b>		<b>257,414</b>		<b>65,572</b>	<b>619,986</b>

## FINANCIAL YEAR: 21/22

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Hill End Road Safety Improvements - Bring back 90k into the 2020/21 which was previously rolled into the next year, however this amount is now likely to be spent for this multi-year project.	-90,000	RMS CONTRIBUTIONS - CAPITAL	90,000	-	0	0
LOOKING AFTER OUR COMMUNITY	General	Affordable Housing - Reallocate to the correct income resource account	0	-	0	-	0	0
PROTECTING OUR NATURAL ENVIRONMENT	Sewer	Sewer Management Studies - Roll into the 2021/22 financial year to continue items incl next 5 year capital program scoping detail. IWCM/Strategic planning project timeframe is realised over a 2+ year period.	400,000	-	0	-	0	(400,000)
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Management Studies - Roll into the 2021/22 financial year to continue items incl next 5 year capital program scoping detail. IWCM/Strategic planning project timeframe is realised over a 2+ year period.	225,000	-	0	-	0	(225,000)
	<b>Total</b>		<b>535,000</b>		<b>90,000</b>		<b>0</b>	<b>(625,000)</b>



## 2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 May 2021.

**43 M**

Actual YTD

**209**

Capital Projects

\*Excludes Budget Only and  
Deferred

**71%**

Budget Spent

**114**

Capital Projects  
Completed

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Looking after our Community</b>							
BUSHFIRE RECOVERY - LARGE WATER TANKS (DRFA)	196	0	196	196	100%	5	Complete-awaiting invoices
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	30	0	30	11	36%	0	Construction
GPS CEMETERY SITES	17	0	17	11	64%	4	Complete
CEMETERY CAPITAL PROGRAM	15	0	15	11	75%	0	Complete
MUDGEES CEMETERY FENCE UPGRADE	65	0	65	39	60%	0	Complete
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	20	80%	4	Complete
RYLSTONE CEMETERY DRAINAGE	26	0	26	24	94%	2	Complete
LIBRARY BOOKS	91	0	91	80	87%	0	Construction
LIBRARY EQUIPMENT	20	0	20	14	71%	0	Complete
RYLSTONE LIBRARY BRANCH	9	0	9	5	51%	0	Construction
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	20	0	20	7	34%	0	Construction
GULGONG MEMORIAL HALL EXT. PAINTING	30	0	30	31	102%	0	Complete
GULGONG MEMORIAL HALL ROOF	70	0	70	70	100%	0	Complete
TOWN HALL - SURVEILLANCE CAMERA UPGRADE	15	0	15	13	88%	0	Complete
GUIDES BUILDING - RYLSTONE	40	0	40	35	88%	0	Complete
GULGONG HALL	34	0	34	21	60%	6	Construction
PROPERTY PURCHASE- 70 COURT ST	650	0	650	653	100%	0	Complete
KANDOS LIBRARY & HALL	12	0	12	7	57%	0	Complete
POOL SHADE PROGRAM	55	0	55	0	0%	49	Final works
GULGONG POOL REPAINT	91	0	91	91	99%	0	Complete
GULGONG POOL STORAGE SHED	25	0	25	7	28%	7	Construction
POOL FILTER REPLACEMENT	55	0	55	0	0%	43	Complete
POOL MATTS	60	0	60	0	0%	43	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
KANDOS POOL HEATERS	85	0	85	0	0%	60	Construction
MUDGEES SHOWGROUNDS - REDEVELOPMENT	247	0	247	22	9%	471	Initial works
GLEN WILLOW SPORTS GROUND UPGRADES	10,948	0	10,948	8,516	78%	4,093	Construction
GLEN WILLOW SHED	60	0	60	57	95%	0	Complete
GLEN WILLOW CARPARK	500	0	500	400	80%	59	Construction
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	557	0	557	544	98%	0	Complete
RYLSTONE CEMETERY STORAGE SHED	20	0	20	8	38%	0	Complete
MUDGEES DOG PARK RELOCATION & UPGRADE	150	0	150	112	74%	33	Final works
BILLY DUNN AMENITIES	132	0	132	8	6%	0	Initial works
RYLSTONE SHOWGROUND CAPITAL	75	0	75	4	6%	46	Construction
BILLY DUNN CARPARK ACCESS	96	0	96	27	28%	7	Construction
PUBLIC TOILETS - CLANDULLA	5	0	5	3	64%	0	Complete
PUBLIC TOILETS - WALKERS OVAL	10	0	10	11	106%	0	Complete
MUDGEES SHOWGROUNDS - CARPARK & PATHWAY UPGRADE	74	0	74	64	87%	0	Complete
MUDGEES SHOWGROUNDS - BRIDGE CLUB KITCHEN	57	0	57	57	100%	0	Complete
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	10	0	10	7	72%	0	Complete
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	4	Complete
SHADE SAIL REPLACEMENTS	5	0	5	5	101%	0	Complete
SCULPTURES ACROSS THE REGION	26	0	26	14	54%	4	Construction
PLAYGROUND SHADING PROGRAM	106	0	106	18	17%	0	Complete
DISTRICT ADVENTURE PLAYGROUND	9	0	9	9	100%	0	Complete
PITTS LANE - LIGHTING *	50	0	50	0	0%	46	Final works
FLIRTATION HILL DEVELOPMENT	38	0	38	6	16%	4	Construction
RED HILL CAPITAL WORKS	20	0	20	11	56%	5	Complete-awaiting invoices
PLAYGROUND CCTV	15	0	15	11	75%	0	Complete
PUBLIC TOILETS - CORONATION PARK	10	0	10	1	11%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PUBLIC TOILETS - ROBERTSON PARK	20	0	20	7	36%	4	Complete-awaiting invoices
PLAYGROUND - ROBINSON / FISHER ST GULGONG	24	0	24	14	58%	0	Complete
ROBERTSON PARK PATHWAY	10	0	10	7	73%	0	Complete
ART GALLERY FACILITY	7,431	0	7,431	6,122	82%	933	Construction
MUDGEER REGIONAL TOURISM OFFICE INTERNAL FIT-OUT	40	0	40	0	0%	0	Procurement
STREETSCAPE - STREET BINS	12	0	12	0	0%	11	Final works
<b>Total</b>	<b>22,501</b>	<b>0</b>	<b>22,501</b>	<b>17,411</b>	<b>77%</b>	<b>5,944</b>	

## Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	202	0	202	73	36%	69	Final works
MUDGEER WASTE DEPOT UPGRADES	59	0	59	48	82%	9	Final works
NEW TIP CELL CONSTRUCTION	78	0	78	48	61%	11	Final works
WASTE SITES REHABILITATION	30	0	30	30	100%	0	Complete
RECYCLING PLANT UPGRADES	7	0	7	5	75%	0	Deferred/Cancelled
LEACHATE POND ENLARGEMENT	27	0	27	19	70%	5	Complete-awaiting invoices
WEIGHBRIDGE SOFTWARE UPGRADE	43	0	43	44	102%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	99	0	99	34	34%	39	Construction
GULGONG WTS OFFICE REPLACEMENT	118	20	138	40	29%	65	Construction
MUDGEER LANDFILL WHEEL WASH	35	0	35	5	13%	11	Final works
DRAINAGE CAPITAL IMPROVEMENTS	137	0	137	124	90%	11	Construction
EARTH CHANNEL ENLARGEMENT WORKS	70	0	70	0	0%	4	Construction
PIT MODIFICATIONS – VARIOUS LOCATIONS	17	0	17	8	47%	0	Construction
CAUSEWAY - SCHOOL LANE	33	0	33	30	91%	0	Final works
KANDOS STORMWATER UPGRADE	351	0	351	220	63%	65	Procurement
CAUSEWAY - DREWS LANE	33	0	33	19	57%	11	Final works

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – MARCH 2021

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PUTTA BUCCA WETLANDS EXTENSION	11	0	11	0	0%	10	Complete-awaiting invoices
PUTTA BUCCA WETLANDS TOILET	6	0	6	2	27%	0	Design
WATER NEW CONNECTIONS	163	0	163	148	91%	0	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	9	0	9	9	100%	0	Multi-year project - complete for this year
WATER AUGMENTATION - ULAN RD EXTENSION	311	0	311	275	88%	0	Complete
WATER TELEMETRY	250	0	250	199	79%	52	Complete
WATER MAINS - BYRON PLACE	60	0	60	21	35%	0	Initial works
WATER MAINS - LYNNE STREET	16	0	16	16	98%	0	Complete
WATER MAINS - ANDERSON STREET	138	0	138	138	100%	0	Complete
WATER MAINS - COOYAL STREET	99	0	99	99	100%	0	Complete
WATER MAINS - SCULLY STREET	36	0	36	35	98%	0	Complete
WATER MAINS - QUEEN STREET	69	0	69	69	100%	0	Complete
WATER MAINS - BELMORE STREET	275	0	275	289	105%	2	Complete
WATER MAINS - MOONLIGHT STREET	65	0	65	65	99%	0	Complete
WATER MAINS - STOTT STREET	22	0	22	5	24%	1	Final works
WATER MAINS - NANDOURA STREET	130	0	130	123	95%	2	Complete
WATER MAINS - FISHER STREET	36	0	36	33	92%	2	Complete
CHURCH STREET ROUNDABOUT - NON-POTABLE WATER MAIN REPLACEMENT	75	0	75	45	60%	10	Complete-awaiting invoices
WATER PUMP STATION - CAPITAL RENEWALS	19	0	19	19	101%	0	Complete
RYLSTONE DAM PS PAC DOSING SYSTEM	90	0	90	68	76%	21	Complete-awaiting invoices
RYLSTONE DAM MONITORING EQUIPMENT	13	0	13	10	76%	0	Complete-awaiting invoices
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	106	0	106	75	71%	8	Final works
RAW WATER SYSTEMS RENEWALS	20	0	20	15	77%	0	Final works
WATER TREATMENT RYLSTONE UPGRADES	8	0	8	8	96%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER WELLFIELD BORE INTEGRITY UPGRADES	27	0	27	21	78%	0	Complete
WATER METER REPLACEMENT	70	0	70	60	86%	0	Multi-year project - complete for this year
RAW WATER SYSTEMS - MUDGEES AND GULGONG DISINFECTION UPGRADES	2	0	2	2	101%	0	Complete
RAW WATER SYSTEMS - SALEYARDS WATER SUPPLY	28	0	28	0	0%	0	Procurement
RURAL CUSTOMER FILL STATIONS	270	0	270	24	9%	164	Construction
SEWER NEW CONNECTIONS	34	0	34	29	84%	0	Construction
SEWER TELEMETRY	31	0	31	13	43%	13	Construction
SEWER MAINS RELINING	500	0	500	29	6%	431	Construction
RISING MAIN ULAN RD TO PUTTA BUCCA	129	0	129	129	100%	0	Deferred/Cancelled
SEWER MAIN REPLACEMENT - SHORT ST/MARKET ST MUDGEES	12	0	12	2	19%	0	Complete
SEWER MAIN COLLAPSE- LAWSON PARK WEST MUDGEES	150	0	150	128	85%	0	Complete
SEWER PUMP STATION - CAPITAL RENEWALS	38	0	38	39	102%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	22	0	22	21	99%	0	Complete
MUDGEES STP SLUDGE DEWATERING IMPROVEMENTS	9	0	9	9	100%	0	Complete
SEWER TREATMENT WORKS MUDGEES INLET	46	0	46	32	70%	11	Complete
MUDGEES STP EMERGENCY WORKS	500	0	500	385	77%	27	Final works
SEWER TREATMENT WORKS - MUDGEES STP CBT DESLUDGE	275	0	275	191	69%	72	Complete-awaiting invoices
<b>Total</b>	<b>5,508</b>	<b>20</b>	<b>5,528</b>	<b>3,626</b>	<b>66%</b>	<b>1,128</b>	

### Building a Strong Local Economy

RYLSTONE CARAVAN PARK - CAPITAL	30	0	30	10	35%	0	Design
RIVERSIDE CARAVAN PARK FIRE SERVICES	103	0	103	27	26%	0	Initial works
MUDGEES VALLEY PARK UPGRADE	606	0	606	354	58%	10	Construction



\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CUDGEGONG WATERS PARK INTERNAL ROADS	50	0	50	4	8%	20	Complete-awaiting invoices
ENTRANCE SIGNAGE PROJECT	112	0	112	105	93%	0	Final works
SALEYARDS SECURITY CAMERAS	3	0	3	3	100%	0	Complete
SALEYARDS BULL PEN SHADE	6	0	6	6	100%	0	Complete
SALEYARDS WATER PUMP	7	0	7	4	59%	0	Complete
PROPERTY - MUDGEE AIRPORT SUBDIVISION	20	0	20	15	76%	0	Complete
PROPERTY - EX SALEYARDS STAGE I	526	0	526	527	100%	21	Complete
RYLSTONE KANDOS PRESCHOOL EXTENSION	14	0	14	6	46%	0	Complete
COMMERCIAL PROP - MN353/20	2,042	0	2,042	2,042	100%	0	Complete
CAPITAL WORKS PITTS LANE	34	0	34	34	100%	0	Complete
PROPERTY PURCHASE	1,508	0	1,508	84	6%	693	Procurement
<b>Total</b>	<b>5,062</b>	<b>0</b>	<b>5,062</b>	<b>3,222</b>	<b>64%</b>	<b>744</b>	

### Connecting our Region

URBAN RESEALS - BUDGET ONLY	116	0	116	0	0%	0	Budget only
URBAN RESEALS - BAYLY ST SEG 10-60	41	0	41	41	100%	0	Complete
URBAN RESEALS - BELMORE ST SEG 10-20,50-90	17	0	17	17	100%	0	Complete
URBAN RESEALS - MAYNE ST SEG 20,60,70	16	0	16	16	100%	0	Complete
URBAN RESEALS - QUEEN ST SEG 10-80	42	0	42	42	101%	0	Complete
URBAN RESEALS - WYALDRA ST SEG 10	8	0	8	8	100%	0	Complete
URBAN RESEALS - COX ST SEG 10	13	0	13	13	100%	0	Complete
URBAN RESEALS - WALKERS LN SEG 10	13	0	13	13	100%	0	Complete
URBAN RESEALS - BELLEVUE RD SEG 30-60	33	0	33	33	100%	0	Complete
URBAN RESEALS - BRUCE RD SEG 30	28	0	28	23	81%	0	Complete
URBAN RESEALS - CEDAR AVE SEG 10-20	7	0	7	7	99%	0	Complete
URBAN RESEALS - COMMON RD SEG 10	10	0	10	7	73%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - CONSTANTIA RD SEG 10	20	0	20	15	75%	0	Complete
URBAN RESEALS - COURT ST SEG 10,60-100	34	0	34	34	99%	0	Complete
URBAN RESEALS - COX ST SEG 15-20	20	0	20	18	91%	0	Complete
URBAN RESEALS - GLADSTONE ST SEG 10-40,110-130	126	0	126	96	76%	4	Complete
URBAN RESEALS - NORMAN RD SEG 10-30	30	0	30	30	100%	0	Complete
URBAN RESEALS - ROBERT JONES ST SEG 10	5	0	5	5	100%	0	Complete
URBAN RESEALS - MUDGEES ST SEG 10-70	110	0	110	96	87%	36	Complete
URBAN ROADS KERB & GUTTER CAPITAL	26	0	26	18	68%	0	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	600	0	600	69	11%	269	Construction
HEAVY PATCHING - MUDGEES ST RYLSTONE	62	0	62	64	103%	0	Complete
URBAN REHAB - SHORT ST RYLSTONE KERB & GUTTER	62	0	62	62	100%	0	Complete
URBAN HEAVY PATCHING	25	0	25	12	47%	4	Construction
MULTIPLE PEDESTRIAN REFUGES & BUILDOUTS	20	0	20	20	100%	0	Complete
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	300	0	300	1	0%	0	Design
RESHEETING - URBAN ROADS	16	0	16	7	42%	2	Construction
URBAN ROADS LAND MATTERS CAPITAL	28	0	28	4	14%	0	Consultation
GUTTERING BYLONG VALLEY WAY KANDOS	67	0	67	67	100%	0	Complete
RURAL SEALED ROADS RESEALS BUDGET ONLY	91	0	91	0	0%	0	Budget only
RESEAL - CRAIGMOOR RD SEG 10	29	0	29	29	100%	0	Complete
RESEAL - EDGELL LANE SEG 10	16	0	16	16	100%	0	Complete
RESEAL - CRAIGMOOR RD SEG 20	27	0	27	27	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 80-90,120	117	0	117	117	100%	0	Complete
RESEAL - GREEN GULLY RD SEG 15	10	0	10	10	100%	0	Complete
RESEAL - GUNDOWDA RD SEG 10-30,70	84	0	84	84	100%	0	Complete
RESEAL - QUEENS PINCH RD SEG 70,110-120	63	0	63	63	100%	0	Complete
RESEAL - NULLO MOUNTAIN RD SEG 110	25	0	25	25	100%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RESEAL - LESTERS LN SEG 10-40	110	0	110	101	92%	1	Complete
RESEAL - QUEENS PINCH RD SEG 50	27	0	27	27	100%	0	Complete
RESEAL - HENRY LAWSON DR SEG 130-160	160	0	160	160	100%	0	Complete
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	132	0	132	1	0%	0	Budget only
RURAL REHAB - CUDGEGONG RD	360	0	360	153	43%	151	Final works
RURAL REHAB - BARNEYS REEF RD	430	0	430	95	22%	149	Construction
HEAVY PATCHING	46	0	46	24	51%	0	Construction
CUDGEGONG ROAD GUARDRAIL	46	0	46	46	100%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	38	0	38	38	100%	0	Complete
ULAN WOLLAR ROAD - MOOLARBEN INTERSECTION	70	0	70	70	100%	0	Complete
REHAB - LUE RD SEG 100 TO 110	3	0	3	3	100%	0	Complete
RURAL SEALED ROAD LAND MATTERS	18	0	18	(1)	-7%	0	Consultation
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	329	0	329	236	72%	141	Final works
ULAN AND WOLLAR ROAD UPGRADES	86	(86)	0	0	0%	0	Deferred/Cancelled
MUNGHORN GAP REALIGNMENT & UPGRADE	1,695	0	1,695	1,760	104%	78	Complete
HILL END ROAD SAFETY IMPROVEMENTS	1,283	90	1,373	1,207	88%	174	Final works
BVW UPGRADE RNSW 2080	1,823	0	1,823	1,331	73%	153	Construction
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	15	0	15	1	5%	3	Consultation
SEAL EXTENSION - BARIGAN RD	1,559	0	1,559	1,525	98%	23	Complete
WIDEN AND SEAL MT VINCENT ROAD HILL	60	0	60	60	100%	0	Complete
SEAL EXTENSION - AARONS PASS RD	1,200	0	1,200	996	83%	0	Complete
SEAL EXTENSION - COXS CREEK RD	342	0	342	346	101%	0	Complete
SEAL EXTENSION - MEBUL RD	1,405	0	1,405	382	27%	293	Construction
SEAL EXTENSION - PYRAMUL RD SEG 120-130	375	0	375	194	52%	61	Complete
RESHEETING	2,512	0	2,512	2,480	99%	1	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEAL EXTENSION - PYRAMUL RD	107	0	107	109	101%	65	Complete
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	17	84%	0	Construction
GOODIMAN CREEK BRIDGE REPLACEMENT	50	0	50	0	0%	0	Design
DIXONS LONG POINT CROSSING	833	0	833	463	56%	131	Project Scope
GOULBURN RIVER BRIDGE ULAN ROAD	200	0	200	38	19%	1,099	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	400	0	400	19	5%	109	Construction
ULAN ROAD - HOLYOAKE BRIDGE TO LUE ROAD REHAB	110	0	110	30	28%	54	Final works
FOOTWAYS - CAPITAL WORKS	136	0	136	123	91%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	30	0	30	2	8%	27	Construction
PUTTA BUCCA ECO TRAIL	319	0	319	111	35%	203	Final works
MUDGEE SHARED CYCLEWAY/WALKING LOOP	28	0	28	29	101%	0	Complete
FOOTPATH - LAWSON PARK EAST	51	0	51	0	0%	50	Initial works
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	700	0	700	368	53%	287	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	175	0	175	110	63%	3	Final works
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	247	0	247	126	51%	0	Construction
FOOTPATH - LIONS DRIVE	0	16	16	0	0%	0	#N/A
BUGGY PATH LIGHTING	0	2	2	0	0%	0	#N/A
AIRPORT RUNWAY *	960	0	960	888	93%	0	Complete
AIRPORT AMBULANCE TRANSFER BAY	83	0	83	77	93%	5	Complete
AIRPORT TERMINAL AWNING	6	0	6	6	99%	0	Complete
AIRPORT HELICOPTER LANDING PAD	22	0	22	22	100%	0	Complete
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	150	0	150	18	12%	138	Initial works
<b>Total</b>	<b>21,111</b>	<b>22</b>	<b>21,133</b>	<b>15,001</b>	<b>71%</b>	<b>3,715</b>	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Good Government</b>							
MUDGEES ADMINISTRATION BUILDING UPGRADE	35	0	35	3	8%	11	Construction
RYLSTONE COUNCIL BUILDING	64	0	64	53	82%	9	Final works
MUDGEES STORES BUILDING	10	0	10	8	78%	0	Deferred/Cancelled
CARMEL CROAN BUILDING CAPITAL	45	0	45	45	100%	0	Complete
CONCEPT PLANS FOR MAIN ADMIN BUILDING	50	0	50	8	16%	127	Construction
MUDGEES STORES/WORKSHOP SECURITY UPGRADE	10	0	10	0	0%	0	Procurement
IT SPECIAL PROJECTS	31	0	31	17	54%	0	Procurement
IT - NETWORK UPGRADES	101	0	101	5	5%	94	Construction
IT CORPORATE SOFTWARE	128	0	128	62	48%	2	Construction
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	15	51%	2	Construction
BACKUP DISASTER RECOVERY UPGRADE	282	0	282	27	10%	220	Final works
PLANT PURCHASES	4,257	0	4,257	2,635	62%	3,851	Final works
RYLSTONE DEPOT CAPITAL WORKS	10	0	10	10	99%	0	Complete
RYLSTONE DEPOT WASHBAY	156	0	156	157	101%	2	Complete
SOLAR FARM INITIATIVE	448	0	448	117	26%	496	Design
REPLACE DEPOT FUEL BOWSERS	36	0	36	36	100%	0	Complete
RYLSTONE DEPOT SEALING	38	0	38	38	99%	0	Complete
WORKSHOP FIRE EXIT	1	0	1	1	98%	0	Complete
WORKSHOP CONCRETE WORKS	25	0	25	0	0%	7	Initial works
STORE WATER PIPE SHED	30	0	30	9	28%	26	Construction
<b>Total</b>	<b>5,789</b>	<b>0</b>	<b>5,789</b>	<b>3,245</b>	<b>56%</b>	<b>4,847</b>	
<b>Total Capital Works Program</b>	<b>59,971</b>	<b>42</b>	<b>60,013</b>	<b>42,505</b>	<b>71%</b>	<b>16,378</b>	

<b>Status</b>	<b>Description</b>
Consultation	Engaging with stakeholders for ideas and to determine viability and direction for the project.
Project Scope	Initial concept, business case and project plan development.
Design	Initial and detailed design.
Procurement	Tendering, sourcing quotes or suppliers.
Initial works	Early stages of project delivery.
Construction	Major project activities are in progress.
Final works	Project is in final stages of completion or awaiting minor items.
Complete, awaiting invoices	Project work is complete. Waiting on invoices from suppliers for financial completion.
Complete	Project work is complete and all costs have been allocated.
Deferred/Cancelled	Project is no longer in current year's program
Budget only	Project for budget purposes only. Fully allocated out to projects.



## 9.5 Monthly Statement of Investments as at 31 May 2021

REPORT BY THE MANAGER FINANCE  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by Manager Finance the on the Monthly Statement of Investments as at 31 May 2021; and**
2. **note the certification of the Responsible Accounting Officer.**

### Executive summary

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

### Disclosure of Interest

Nil.

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 May 2021.

#### Breach of policy limit

Due to a revision in the credit rating recorded for MyState Bank the total investment balance with this institution is now reported as over policy limit. At the end of this month the balance with MyState makes up 6% of the portfolio, with a limit of 5% for a BBB rated institution.

In accordance with the policy an immediate freeze will be imposed on the acquisition of new investments with this institution until the portfolio can be effectively managed back to the requirements of the Investments Policy. The next opportunity to do this will be in October 2021.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not applicable.

### **Council Policies**

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

### **Legislation**

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act and the regulations, and
- c) breach of Councils Investment Policy is noted in the detailed report above.

### Financial implications

Not applicable.

### Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

2 June 2021

*Attachments:* 1. Investment Report 31 May 2021.

### APPROVED FOR SUBMISSION:

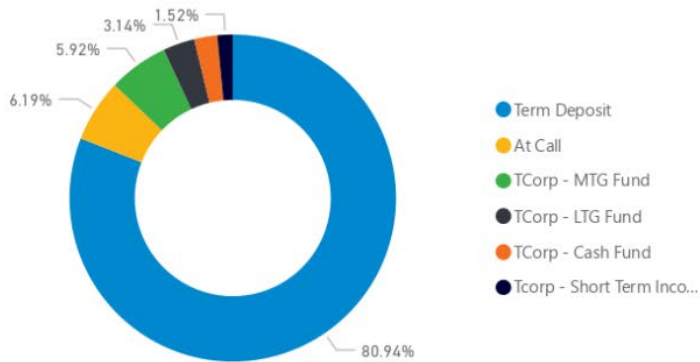
BRAD CAM  
GENERAL MANAGER

## Mid-Western Regional Council Cash and Investments as at 31 May 2021

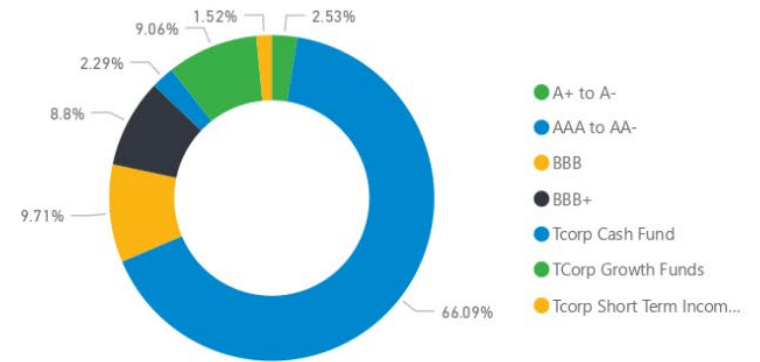
Total Investment Portfolio

**98.84M**

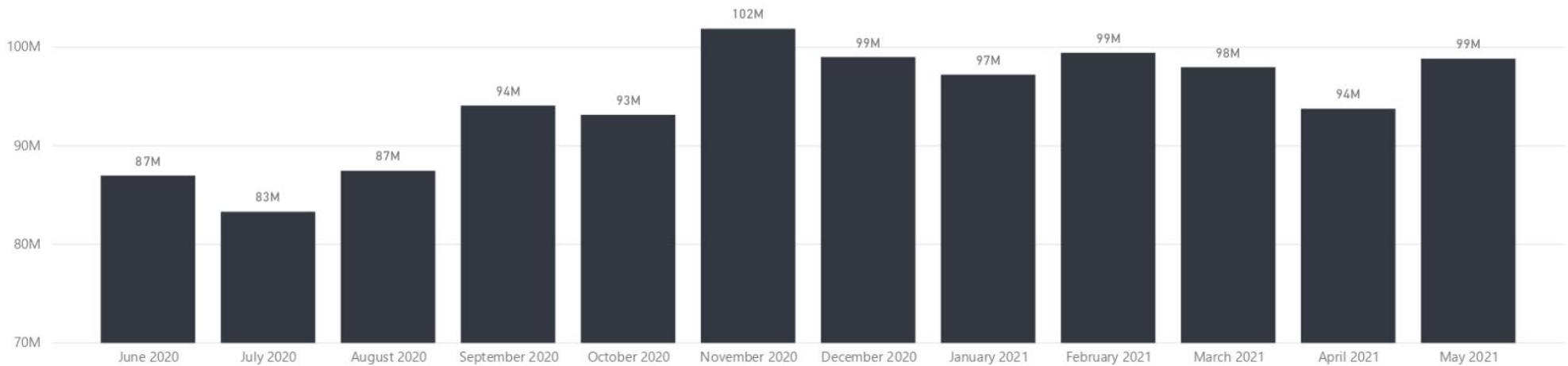
Investments by Type



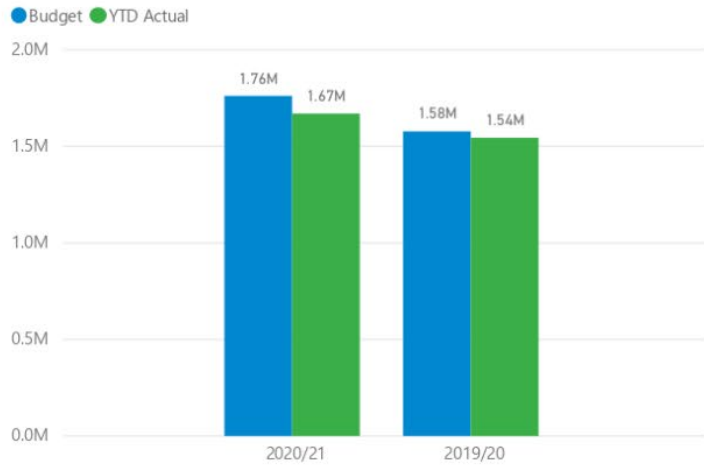
Investments by Long Term Rating



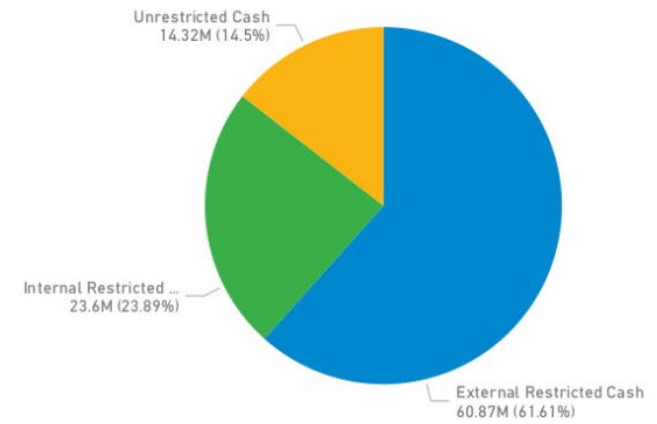
Portfolio Balance at End of Month



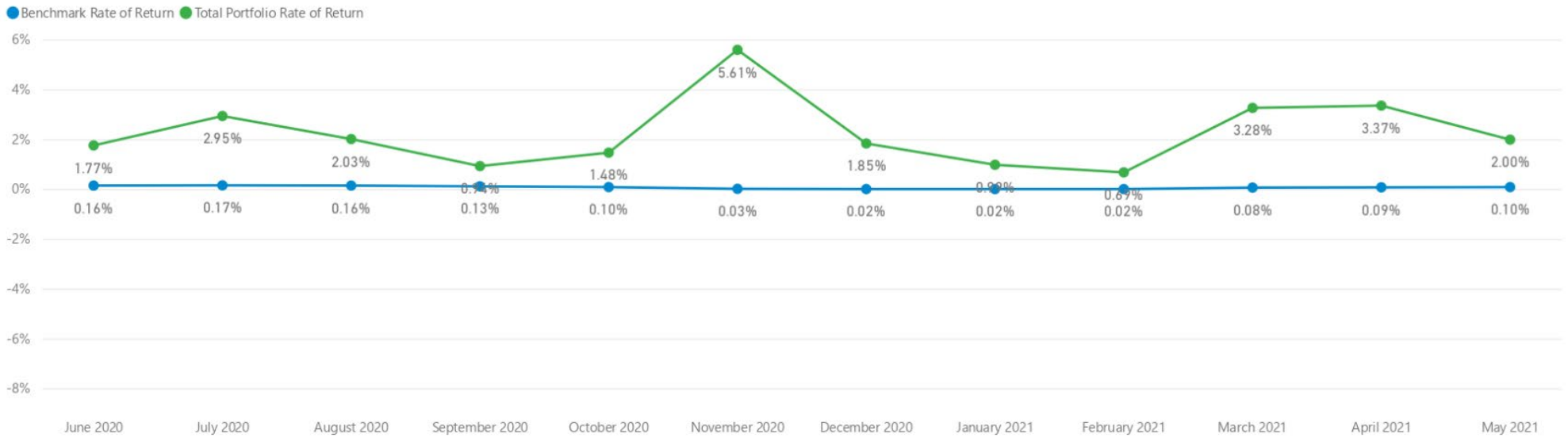
Income from Investments



Balance by Cash Category



Investment Performance



**At Call Fund and Managed Funds**

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	6,122,084.77
TCorp - Cash Fund	0.50%	1	2,258,705.62
TCorp - Long Term Growth Fund	0.50%	5	3,101,874.87
TCorp - Medium Term Growth Fund	0.50%	5	5,854,863.89
Tcorp - Short Term Income Fund	0.50%	5	1,499,069.58
<b>Total</b>			<b>18,836,598.73</b>

**Current Term Deposits**

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	191	2,000,000
AMP	0.75%	247	1,500,000
Bank Of Queensland	1.65%	163	2,500,000
Bank Of Queensland	1.60%	261	1,500,000
Bank Of Queensland	1.45%	275	1,000,000
Bank Of Queensland	0.90%	485	1,500,000
Bank Of Queensland	0.50%	422	2,200,000
CBA	0.70%	135	1,500,000
CBA	0.68%	177	1,800,000
CBA	0.55%	142	1,200,000
CBA	0.53%	233	2,000,000
CBA	0.53%	247	2,000,000
CBA	0.53%	289	2,000,000
CBA	0.44%	331	2,500,000
CBA	0.43%	317	1,500,000
CBA	0.46%	359	1,500,000
CBA	0.42%	373	1,000,000
CBA	0.42%	387	2,000,000
ING	1.13%	345	1,500,000
Macquarie	1.40%	639	1,000,000
MyState Bank	0.75%	149	2,600,000
MyState Bank	0.52%	401	1,000,000
MyState Bank	0.52%	394	1,500,000
MyState Bank	0.52%	415	1,000,000
NAB	1.00%	37	1,800,000
NAB	0.85%	51	2,200,000
NAB	0.81%	44	1,500,000
NAB	0.80%	79	1,500,000
NAB	0.87%	443	2,000,000
NAB	0.81%	86	2,000,000
NAB	0.75%	114	2,500,000
NAB	0.75%	121	1,000,000
NAB	0.79%	471	1,500,000
NAB	0.70%	499	1,000,000
NAB	0.61%	205	1,500,000
NAB	0.57%	296	2,000,000
NAB	0.48%	303	2,500,000
NAB	0.57%	639	1,700,000
St George	1.15%	9	2,000,000
St George	1.15%	23	3,000,000
St George	0.60%	219	1,500,000
St George	0.60%	233	1,500,000
Westpac	1.54%	65	1,500,000
Westpac	0.85%	431	2,000,000
Westpac	0.80%	93	1,000,000
Westpac	0.80%	107	1,500,000
Westpac	0.62%	191	1,500,000
<b>Total</b>			<b>80,000,000</b>

Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	34,336,599	35%	35%	20%	OK
Between 3 months and 1 year	45,100,000	46%	80%	40%	OK
Between 1 year and 2 years	19,400,000	20%	100%	50%	OK
Between 2 years and 4 years	-	0%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
<b>Total</b>	<b>98,836,599</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
<b>AA-</b>	<b>CBA</b>	40%	OK	19%	19,000,000
	<b>NAB</b>	40%	OK	31%	30,822,085
	<b>St George</b>	40%	OK	8%	8,000,000
	<b>Westpac</b>	40%	OK	8%	7,500,000
<b>A+</b>	<b>Macquarie</b>	20%	OK	1%	1,000,000
<b>A</b>	<b>ING</b>	20%	OK	2%	1,500,000
<b>BBB+</b>	<b>Bank Of Queensland</b>	10%	OK	9%	8,700,000
	<b>AMP</b>	5%	OK	4%	3,500,000
	<b>MyState Bank</b>	5%	Over Limit	6%	6,100,000
<b>Tcorp Cash Fund</b>	<b>TCorp - Cash Fund</b>	30%	OK	2%	2,258,706
	<b>TCorp - Long Term Growth Fund</b>	15%	OK	3%	3,101,875
	<b>TCorp - Medium Term Growth Fund</b>	15%	OK	6%	5,854,864
<b>Tcorp Short Term Inc</b>	<b>Fund</b>	15%	OK	2%	1,499,070
<b>Grand Total</b>				<b>100%</b>	<b>98,836,599</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
<b>AAA to AA-</b>	<b>100%</b>	OK	66%	65,322,085
<b>A+ to A-</b>	<b>50%</b>	OK	3%	2,500,000
<b>BBB+</b>	<b>20%</b>	OK	9%	8,700,000
<b>BBB</b>	<b>10%</b>	OK	10%	9,600,000
<b>Tcorp Cash Fund</b>	<b>30%</b>	OK	2%	2,258,706
<b>TCorp Growth Funds</b>	<b>15%</b>	OK	9%	8,956,739
<b>Tcorp Short Term Inc</b>	<b>15%</b>	OK	2%	1,499,070
<b>Grand Total</b>			<b>100%</b>	<b>98,836,599</b>



**Monthly Investment Portfolio Activity**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	3,316,213		6,122,085
TCorp - Cash Fund	2,258,470		2,258,706
TCorp - Long Term Growth Fund	3,064,370		3,101,875
TCorp - Medium Term Growth Fund	5,816,933		5,854,864
Tcorp - Short Term Income Fund	1,498,683		1,499,070
<b>Total</b>	<b>15,954,670</b>	<b>-</b>	<b>18,836,599</b>

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
St George	1.15%	12/05/2021	1,500,000	16,541
St George	1.12%	26/05/2021	2,000,000	21,479
<b>Total</b>			<b>3,500,000</b>	<b>38,021</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
MyState Bank	0.52%	6/07/2022	1,000,000	6,083
MyState Bank	0.52%	29/06/2022	1,500,000	8,826
MyState Bank	0.52%	20/07/2022	1,000,000	6,183
Bank Of Queensland	0.50%	27/07/2022	2,200,000	13,049
<b>Total</b>			<b>5,700,000</b>	<b>34,141</b>

## 9.6 Community Grants Program - June 2021

REPORT BY THE MANAGER FINANCE  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, FIN3000159

**RECOMMENDATION****That Council:**

1. **receive the report by the Manager Finance on the Community Grants Program - June 2021; and**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;**

Goolma Amenities Committee	6,750
Hargraves and District Progress Association Inc.	6,310

## Executive summary

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

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan.

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

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

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request. A summary of each application is shown below, together with panel recommendations.

<b>Applicant</b>	<b>Project/Activity</b>	<b>Funding Request \$</b>	<b>Total Score out of 9</b>	<b>Recommended Amount \$</b>
Goolma Amenities Committee	Replacement of lawn mower	4,000	7	6,750
Hargraves and District Progress Association Inc.	Replacement of lawn mower	12,619	7	6,310
<b>Total</b>				<b>13,060</b>

## Disclosure of Interest

Nil

## Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

### **Goolma Amenities Committee**

Goolma Amenities Committee requests \$4,000 for Replacement of lawn mower. Goolma are in need of a new lawn mower to carryout open space maintenance activities. The Committee is seeking a small contribution from Council to allow this purchase to go ahead.

*Link to Community Plan:1.2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 1.4.3 Provide equitable access to a range of places and spaces for all in the community*

#### **COMMUNITY GRANT CATEGORY**

Capital Grants Category: Cap \$25,000 or 50% of the total project cost, whichever is the lower.

#### **RECOMMENDATION:**

\$ 6,750 - It is recommended to provide 50% of the capital cost based on the scoring, capital grants category and similarity to Hargraves & District Progress Association application.

### **Hargraves and District Progress Association Inc.**

Hargraves and District Progress Association Inc. requests \$12,619 for Replacement of lawn mower. As part of the Village Subsidy scheme, the Hargraves Progress Association carryout open space maintenance activities for the area. The Association is now in need of a new lawn mower to allow this arrangement to continue.

*Link to Community Plan:1.2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 1.4.3 Provide equitable access to a range of places and spaces for all in the community*

#### **COMMUNITY GRANT CATEGORY**

Capital Grants Category: Cap \$25,000 or 50% of the total project cost, whichever is the lower.

#### **RECOMMENDATION:**

\$ 6,310

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

## Strategic implications

### Council Strategies

Not applicable

### Council Policies

Recommendations are made under the Community Grants Program Policy.

### Legislation

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

## Financial implications

Funding of \$105,000 is provided in the Operational Plan for financial assistance. \$84,997 has already been allocated, leaving a balance of \$21,003. Based on the scoring system above, the recommendation of staff is to provide \$13,060 in financial assistance. Should Council approve the recommendations in the report, a balance of \$6,943 will remain.

## Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCE

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

4 June 2021







*Attachments:* 1. Community Grant Applications.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Application Form

### APPLICANTS DETAILS

Name of Organisation	Goolma Amenities Committee
Contact Person	Lesley Tink
	
Phone	 phone number.
Email	
ABN	
Bank Account Name	
BSB	 BSB number.
Account Number	 e account number.

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Contribution towards replacement lawn mower   Goolma Amenities Committee	
Amount of funding requested	\$ 4,000.00	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	<input type="text"/>	<input type="text"/>
Briefly, describe Project / Activity	Goolma are need of a new lawn mower to carryout open space maintenance activities. The Committee is seeking a small contribution from Council to allow this purchase to go ahead.	

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

As part of the village subsidy scheme, the Goolma Amenities Committee assist MWRC with open space maintenance activities throughout the locality. The proposed contribution will allow for this arrangement to continue.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

This initiative will assist all Goolma community members through access to well maintained open space facilities.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

No further consultation is required. Goolma community members to work to coordinate open space maintenance activities.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

The Goolma Amenities Committee has been delivering open space maintenance activities successfully for the community for a number of years. The current committee has the experience and capability to continue this function.





Project Income	Community Grant (amount sought from Council)	\$ 4,000.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	
	Other Income	\$ 9,500.00
<b>TOTAL INCOME</b>		<b>\$ 13,500.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Zero Turn Lawn Mower	\$ 13,500.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 13,500.00</b>

<b>TOTAL SURPLUS / DEFICIT</b>	<b>\$ 0.00</b>
--------------------------------	----------------

If positive or surplus budget, please provide further details/explanation what this surplus will be used for.

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="radio"/>	<input type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>

Has your organisation/group previously received a Community Grant from Council?

YES (click to tick)

NO (click to tick)



If yes, please advise date and amount

DATE / YEAR

AMOUNT



Did your group return the acquittal form?

YES (click to tick)

NO (click to tick)



Closing bank balance from the most recent bank statement or treasurer's report

Comment on cash set aside for specific projects (optional)

### APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

A copy of the group's/organisation's most recent bank statement or treasurer's report

SUPPLIED? (click to tick)

YES

NO



A copy of the group's/organisation's public liability insurance



Where the group intends to purchase equipment, a copy of the quote/s obtained



Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required



If your group is not incorporated, please supply a letter from your auspicing body



### AUTHORISATION OF APPLICANT

Name

Position

Date

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



### SUBMIT YOUR APPLICATION

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

SUBMIT ONLINE

COMMUNITY GRANTS POLICY

PRINT MY APPLICATION



27 January 2001

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



Dear Brad

In 2005 the Goolma Community bought a mower to support Council in mowing the Cricket Ground, around the Tennis Courts, playground, hall and fire shed. It cost us just over \$20,000 and has been run and serviced by us at a cost of about \$1,000 per year, ever since.

We have blown up the mower and have been told it is not worth replacing as there are many other parts worn badly. Also at the moment we can't even find a motor for that age mower.

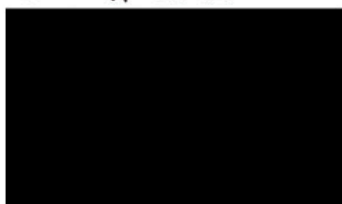
The reason this was set up was because Council would only cut the grounds with a tractor and slasher which is not good enough. It makes the cricket ground too rough and they can't get around the buildings properly. Also in summer the cricket has to be mowed often.

We could have a smaller mower now because the Churches, Gun Club and School are not mowed by us any more.

We need some advice about how we can fix this issue asap.

Thank you

*Lesley Tank*





## Application Form

### APPLICANTS DETAILS

Name of Organisation	Hargraves and District Progress Association Inc.
Contact Person	Irene Elliot
Address	[REDACTED]
Phone	[REDACTED] number.
Email	
ABN	50 609 773 725
Bank Account Name	
BSB	
Account Number	

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Mower Replacement- Hargraves and District Progress Association
Amount of funding requested	\$ 12,619.00
Start and Finish date	<input type="text"/> START (click to tick) <input type="text"/> FINISH (click to tick)
Briefly, describe Project / Activity	As part of the Village Subsidy scheme, the Hargraves Progress Association carryout open space maintenance activities for the area. The Association is now in need of a new lawn mower to allow this arrangement to continue.

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

As part of the village subsidy scheme, the Hargraves Progress Association assist MWRC with open space maintenance activities throughout the locality. The proposed funding allocation will allow for a replacement mower and for current maintenance arrangement to continue.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

Hargraves and District Progress Association active members

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

No further consultation is required. Association members to work to coordinate open space maintenance activities.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

MWRC to assist with the purchase of an appropriate mower.

The Progress and District Association has been successful in maintaining service standards for open space areas within the area. There are now apparent reasons why this should not continued to be maintained.





Project Income	Community Grant (amount sought from Council)	\$ 12,619.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	
	Other Income	
<b>TOTAL INCOME</b>		<b>\$ 12,619.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Zero Turn Lawn Mower	\$ 12,619.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 12,619.00</b>

<b>TOTAL SURPLUS / DEFICIT</b>	<b>\$ 0.00</b>
--------------------------------	----------------

If positive or surplus budget, please provide further details/explanation what this surplus will be used for.

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="radio"/>	<input type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>

Has your organisation/group previously received a Community Grant from Council?

YES (click to tick)

NO (click to tick)



If yes, please advise date and amount

DATE / YEAR

AMOUNT



Did your group return the acquittal form?

YES (click to tick)

NO (click to tick)



Closing bank balance from the most recent bank statement or treasurer's report

Comment on cash set aside for specific projects (optional)

### APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

A copy of the group's/organisation's most recent bank statement or treasurer's report

SUPPLIED? (click to tick)

YES

NO



A copy of the group's/organisation's public liability insurance



Where the group intends to purchase equipment, a copy of the quote/s obtained



Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required



If your group is not incorporated, please supply a letter from your auspicing body



### AUTHORISATION OF APPLICANT

Name

Position

Date

- I confirm that the information contained in the application form and within the attachments are true and correct.
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PO Box 156  
MUDGEE NSW 2850

[SUBMIT ONLINE](#)

[COMMUNITY GRANTS POLICY](#)

[PRINT MY APPLICATION](#)





Hargraves & District Progress Association Inc



12<sup>th</sup> October 2020

C/- Hargraves General Store  
110 Merinda Street  
HARGRAVES NSW 2850

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

Dear Sir/Madam,

On behalf of the Hargraves and District Progress Association and Hargraves Village we would like to take this opportunity to ask when and if there will be an Official naming and opening day for our Louisa Park, and if so what day and time would this take place. We also thought that a wooden name plaque would be appropriate to continue the theme of the area involved.

We would also like to enquire whether there would be an opportunity for Council to supply us with a new second hand ride on mower to replace the old, old mower that we have now. The mower we are using is still in reasonable working order a few problems that seem never to go away even after an arranged service has been done, and as the mower is a lot larger than the mowers Council use it would not fit on the trailer that Council sent out to collect it for its annual service. We now have to wait for a longer trailer to be made available. We hope Council will consider our request so that we may continue to keep our grounds neat and tidy.

Yours faithfully,

*Irene E Elliott*

Irene E Elliott  
Hon. Secretary



## Item 10: Operations

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### 10.1 Rural Customer Water Fill Stations Upgrades

REPORT BY THE MANAGER WATER AND SEWER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, WAT500087

#### RECOMMENDATION

##### That Council:

- 1. receive the report by the Manager Water and Sewer on the Rural Customer Water Fill Stations Upgrades;**
- 2. commence registering customers for the use of the Rural Customer Water Fill Stations following completion of upgrades; and**
- 3. prepare a report in six months reviewing the introductory period, Customer Water Fill Station procedures and operational costs.**

#### Executive summary

A grant received from the Federal Government under the Drought Communities programme has allowed the upgrade to the Customer Water Fill Stations in the region. The upgrade to the water filling stations allows Council the opportunity to better manage risk of water supply to customers. The following report recommends Council commence registering users who can prove a rural address to access the fill stations.

#### Disclosure of Interest

Nil.

#### Detailed report

A grant received from the Federal Government under the Drought Communities programme has allowed the upgrade to the Rural Customer Water Fill Stations in the region. The existing fill points have been available to rural users without fees or registration, meaning Council hasn't had the ability to track the water usage by user.

The upgrades to the fill stations are designed to give emergency water supply for domestic use for rural customers. The new stations will have outlet options of 25mm (same as existing) and a larger outlet of 50mm meaning there will be higher flow rates, and an improved efficiency for customers. This report recommends that Council implement a registration process to ensure only eligible users are accessing the emergency potable water supply.

After the replacement, the rural water fill stations will have an automated system that has the capability to gather registration details for each user. As such, it is recommended that Council should commence registering customers who can prove their rural address. This requirement is in

line with our *Drinking Water Management System* as it discourages inappropriate use and allows Council to better manage risk relating to our water supply.

Once the fill stations are operational, rural customers can register with Council to access the water. They will prove their rural address in our Local Government Area and they will then be able to access the water without fees.

To register, customers will phone or visit Council in person, provide an email address, name, and residential address. The email address will then be assigned a registration number, and the customer issued with a swipe card. Customers can also use their email to login to the Standpipe Control App. Customers who have not registered will not be able to collect water from the Rural Fill Stations.

After an introductory period of six months staff will undertake a review of the operating costs to determine whether any cost recovery strategies need be introduced. The review will consider customer feedback, staff resourcing and water usage. It should be noted that any fees in the future would be in line with current residential user charges which represent value for money and parity between rural and urban customers.

It is therefore proposed that Council introduce the requirement to register to access the water fill stations once the upgrades are complete. It is also recommended that staff will prepare a further report in six months following the introductory period reviewing operational and resourcing costs.

## Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Identify and implement innovative water conservation and sustainable water usage management practices

## Strategic implications

### Council Strategies

Australian Drinking Water Guidelines (2011)

### Council Policies

Drinking Water Quality Policy - Deliver water to our customers that complies with the health related criteria in the Australian Drinking Water Guidelines

### Legislation

Public Health Act 2010  
Public Health Amendment Act 2017

## Financial implications

The Filling station upgrades were funded by the Drought Communities Programme grant. If Council chooses to proceed with charging fees, this will a new revenue income for 40000.



CLAIRE CAM  
MANAGER WATER AND SEWER

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

28 May 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 10.2 Drinking Water Annual Report and Factsheet

### REPORT BY THE WATER QUALITY OFFICER

TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, WAT500075

### RECOMMENDATION

#### That Council:

1. **receive the report by the Water Quality officer on the Drinking Water Annual Report and Factsheet; and**
2. **note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.**

### Executive summary

The Drinking Water Annual Report and Factsheet will be available on the MWRC Website in order to satisfy the requirements of Element 8 (Community Involvement and Awareness) of the Australian Drinking Water Guideline framework for the management of drinking water quality.

The Annual Report provides the Community with information on results of drinking water testing in Mudgee, Gulgong and Rylstone as well improvements made in to the water supply systems over the last year.

### Disclosure of Interest

Nil.

### Detailed report

The attached "Drinking Water" factsheet and "Drinking Water Annual Report" will be available on the external website for the Community and will have the data updated yearly.

These documents were developed in consultation with RiskEdge (Drinking Water Quality Consultant) and MRWC Communication Team. The Annual Report provides the Community with information on results of drinking water testing in Mudgee, Gulgong and Rylstone as well improvements made to the water supply systems over the last year. The Factsheet provides information on the monitoring program, the Australian Drinking Water Guidelines and has a schematic flowchart of the 3 water supply systems.

Having these 2 documents available on the website will go some way in satisfying the requirements of Element 8 (Community involvement and awareness) of the Australian Drinking Water Guidelines Framework for Management of Drinking Water Quality.

The need to keep the Community informed about Water Quality was also identified in the Drinking Water Improvement Plan (Task 179: Annual report to be published on Website).

## Community Plan implications

<b>Theme</b>	<b>Protecting Our Natural Environment</b>
Goal	Provide total water cycle management
Strategy	Maintain and manage water quantity and quality

## Strategic implications

### Council Strategies

Not Applicable.

### Council Policies

The Drinking Water Quality Policy highlight the need to promote community participation in decision making processes and ensure that community expectations are considered. Having these 2 documents available on the website will give the community information on the drinking water quality.

### Legislation

Not Applicable.

## Financial implications

Not Applicable.

## Associated Risks

Not Applicable.

FRANCOISE PIELTAIN  
WATER QUALITY OFFICER

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

4 June 2021

*Attachments:* 1. Drinking Water Annual Report 2020 DF (002).  
2. 031 Fact Sheet DRINKING WATER DF (002).

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# ANNUAL DRINKING WATER QUALITY REPORT 2020

MID-WESTERN REGIONAL COUNCIL



# OVERVIEW

## Council's report card



### Health results

100% compliance with Australian Drinking Water Guidelines (ADWG) achieved.



### Aesthetic results

100% compliance with ADWG achieved for Mudgee and Rylstone, and 88% for Gulgong.



### Events and improvements

- Online turbidity meter has been installed upstream from all three treatment plants
- Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of these mains is progressing well with over 11km replaced to date with 2–3km to be replaced in 2021

## Verification monitoring of distribution systems

Council is committed to providing the communities of Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla with safe, secure, reliable and high quality water. This annual report is produced to inform the community of the quality of the drinking water over the course of the year.



### HEALTH MEASURES



#### E.coli

A gut bacterium. Used as an indicator of fresh faecal contamination of water.



#### Fluoride

Improves dental health.



#### Free chlorine

Disinfection of the water. At higher levels it can cause taste, odour and health problems.



#### Manganese

Occurs naturally in water. Concentrations over 0.5mg/L can cause health concerns.



### AESTHETIC MEASURES



#### pH

Indication of how acidic/basic the water is. pH less than 6.5 may be corrosive. pH greater than 8.5 may cause scale and taste problems.



#### Turbidity

A measure of the relative clarity of the water. Turbidity is caused by particles suspended in the water.



#### Iron

Occurs naturally in water. High concentrations stain laundry and fittings.



60-200

#### Hardness

Caused by calcium and magnesium. 60-200mg/L indicates good quality water.

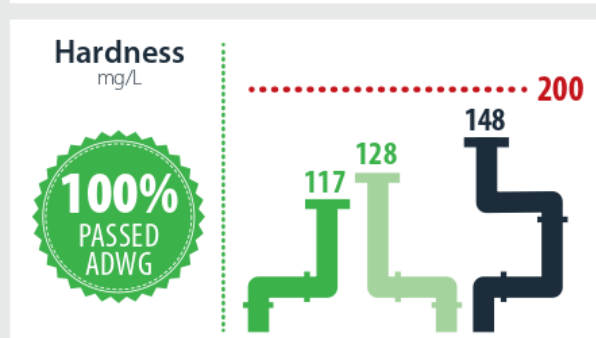
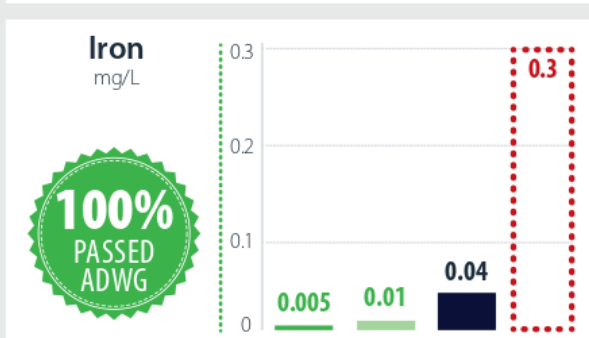
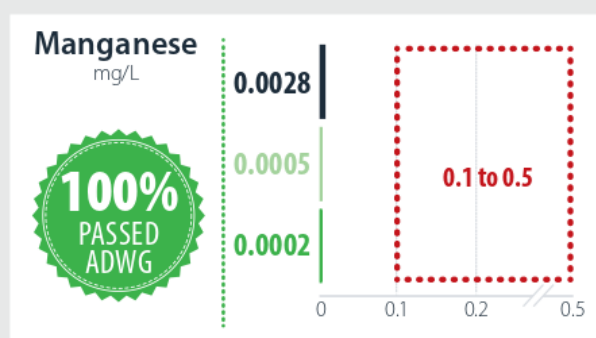
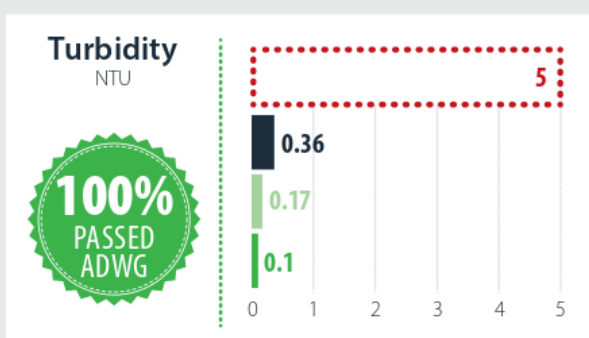
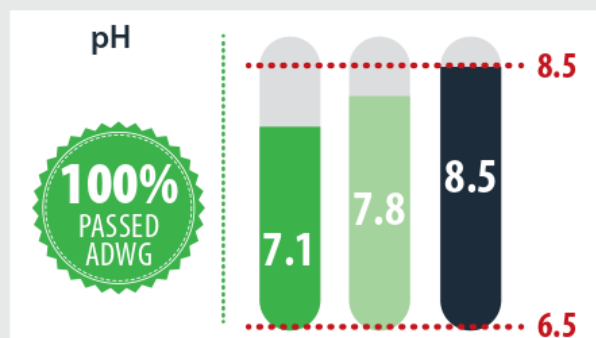
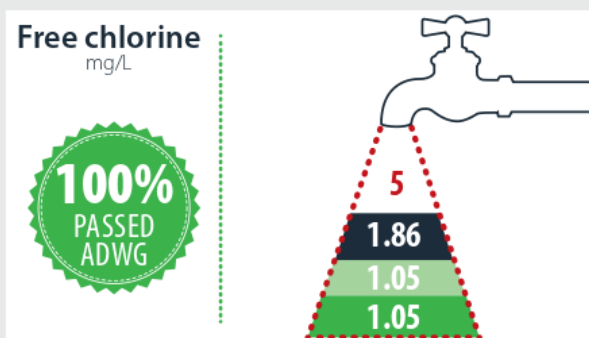
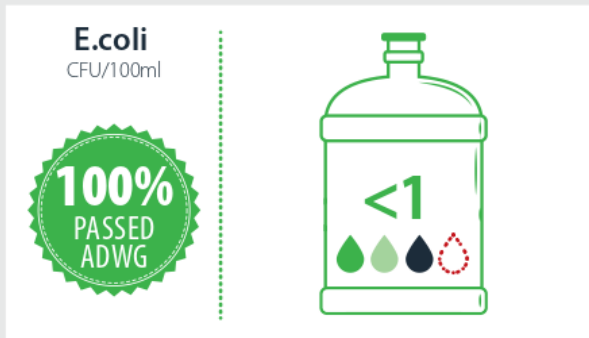


#### Manganese

Occurs naturally in water. Concentrations over 0.1mg/L can cause taste and staining.

# DRINKING WATER RESULTS – MUDGEE

..... Australian Drinking Water Guideline (ADWG) Value    ■ Minimum    ■ Median    ■ Maximum

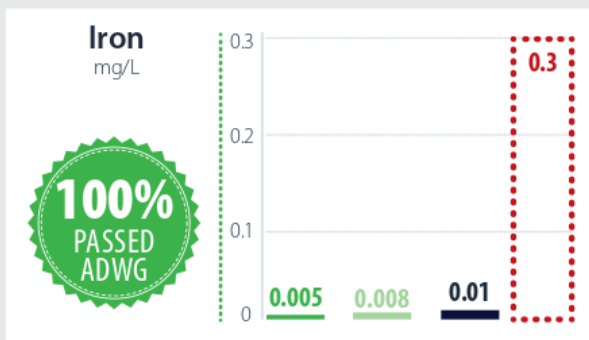
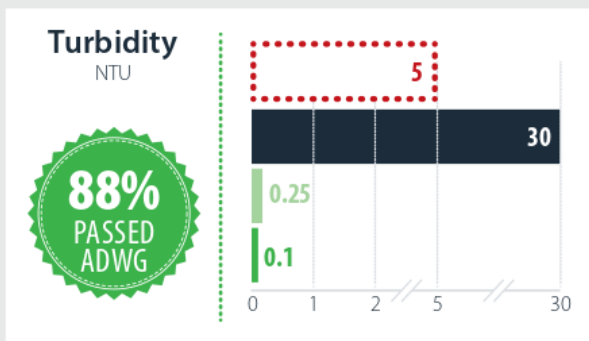
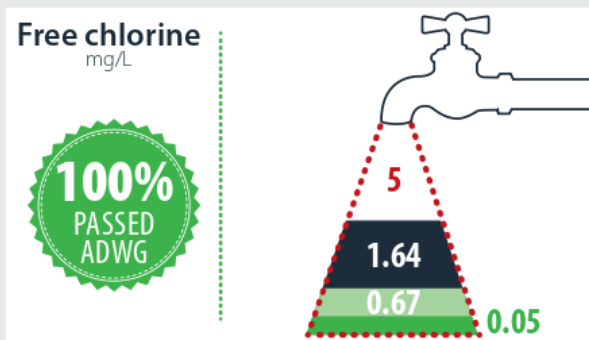
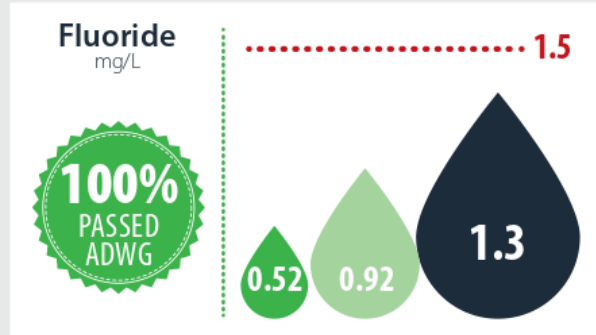
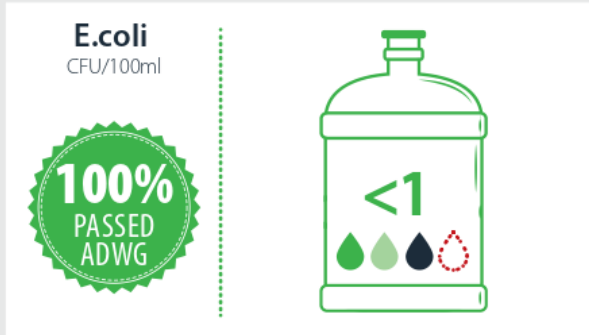


Source: Results from Weekly Verification monitoring – NSW Health Database



# DRINKING WATER RESULTS – GULGONG

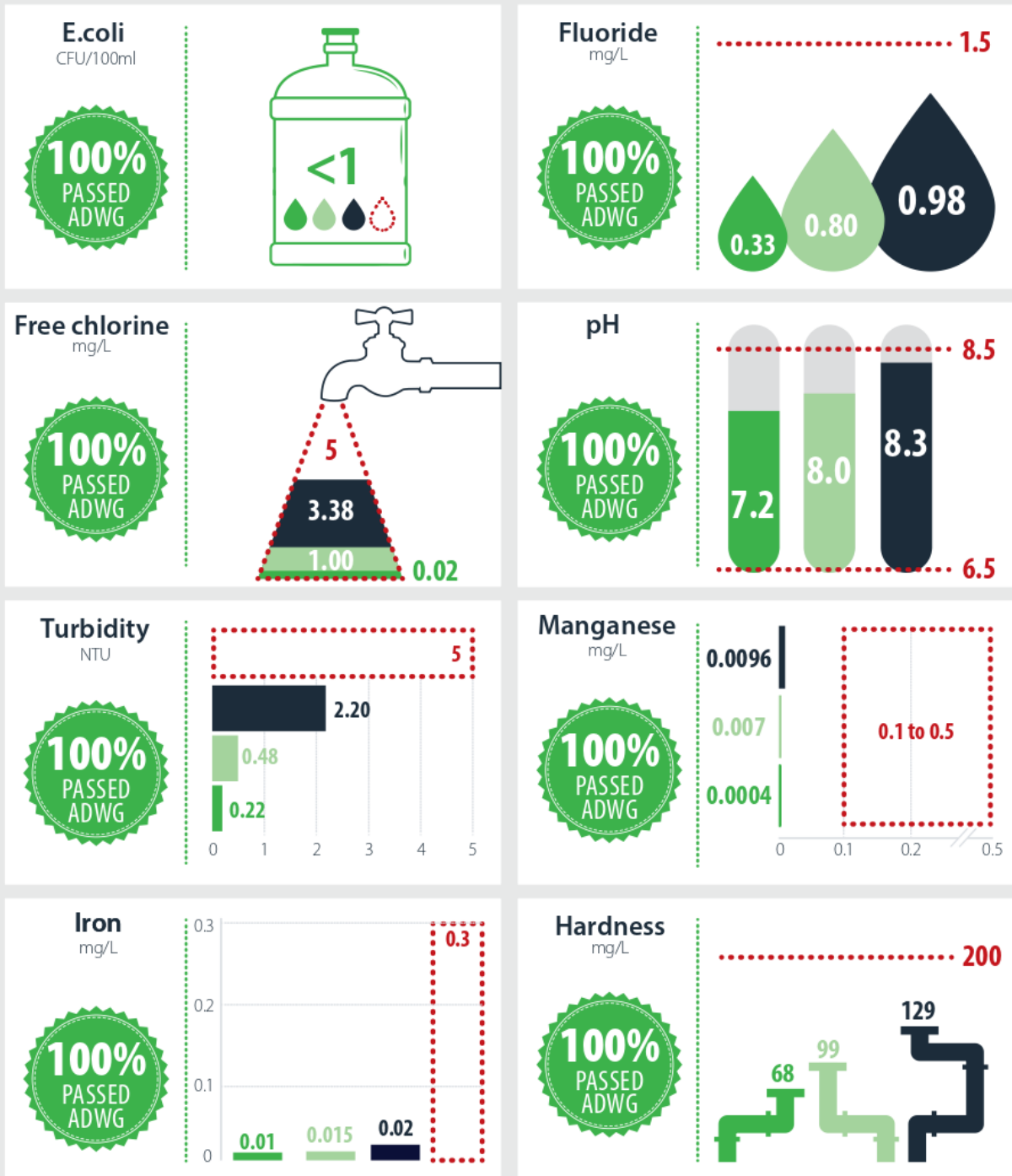
..... Australian Drinking Water Guideline (ADWG) Value    ■ Minimum    ■ Median    ■ Maximum



Source: Results from Weekly Verification monitoring – NSW Health Database

# DRINKING WATER RESULTS – RYLSTONE

..... Australian Drinking Water Guideline (ADWG) Value    ■ Minimum    ■ Median    ■ Maximum



Source: Results from Weekly Verification monitoring – NSW Health Database



# Drinking water

Council provides drinking water to communities within Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla. Council complies with its own Drinking Water Management System (DWMS), meeting the requirements of the Public Health Act 2010 and its regulations, and the Australian Drinking Water Guidelines.

## OVERVIEW

Council is committed to providing its residents with safe, secure, reliable and high quality drinking water. To ensure this, Council's Drinking Water Management System requires a range of quality, safety and aesthetic tests be regularly undertaken from the point of collection to the household tap.

## WATER MONITORING

A comprehensive monitoring program from catchment to tap has been developed in consultation with NSW Health, testing over 35 characteristics including turbidity, colour, micro-organisms and chemicals.

Samples are analysed on site and at accredited laboratory service providers including the NSW Forensic and Analytical Science Service. Monitoring occurs online, daily, weekly, monthly and annually (depending on criticality).

Samples are taken from Rylstone Dam, Cudgegong River, Burrundulla Bores, at the three water filtration plants, and from 38 locations through our water distribution systems.

## WHAT IS THE AUSTRALIAN DRINKING WATER GUIDELINES?

- An authoritative reference on what defines safe, good quality water, how it can be achieved and how it can be assured
- A nationally accepted framework for good management of drinking water supplies based on the best available scientific evidence
- Designed to assure fit for purpose drinking water at its point of use
- Cover safety and aesthetic quality of drinking water through a range of values

## COUNCIL'S REPORT CARD



### Health results

100% compliance with ADWG achieved.



### Aesthetic results

100% compliance with ADWG achieved for Mudgee and Rylstone, and 88% for Gulgong.



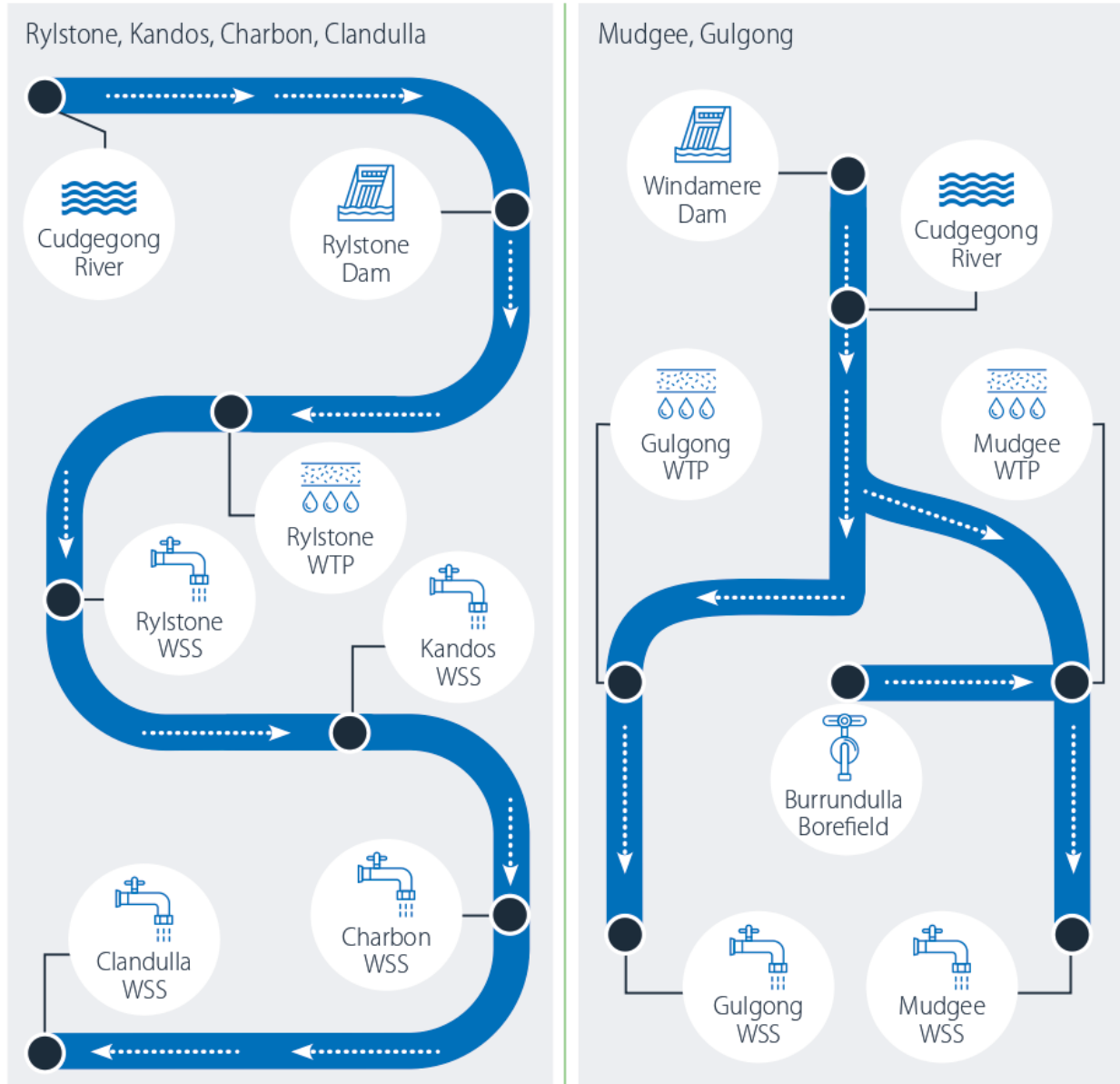
### Events and improvements

- Online turbidity meter has been installed upstream from all three treatment plants
- Council committed in 2016 to replacing all cast iron mains in Gulgong over a 10 year period. To date, 12km have been replaced, with 5km to be replaced by 2026



Mudgee Water Treatment Plant

## MID-WESTERN REGION WATER SUPPLY SYSTEMS FLOWCHART



WSS = Water Supply System; WTP = Water Treatment Plant

= Source; 
 = Collection; 
 = Treatment; 
 = Distribution

### FOR MORE INFORMATION

Visit Council's website [midwestern.nsw.gov.au](http://midwestern.nsw.gov.au)  
 Council's Water and Sewer Team are available to assist on 6378 2850 or at [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

### DISCLAIMER

The information contained in this fact sheet is general in nature and should not be relied upon as the complete source of information to be considered. This document is not intended as a substitute for consulting relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances.

## Item 11: Community

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### 11.1 Acceptance of Grant Funding for Community Recovery Officer

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, A0060099

#### RECOMMENDATION

##### That Council:

- 1. receive the report by the Manager, Community & Cultural Services on the Acceptance of Grant Funding for Community Recovery Officer;**
- 2. accept the offer from Resilience NSW for up to \$330,000 funding for deployment of a Community Recovery Officer; and**
- 3. amend the 2021/22 budget to create a new budget for Community Recovery expenditure for \$220,000 to be grant funded.**

#### Executive summary

Council has been offered by Resilience NSW funding for deployment of a Community Recovery Officer to assist in both reactive and proactive response to significant community emergencies. The purpose of this report amend the budget in order to accept the grant funding.

#### Disclosure of Interest

Nil.

#### Detailed report

The Community Recovery Officer role is to support and assist the Mid-Western Regional community to identify needs, develop local recovery programs, assist in accessing information and resources and provider leadership and community capacity building in the wake of significant emergencies. The role will also address community resilience and future disaster preparedness. The Community Recovery Officer will work with a range of community and organisational stakeholders to achieve broad community participation in the recovery process that builds on the strengths and capacities of the community.

Resilience NSW provided a detailed framework for the new role, including outlining activities, reporting relationships and outputs.

The role will sit within Council's Community Services Department but will also have regular interactions with Council's Infrastructure Planning Team.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
<b>Goal</b>	Effective and efficient delivery of infrastructure
<b>Strategy</b>	Provide infrastructure and services to cater for the current and future needs of our community

## Strategic implications

### Council Strategies

Council's Towards 2030 Community Plan includes providing infrastructure and services to cater for the current and future needs of our community.

Council's Local Emergency Management Plan details arrangements for effective coordination of statutory and voluntary services and resources in preparation for, response to and recovery from emergencies within the Mid-Western Local Government Area.

This funding intends to provide for a role that is both reactive and proactive in relation to response to significant community emergencies.

### Council Policies

Not Applicable.

### Legislation

Not Applicable.

## Financial implications

The maximum amount of funding available is \$330,000 which is comprised of up to \$225,000 for employee related expenses (eg, salaries and wages, superannuation and sick leave) and up to \$105,000 for eligible operating expenses. This funding is for an 18 month period and claimable on a reimbursement basis.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	-	X	-
Future Years	-	X	-

## Associated Risks

Not Applicable.



FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

21 May 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.2 Mudgee Arts Precinct Logo

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, REC800038

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct Logo; and**
2. **endorse the recommended logo for Mudgee Arts Precinct.**

### Executive summary

At its May 2021 extraordinary meeting, Council endorsed the name Mudgee Arts Precinct. Staff have been working on development of a suitable logo for the brand and now provide Council with three options, together with a recommendation that a specific one be the one selected for Mudgee Arts Precinct.

### Disclosure of Interest

Nil.

### Detailed report

The logo options developed for Mudgee Arts Precinct are reflective of the brand strategy, brand persona and archetype recommended by Destination Marketing Store and recently presented to Councillors. The proposed logo is simplistic in design and intended to be timeless. The simplicity of design will also not detract from any artworks being exhibited within the Precinct from time to time. Further, the primary logo will be monochrome, however, there is opportunity to add colour to the pallet for specific events (such as Pink Up Mudgee, or when a specific exhibition lends itself to a particular colour).

The logo will be utilised for a range of assets, including exhibition promotions, social media, letterhead and catalogues. Fonts will also be developed to compliment the endorsed logo design.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

### Strategic implications

#### Council Strategies

Not Applicable.

**Council Policies**

Not Applicable.

**Legislation**

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

In the event that the recommended logo is not supported, an alternative needs to be decided upon relatively quickly in order for marketing development to commence prior to the anticipated August 2021 opening of the Mudgee Arts Precinct.

FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

28 May 2021

*Attachments:* 1. Mudgee Arts Precinct Logo Development - Council Report June 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# MUDGEES ARTS PRECINCT

Logo Development



EXAMPLES OF OTHER LOGOS

Nationally significant art spaces

MONA



NATIONAL  
PORTRAIT  
GALLERY



QAGOMA

Museum of  
Contemporary  
Art Australia



MUDGEE ARTS PRECINCT  
Logo Development



EXAMPLES OF OTHER LOGOS  
Regional art spaces

BENDIGO  
ART GALLERY

**sam.**  
Shepparton Art Museum

**BRAG**  
bathurst regional art gallery

 Goulburn  
Regional  
Art  
Gallery

**GRAG**  
GERALDTON REGIONAL ART GALLERY  
A CITY OF GREATER GERALDTON GALLERY

**mrag**  
MAITLAND REGIONAL ART GALLERY

MUDGEE ARTS PRECINCT  
Logo Development



## KEY OBSERVATIONS

### Gallery Logos and Branding

#### SIMPLE

- Less is often more
- Logo itself is not trendy or flashy (though their execution may be dependent on exhibition programming)
- Simple typographic approach is common

#### STRONG BUT QUIET

- A clearly identifiable brand identity
- Doesn't compete with the exhibition material / visuals

#### FLEXIBLE / ADAPTABLE / COLLABORATIVE

- Ability to adapt to the voice and personality of the current exhibition program
- Gallery branding/ logos are often shown alongside that of other organisations and sponsors

## KEY OBSERVATIONS

#### COLOUR PALETTE

- When comparing colour palettes of both national and international art institutions traditionally there is a trend towards using a monochrome colour palette. This helps gallery logos or branding not to compete with exhibited artworks giving the exhibitions and artists' work prominence
- Colour is increasingly being used in gallery branding to distinguish personality
- Black and white adaptations of logos are still primarily used alongside artworks dependent on exhibition programming

#### USE OF ACRONYMS IS POPULAR

- Gallery names can be lengthy - these are often abbreviated or compressed down to an acronym for branding and quick gallery referencing purposes
- Acronyms can be used playfully to enhance the identity and personality of a gallery

#### MULTI PLATFORM

- Needs to work across a variety of materials and mediums from marketing and promotional materials to educational resources and exhibition catalogue
- Animation of logos to increase engagement and brand personality



**BRAND PLATFORM - DESIGN ELEMENTS**  
Brief from Destination Marketing Store

**VALUES & PERSONA CENTRAL TO DESIGN IDEAS**



**CONTEMPORARY & SOPHISTICATED**

- Needs to sit in a global frame of reference (MONA does this)

**SIMPLICITY**

- Simplicity is key
- Not too many colours or design elements

**MAGICIAN COLOUR PALETTE**

- Colour can be used to show difference from other regional art galleries
- Needs to work in black and white too



**OPTION 1 - WAYS OF SEEING (Recommended)**

Simple, contemporary, sophisticated. This option invites you in and is open to a variety of interpretations similar to an artwork. An abstract form symbolising movement within a space and collaboration. Hints of braille, Morse code and a maze like arrangement represents searching, deciphering and journey. Subtle references to the paneling on the new building and letter M.



**OPTION 1B - WAYS OF SEEING**

Simple, contemporary, sophisticated. This option invites you in and is open to a variety of interpretations similar to an artwork. An abstract form symbolising movement within a space and collaboration. Hints of braille, Morse code and a maze like arrangement represents searching, deciphering and journey. Subtle references to the paneling on the new building and letter M.



**OPTION 2 - WHAT LIES WITHIN**

Simple, contemporary & modern. The square - a universal symbol for defining a space or precinct is open inviting you in. The line formation reflects a sense of movement, a journey, a canvas, a space for transformation.



**OPTION 3 - MEETING POINT**

Simple, contemporary & modern. The square - a universal symbol for defining a space or precinct is open inviting you in. The line formation reflects a sense of movement, a journey, a canvas, a space for transformation.

Letter configuration creates a sense of collaboration, a meeting point, a space where ideas converge.



**MUDGEE**  
Arts Precinct



**MUDGEE**  
ARTS PRECINCT



## 11.3 Library Services - Quarterly Report

### REPORT BY THE MANAGER LIBRARY SERVICES

TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, F0620020

#### RECOMMENDATION

**That Council receive the report by the Manager Library Services on the Library Services - Quarterly Report.**

#### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad themes of Customer Visits, Library Borrowings & Purchased Items, and Sustainable Organisations. This report covers the period January – March 2021.

#### Disclosure of Interest

Nil

#### Detailed report

##### *CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS*

Visits to our Library branches during the January – March 2021 period are up by 10% when compared to the previous quarter.

Quarter	Visits
January – March 2021	18,048
October – December 2020	16,400

Across the Library Service, loans of library items remain stable compared to the previous quarter

Quarter	Loans
January – March 2021	20,228
October – December 2020	19,804

Loans from the Mobile Library during January – March 2021 remain stable compared to the previous quarter.

Quarter	Loans
January – March 2021	1,287
October – December 2020	1,445

The use of library resources (library subscribed databases) remains stable when compared to the previous quarter.

Quarter	Accesses
January – March 2021	18,293
October – December 2020	17,755

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic formats, and DVDs.

Quarter	Purchases
January – March 2020	1,786

### *SUSTAINABLE ORGANISATION*

The Library continues to encourage a life-long love of books and reading through its early literacy initiatives. During the January – March 2021 period, Library staff hosted 114 separate early learning sessions, reaching 623 children.

The Library hosts 2 adult Bookgroups, and facilitates 5 community groups; in addition to 2 Teen Bookgroups in partnership with Council's Youth Services. There is also a Teen writing group, meeting monthly at Mudgee Library.

The Library is currently piloting 2 literacy programs for school-aged children – Bigger Bookworms for Kinder-Year 2 children, and Junior Book Bouncers for Years 3-6 children.

The Library responded to an external request by running small craft groups for a disability services group – during January – March 2021, library staff facilitated 4 craft sessions, with 45 participants. Monday History Talks continue to be popular with the community, averaging 20 attendees at each monthly talk.

Chess Club began in February at Mudgee Library, meeting every second Wednesday at Mudgee, and has proven very popular with ages 6-14.

The Library also has a partnership with BeConnected, which saw 12 technology sessions held at Gulgong Library during February.

The Library Knitting Group continues to meet monthly at Mudgee Library.

### Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

### Strategic implications

#### **Council Strategies**

The Library Services – Quarterly Report has been developed in line with the 2017-18 – 2020/20 Delivery Program, and the Library's Collection Management Strategy.

**Council Policies**

Not applicable.

**Legislation**

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

MICHELLE MAUNDER  
MANAGER LIBRARY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 June 2021

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.4 Local Government NSW Membership Renewal 2021/22

### REPORT BY THE DIRECTOR COMMUNITY

TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, A0040005

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community on the Local Government NSW Membership Renewal 2021/22;**
2. **re-join Local Government NSW for the 2021/22 financial year; and**
3. **provide \$41,080.94 in the 2021/22 Operational Plan for the LGNSW Membership allocated from unrestricted cash .**

### Executive summary

Mid-Western Regional Council has previously been a member of Local Government NSW. Council resolved not to renew its membership for the 2020/21 financial year. This report recommends that Council re-join Local Government NSW with a membership for the 2021/22 financial year.

### Disclosure of Interest

Nil

### Detailed report

Local Government NSW has provided Council with an invoice for membership for the 21/22 financial year. The cost to Council for a basic membership is \$41,080.94 (Ex. GST).

There is also an option to include the cost of Workforce Analytics Reports as part of their membership (an additional \$4,775.00 ex GST).

Local Government NSW have provided information on the benefits of membership. These include:

#### **Advocacy representation**

Advocating and making representations to all spheres of government, industry, and business on issues of importance to local government and their communities to ensure your voice is heard

#### **Learning and Development**

Best value, specifically designed local government training to up-skill your staff and ensure they are kept up-to-date with the latest sector developments

#### **Professional Networking Opportunities**

Conferences, workshops and professional forums to allow you to gain mutually beneficial connections - even during the social-distancing era

#### **Grant Support**

Capacity building and development support across important local government functions to bring you resources that may otherwise not be available.

**Industrial Relations and Workplace Support**

Representation in industrial disputes and award matters, and specialist industrial relations advice to best equip you to deal with any issues that arise

**Policy Advice**

Advice to Mayors, Councillors, General Managers and staff across a range of local government matters to help you to determine your best course of action

**Management Services**

Executive recruitment, facilitated performance reviews, salary and HR benchmarking surveys and organisation reviews to help you obtain and retain the best people for your council

**Legal Advice**

Advice on legal matters and policy across a wide range of areas to assist you with compliance

**Member Mentoring**

Access to guidance and support from highly experienced and well regarded colleagues to become more empowered to make decisions.

Given the upcoming 2021 local government elections, membership to LGNSW could assist to provide additional support to staff and newly elected members of Council. It was also noted during the 2020/21 financial year where Council was not a member, that there was an impact on some costs and the availability of some professional advice services that would have been beneficial to Council.

Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

**Council Strategies**

Community Strategic Plan

**Council Policies**

Not applicable

**Legislation**

Not applicable

Financial implications

The cost of membership is \$41,080.94 ex GST for the 2021/22 financial year. This needs to be included into the budget.

## Associated Risks

A decision to not be a member of Local Government NSW could lead to Council becoming isolated from other Councils across NSW. This may lead to Council spending more on their own lobbying efforts as well as on training opportunities, procurement services and industrial legal advice.

SIMON JONES  
DIRECTOR COMMUNITY

4 June 2021

*Attachments:* 1. LGNSW Membership Email\_Redacted.  
2. LGNSW Membership Invoice 2021/22.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



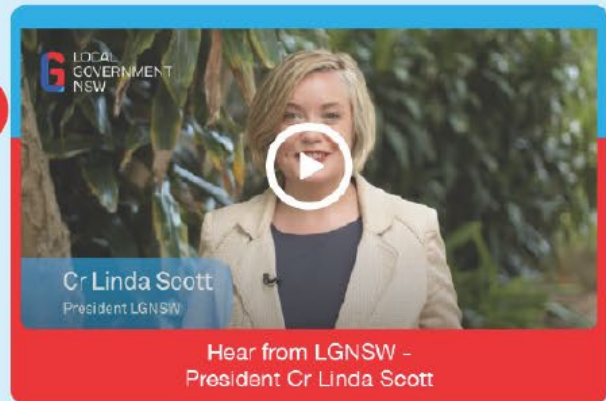
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**From:** [REDACTED] - Chief Executive LGNSW [REDACTED]  
**Sent:** Thursday, 3 June 2021 4:40 PM  
**To:** Brad Cam [REDACTED] >  
**Subject:** 2021/22 LGNSW Membership Notice



# 2021/22 Membership Notice

**LGNSW Membership**  
Due by 30 June



## Dear Mr Cam,

Thank you for giving me the opportunity to discuss with you the value of membership with LGNSW. As you will recall, I believe a unified government sector means a stronger voice for councils and the communities you serve.

That's the foundation on which LGNSW operates, and it is how we have managed to drive significant funding to councils over the last 12 months.

The immediate crises may be over, but a unified, strong and collective voice is required if we are to ensure councils are properly resourced and supported to drive a locally-led recovery.

It is my strong desire to work closely with you and your team to bring this about by welcoming you back as a member of LGNSW.

The financial sustainability of councils is firmly in the spotlight, and further planning reforms and the future of the ratings review are already on the table.

2021 also heralds a local government election, which will see many newly-elected councillors join the ranks of those experienced councillors who have been returned to office.

The LGNSW team is ready and motivated to support your staff through these challenges, along with the operational day-to-day.

Our industrial relations and legal advice are always available to members, while our subscription-based [Workforce Analytics and Finance Reports](#) can help you benchmark and track your organisation's performance.



**It's a no brainer. The stronger we are, the more of a force we are. We must stand together in local government as rural, regional and metropolitan councils. We are so grateful that we have a strong association that truly cares about the issues that matter to us.**

**Cr Rick Firman OAM  
Mayor of Temora  
Shire Council**

Our analysis shows that for every dollar invested in LGNSW membership, more than \$9 is returned to councils – and we are more committed than ever before to delivering real and quantifiable value.

With membership renewals now upon us, I have attached a 2021/22 Membership Subscription form, and I'm asking you to consider re-joining your colleagues and peers across NSW.

I'm keen to work with you to bring your council back on board, and I urge you to contact me by phone on 0419 469 023, or via email at [scott.phillips@lgnsw.org.au](mailto:scott.phillips@lgnsw.org.au), to discuss any concerns, issues or reservations you may have.

**Kind Regards,  
Scott Phillips  
Chief Executive LGNSW**



**It's been great to be able to pick up the phone and talk to someone that we know that listens.**

**Cr Katrina Humphries**  
Mayor of Moree Plains  
Shire Council














## Optional extras

-  Learning and development courses
-  Tickets to conferences and events
-  Management solutions services
-  Workforce Analytics Reports
-  Careers at Council subscription



**It's there to support our staff and make sure we deliver for our community.**

## Membership inclusions – did you know membership entitles you to:

-  Advocacy representation
-  Professional networking opportunities
-  Grant support
-  Industrial relations and workplace support
-  Policy advice
-  Legal advice
-  Elected member mentoring
-  Member only news and content
-  Exclusive discussion platforms
-  Assistance with and promotion of local government campaigns
-  Entry to prestigious awards
-  First access to purchase tickets to events and conferences
-  Discounts to events, conferences and learning & development courses

Cr Darriea Turley AM  
Mayor of Broken Hill City  
Council



Exclusive access to the  
LGNSW member lounge

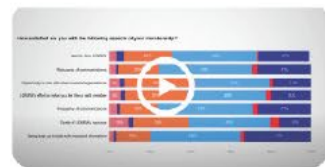
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**Advocacy update**



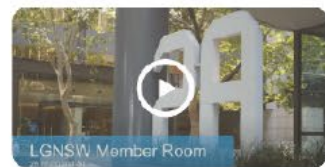
**Satisfaction results**



**Member website**



**Communities launch**



**Member room**



**They're a great advocate for  
local government in their**

## **negotiations with the state government**

Cr Ken Keith OAM Mayor of Parkes Shire Council and  
Chairman of the Country Mayors Association of NSW

### **Questions?**

If you would like to discuss the attached 2021/22 membership subscription or any other aspect of your membership, please contact Scott Phillips, Chief Executive of LGNSW on 0419 469 023.



## Local Government NSW

GPO Box 7003  
Sydney NSW 2001

Level 8, 28 Margaret Street Sydney NSW 2000  
lgnsw.org.au lgnsw@lgnsw.org.au  
T 02 9242 4000 F 02 9242 4111

## TAX INVOICE

**Invoice Number** 728  
**Account** 34577  
**Invoice Date** 2/06/2021  
**ABN** 49853913882

**Bill To:** Mid-Western Regional Council  
PO Box 156  
MUDGEES, NSW 2850  
AUSTRALIA

**Description:** 2021-22 LGNSW Membership Subscription Fee Notice

Description	Amount (exclusive of GST)	GST Amount (inclusive Amount of GST)	
Membership	\$40,847.73	\$4,084.77	\$44,932.50
Membership - Aust Roads	\$233.21	\$23.32	\$256.53
<b>Membership Invoice Sub Total:</b>	<b>\$41,080.94</b>	<b>\$4,108.09</b>	<b>\$45,189.03</b>

OPTIONAL Workforce Analytics Reports (see Enclosed Flyer) \$4,775.00 \$477.50 \$5,252.50

LGNSW General Manager Remuneration Report  
HR Metrics Benchmarking Report  
LGNSW LG Remuneration Report  
LGNSW Finance Benchmark Report

Please select and pay one of the options listed below

	Total (inclusive of GST)
<input type="checkbox"/> Membership Invoice only	\$45,189.03
<input type="checkbox"/> Membership Invoice plus reports	\$50,441.53

**Payment Due by:** 30/6/2021

### Payment Methods:

EFT/Bank Details: Account Name: Local Government NSW

BSB: 062005  
Account No: 00090198

Cheque: Payable to: Local Government NSW

Email Remittance Advice to: finance@lgnsw.org.au



## Item 12: Reports from Committees

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### 12.1 Audit Risk and Improvement Committee Minutes 14 May 2021

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400087, COR400236

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 14 May 2021;**
2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 14 May 2021;**
3. **endorse the following ARIC meeting schedule for the next twelve months:**
  - **6 August 2021**
  - **26 November 2021**
  - **25 February 2022**
  - **20 May 2022**
4. **endorse the following internal audit plan for 2021/2022:**
  - **Conduct of Private Works**
  - **Audit of Tourism Services**
  - **Internal Development Application Process**

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#### 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 14 May 2021.

#### Disclosure of Interest

Nil.

## Detailed report

The Audit Risk and Improvement Committee Charter 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 14 May 2021 meeting.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable.

### **Council Policies**

Audit Risk and Improvement Committee Charter  
Internal Audit Policy

### **Legislation**

Not Applicable.

## Financial implications

Not Applicable.

## Associated Risks

Nil.

MICHELE GEORGE  
EXECUTIVE MANAGER, PEOPLE AND  
PERFORMANCE

19 May 2021

*Attachments:* 1. 14 May 2021 Audit Risk and Improvement Committee Minutes.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee  
on 14 May 2021, commencing at 9:30AM and concluding at 10:27AM.

COMMITTEE MEMBERS PRESENT: John Stuart – Chair; John Bentley – Committee Member.

MWRC STAFF PRESENT: Brad Cam – General Manager; Michele George – Executive Manager People & Performance; Leonie Johnson – Chief Financial Officer; Ian Blake – Manager ICT; Richard Cushway – Manager Customer Services & Governance; Tim Johnston – Governance Coordinator; Alison Shumack – Risk Officer; Erin Reid – Business Improvement Officer (Minute Taker).

INVITATIONS VIA TELECONFERENCE: Alison Lee – Crowe; Luke Malone – Prosperity.

### Item 1: Apologies

#### 1.1 APOLOGIES

#### MOTION: Bentley/Stuart

The following apologies were accepted:

- Cr John O’Neill, Council Representative;
- Unaib Jeffrey – NSW Audit Office; and
- Kate Barker – Minute Taker.

### Item 2: Disclosure of Interest

There were no disclosures of interest.

### Item 3: Confirmation of Minutes

#### MOTION: Bentley/Stuart

The Audit Risk and Improvement Committee resolved to amend the Minutes of the 12 February 2021 ARIC Meeting at 5.3 as follows:

That the Audit Risk and Improvement Committee note the report by the Manager Governance.

*The Committee provided direction that Council should focus on the legislative registers and external reporting.*

No other changes were recorded and the changes were accepted as written.

#### Item 4: Matters in Progress

SUBJECT	REPORT NO. & DATE	RESOLUTION	ACTION
Work Health and Safety Reports	5.1 – 12 February 2021	The Audit Risk and Improvement Committee requested the State Cover Report be presented at the next meeting.	<b>For review at the 14 May 2021 ARIC Meeting.</b>  Please see report 5.1 of this agenda.
Draft External Audit Engagement	6.4 – 12 February 2021	<b>That the Audit Risk and Improvement Committee:</b> a) endorse the draft 2020 External Audit Engagement Plan; and b) endorse the proposed ARIC meeting dates in line with the Audit Engagement Plan as follows: <ul style="list-style-type: none"><li>• Draft Financial Statements to be circulated to ARIC prior to the Council meeting of August 2021;</li><li>• Financial Statements to be circulated to ARIC prior to the Council Meeting of October 2021.</li></ul>	Please see report 6.5 of this agenda.
Enterprise Risk Management	5.1 – 15 May 2020	Note that the Enterprise Risk Management Framework will be reviewed annually.	6 August 2021 ARIC Meeting.

#### Item 5: Standing Items

##### 5.1 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400243

##### **MOTION: Bentley/Stuart**

##### **The Audit Risk and Improvement Committee:**

1. received the WHS Report for the following months:
  - a. January;
  - b. February;
  - c. March; and
2. received the StateCover WHS Report 2020 and StateCover Verification Audit 2020.

*The motion was carried with the Committee Members voting unanimously.*

9:44AM Luke Malone, Prosperity joined the meeting

5.2 UPDATE ON MWRC AUDIT AND BUSINESS IMPROVEMENT  
ACTION ITEMS

COR400236, COR400236

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee noted the progress on the Action Items for the:

- Internal Audit;
- Business Improvement; and
- External Audit action items.

*The motion was carried with the Committee Members voting unanimously.*

9:47AM Alison Lee, Crowe joined the Meeting

5.3 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee:

1. noted that there were no fraud incidents since the last ARIC meeting; and
2. noted there were three incidents of Procurement Breaches and the actions taken to address the items.

*The motion was carried with the Committee Members voting unanimously.*

5.4 ENTERPRISE RISK MANAGEMENT UPDATE

COR400236, COR400243

**MOTION: Stuart/ Bentley**

The Audit Risk and Improvement Committee noted the Enterprise Risk Management update.

*The motion was carried with the Committee Members voting unanimously.*

5.5 LEGISLATIVE COMPLIANCE UPDATE

COR400236, COR400243

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee noted the report by the Manager Governance.

*The motion was carried with the Committee Members voting unanimously.*

**Item 6: Reports**

6.1 2020/21 FINANCIAL STATEMENT PROJECT PLAN  
COR400236, COR400243

**MOTION: Stuart/ Bentley**

The Audit Risk and Improvement Committee noted the financial reporting project plan. Feedback was provided to the Chief Financial Officer for consideration in preparing the 2020/21 Financial Statements for Council.

*The motion was carried with the Committee Members voting unanimously.*

6.2 INTERNAL AUDIT PROGRESS UPDATE  
COR400236, COR400243

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee received the Crowe Status Report.

*The motion was carried with the Committee Members voting unanimously.*

6.3 CYBERSECURITY AUDIT  
COR400236, COR400236

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee noted the Report by the ICT Manager.

*The motion was carried with the Committee Members voting unanimously.*

6.4 NEXT MEETING DATES AND AUDIT PLAN 2021/22  
COR400236, COR400236

**MOTION: Bentley/Stuart**

The Audit Risk and Improvement Committee:

1. endorsed the forward 12 month meeting plan, including meeting dates as follows:
  - 6 August 2021;
  - 26 November 2021;
  - 25 February 2022;
  - 20 May 2022; and
2. endorsed the 3 year Strategic Internal Audit Program.

*The motion was carried with the Committee Members voting unanimously.*



6.5 INTERIM MANAGEMENT LETTER FOR MID-WESTERN  
REGIONAL COUNCIL FOR YEAR ENDING 30 JUNE 2021  
COR400236, COR400236

**MOTION: Bentley/Stuart**

**The Audit Risk and Improvement Committee:**

1. received the 2020/21 Financial Statements Interim Management Letter; and
2. noted the auditor recommendations and management responses.

**The Chair requested that in the future the management letters from the NSW Audit Office be sent to him directly.**

*The motion was carried with the Committee Members voting unanimously.*

**Item 7: General Business**

Nil

**Item 8: Correspondence**

Nil

**Item 9: Closure**

There being no further business the meeting concluded at 10:27AM.

## 12.2 Mid-Western Regional Council Access Committee

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, COS300797

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mid-Western Regional Council Access Committee; and**
2. **note the minutes of the Mid-Western Regional Council Access Committee meetings convened on 2 February, 2 March, 6 April, 4 May and 1 June 2021.**

### Executive summary

The Mid-Western Regional Council Access Committee meets monthly to discuss and provide advice to Council on operational and strategic issues affecting physical access and inclusion for all residents and visitors to the region.

### Disclosure of Interest

Nil.

### Detailed report

The Committee has considered a range of development applications at a variety of locations across the region and lodged submissions in respect of same. Discussions are detailed in the minutes attached to this report. The Committee also compliments Council on a range of initiatives, such as an ongoing review of its Disability Inclusion Action Plan and various treatments of sites around the region, such as the installation of automatic doors at the Rylstone Administration Office and at the Mudgee Arts Precinct. The Committee remains hopeful that Council is supportive of additional public seating along Church Street in Mudgee.

### Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

### Strategic implications

#### Council Strategies

Mid-Western Regional Council's Disability Inclusion Action Plan ('DIAP') supports collaboration between Council and its Access Committee, to provide advice on operational and strategic issues affecting access for all residents of and visitors to the region. Council has recently been contacted by the State Minister for Families and Communities and Disability Services and was advised that the due date for publication of Council's next reiteration of its DIAP has been extended until

July 2022. In any event, Council has already commenced its community consultation phase of the DIAP review.

**Council Policies**

Not Applicable.

**Legislation**

Mid-Western Regional Council is committed to an inclusive and accessible region and seeks to meet its obligations under the *Disability Discrimination Act 1992* and the NSW *Disability Inclusion Act 2014* through its DIAP.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

1 June 2021

- Attachments:*
1. Minutes - February 2021.
  2. Minutes - March 2021.
  3. Minutes - April 2021.
  4. Minutes - May 2021.
  5. Minutes - June 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE

MINUTES – 10AM, TUESDAY 2 FEBRUARY 2021

AT STABLES MEETING ROOM, MUDGEE

**1. Welcome:**

**2. Present:** Victoria Barrett (Chair), Les Leighton, Stephen Waller,

**Councillors:** Deputy Mayor Sam Paine

**Council Staff:** Fiona Shearman

**3. Receive apologies:** Pamela Morris, Rodger Barnes

**4. Confirm Minutes of 1 December 2020 meeting of the MWRC Access Committee**

Moved: L Leighton

Seconded: V Barrett

Carried

**5. Matters arising from Previous Minutes:** Nil.

**6. Correspondence:**

6.1 DA0149/2021: Tourist and Visitor Accommodation (2 x Serviced Apartments), 32 Hadabob Road, Frog Rock – Submission lodged 4 December 2020.

6.2 DA0157/2021: Farm Stay Accommodation, 1307 Castlereagh Highway, Apple Tree Flat – Submission lodged 4 December 2020.

**7. Development Applications:**

7.1 DA0204/2021: Proposed Function Centre (2 x Semi-Permanent Tents) Oakey Corner 345 Spring Flat Road, Spring Flat

Submission:

1. The Applicant should ensure there is adequate accommodations in place to ensure people in wheelchairs or vision impaired people can ascend the timber floor deck without it being a difficult obstacle/trip hazard;
2. The accessible bathroom may require a ramp from the pathway to the verandah of the building;
3. The accessible bathroom should comply with current disability standards.



Moved: L Leighton

Seconded: S Waller

Carried

- 7.2 DA0203/2021 – Proposed Hotel or Motel Accommodation at The Paragon Hotel, 38 Perry Street and 82 Gladstone Street, Mudgee

Submission:

With respect to the accessible unit:

1. All amenities, such as sinks, countertops and wardrobes are to be at appropriate heights to allow for adequate access for wheelchair users;
2. The Committee recommends that the door into the bathroom be a cavity slider;
3. The Committee recommends the installation of a fold down handrail on the shower side of the toilet.

Moved: L Leighton

Seconded: V Barrett

Carried

## 8. General Business:

- 8.1 Public seating along Church Street (V Barrett) – Standing item

Closed: 10:28am

**Next meeting date** – 2 March 2021 at 11:00am. Venue: Stables Meeting Room.



**MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 2 MARCH 2021**

**AT COMMITTEE ROOM, MUDGEES**

**1. Welcome:**

**2. Present:** Victoria Barrett, Stephen Waller, Pamela Morris

**Councillors:** Deputy Mayor Sam Paine

**Council Staff:** Fiona Shearman

**3. Receive apologies:** Nil

**4. Confirm Minutes of 2 February 2021 meeting of the MWRC Access Committee**

**Moved:** V Barrett

**Seconded:** S Waller

**5. Matters arising from Previous Minutes:**

**6. Correspondence:**

6.1 DA0204/2021: Proposed Function Centre (2 x Semi-Permanent Tents) Oakey Corner 345 Spring Flat Road, Spring Flat – Submission lodged 2 February 2021.

6.2 DA0203/2021 – Proposed Hotel or Motel Accommodation at The Paragon Hotel, 38 Perry Street and 82 Gladstone Street, Mudgee – Submission lodged 2 February 2021.

**7. Development Applications:**

7.1 DA0251/2021 - Proposed Change of Use to Specialised Retail Premises and Light Industrial - 18 Sydney Road Mudgee NSW 2850

Submission:

- Bathrooms – One of the bathrooms should be a unisex, accessible bathroom modified to standard.
- Disabled parking space close to the main entrance on a hard surface.
- No trip hazards within the showroom.
- Adequate access into staff facilities for an employee with a disability.
- Counter at point of sale to be at an adequate height for a wheelchair user.

Moved: V Barrett

Seconded: S Waller





**8. General Business:**

8.1 Public seating along Church Street (V Barrett) – Standing item

Meeting closed: 11:27am

**Next meeting date** – 6 April 2021 Stables meeting room.



## MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE

MINUTES – 11AM, TUESDAY 6 APRIL 2021

AT STABLES MEETING ROOM, MUDGEES

**1. Welcome:**

**2. Present:** Victoria Barrett (Chair), Les Leighton, Pamela Morris and Stephen Waller

**Councillors:** Deputy Mayor Sam Paine

**Council Staff:** Fiona Shearman (Minutes)

**3. Receive apologies:** Nil

**4. Confirm Minutes of 2 March 2021 meeting of the MWRC Access Committee**

Moved: S Waller

Seconded: V Barrett

Carried

**5. Matters arising from Previous Minutes:** Nil

**6. Correspondence:**

6.1 DA0251/2021 - Proposed Change of Use to Specialised Retail Premises and Light Industrial - 18 Sydney Road Mudgees NSW 2850 – Submission lodged 2 March 2021.

**7. Development Applications:**

7.1 DA0243/2021 - Proposed Alterations to Existing Community Hall (replacement of existing verandah and kitchen) at Olinda Community Hall, 33 Coolcalwin Street, Olinda.

Submission:

- Doorway should have a clearance width of 850mm (AS1428)
- If any steps, ensure there is also a compliant ramp
- Sink access to be at the appropriate height for a wheelchair user (front-on access)
- Toilet block to be appropriate for accessibility
- All other adjustments to meet AS1428 (as appropriate)

Moved: L Leighton

Seconded: P Morris

Carried

7.2 DA0285/2021 – Proposed Erection of a Rotating Cabin – Serviced Apartment at Cudgegong Soaring Club, 221 Stubbo Road, Stubbo.

Submission:

- Any alterations to comply with AS1428 (as appropriate)



- One of the bathrooms in the new dwelling to be accessible for a wheelchair user (including lever action door handles)
- Ramp for access to both facilities from outside (without trip hazards)

Moved: S Waller                      Seconded: P Morris                      Carried

7.3 DA0280/2021 – Proposed Internal Alterations and Additions – Serviced Apartment at 29 Short Street, Mudgee.

Submission:

- One bedroom with access to ensuite facilities (recommend Bedroom and Bathroom 4) to be accessible compliant to AS1428
- Kitchen to comply with AS1428
- Access to courtyard to have ramp access (if surface is not flat)
- Laundry area should be accessible
- Accessible ramp for access to front entrance without steps be installed

Moved: V Barrett                      Seconded: S Waller                      Carried

7.4 DA0273/2021 – Proposed Change of Use – Serviced Apartment at Brolga, 857 Spring Ridge Road, Beryl.

Submission:

- Recommend Bedroom 2 to be accessible to AS1428
- Kitchen to AS1428
- Ramp must be 1:14

Moved: P Morris                      Seconded: V Barrett                      Carried

**8. General Business:**

- 8.1 Disability parking at Showground (L Leighton)
- Very happy with recent works to accessible parking
- 8.2 Accessibility in Woolworths (S Waller)
- Woolworths unable to alter flooring that slopes in facility
  - Council has very little say in recent alterations
- 8.3 BP Service Station, Gulgong (P Morris)
- Council have put a drain across the road with a metal grate – Good feedback
- 8.4 Public seating along Church Street (V Barrett) – Standing item

**Next meeting date** – 4 May 2021 Stables meeting room.

Meeting closed 11:48am.



## **MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 4 MAY 2021**

**AT STABLES MEETING ROOM, MUDGEES**

**1. Welcome:**

**2. Present:** Victoria Barrett, Stephen Waller, Pamela Morris, Rodger Barnes

**Councillors:** Deputy Mayor Sam Paine

**Council Staff:** Fiona Shearman

**3. Receive apologies:** Les Leighton

**4. Confirm Minutes of 6 April 2021 meeting of the MWRC Access Committee**

**Moved:** P Morris

**Seconded:** S Waller

**5. Matters arising from Previous Minutes:** Nil.

**6. Correspondence:**

6.1 DA0243/2021 - Proposed Alterations to Existing Community Hall (replacement of existing verandah and kitchen) at Olinda Community Hall, 33 Coolcalwin Street, Olinda – Submission lodged 7 April 2021.

6.2 DA0285/2021 – Proposed Erection of a Rotating Cabin – Serviced Apartment at Cudgegong Soaring Club, 221 Stubbo Road, Stubbo – Submission lodged 7 April 2021.

6.3 DA0280/2021 – Proposed Internal Alterations and Additions – Serviced Apartment at 29 Short Street, Mudgee – Submission lodged 7 April 2021.

6.4 DA0273/2021 – Proposed Change of Use – Serviced Apartment at Brolga, 857 Spring Ridge Road, Beryl – Submission lodged 7 April 2021.

**7. Development Applications:**

7.1 DA0322/2021 - Proposed Alterations and Additions to Existing Cellar Door/Function Centre and Signage at Blue Wren Vineyard 433 Ulan Road Eurunderee NSW 2850

Submission:

- Dedicated accessible park in original carpark.
- Ramp access from original carpark to main facility.
- Ramp access into accessible bathroom.



- New kitchen premises to be functional for potential future employees with disability.
- External seating to be free from trip hazards.
- There should be a clear pathway from indoors to the external seating area that is easily manoeuvrable for a wheelchair user.
- Accessible parking to be on a surface that is manoeuvrable by a person in a wheelchair.
- Lower benches in service areas for wheelchair users.
- Three accessible parking spaces to be provided close to various function spaces.

**Moved:** V Barrett

**Seconded:** S Waller

#### **8. General Business:**

- 8.1 Public seating along Church Street (V Barrett) – Standing item
- 8.2 DIAP survey (F Shearman) – Due to be released shortly. Will provide copies to committee members to complete and distribute as necessary.
- 8.3 Tar on road/footpath surface from Woolworths into Byron Place (R Barnes) – Difficult for users with walking aides. R Barnes to lodge a works request.

Meeting closed: 11:24am.

**Next meeting date** – 1 June 2021 Stables meeting room.



**MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 1 JUNE 2021**

**AT STABLES MEETING ROOM, MUDGEE**

**1. Welcome:**

**2. Present:** Victoria Barrett, Les Leighton, Rodger Barnes, Stephen Waller

**Councillors:** Councillor Alex Karavas

**Council Staff:** Fiona Shearman

**3. Receive apologies:** Deputy Mayor Sam Paine, Pamela Morris

**4. Confirm Minutes of 4 May 2021 meeting of the MWRC Access Committee**

Moved: S Waller

Seconded: V Barrett

**5. Matters arising from Previous Minutes:**

**6. Correspondence:**

6.1 DA0322/2021 - Proposed Alterations and Additions to Existing Cellar Door/Function Centre and Signage at Blue Wren Vineyard 433 Ulan Road Eurunderee NSW 2850 – Submission lodged 6 May 2021.

**7. .Development Applications:**

7.1 DA0211/2021 – Proposed Eco-Tourist Facility (2 x self-contained cabins) & bushfire refuge @ 1245 Coxs Creek Road, Coxs Creek NSW 2849

Submission:

- The bathroom in Cabin 1, to comply to all relevant accessibility standards.
- All door handles to be relevant to standards for accessibility.
- Any sliding doors to be free from trip hazards.
- Cabin 1 to have a permanent ramp, rather than a temporary structure.
- Rails to be installed around the verandah.
- Carpark for Cabin 1 to be adjacent to the ramp and have wheelchair friendly surface with access to the cabin.
- Flooring to have sufficiently textured surface to avoid slip hazards.

Moved: L Leighton Seconded: R Barnes Carried





**8. General Business:**

8.1 Rylstone Caravan Park Master Plan (L Leighton)

Submission:

- Laundry to be accessible for wheelchair users.
- Reception area (including kitchenette) to have a lower bench in order to be accessible for wheelchair users.
- Door into park office be an automatic door (swinging or sliding, as appropriate).
- All accessible areas to be compliant with the relevant standards.
- Verandah to have a rail around it.

Moved: L Leighton    Seconded: V Barrett    Carried

8.2 Public seating along Church Street (V Barrett) – Standing item

8.3 Mudgee Showground Accessible parking (L Leighton) – Pedestrian ramps off rollback gutters such as one from accessible parking to pathway at Mudgee Showground recommended for future developments across the region. Also note to highlight edges of pathway as there is a significant drop to lawn. Pathway from Open Shed to floor of Poultry Shed (north side of the poultry section) has a generous lip near the roller door – good size trip hazard. Potentially needs grading or resurfacing? Feedback to be sent through to Building Services (F Shearman).

8.4 Automatic doors (L Leighton) – Importance of installation of automatic doors to more Council facilities. F Shearman highlighted how automatic doors are becoming more prevalent for Council facilities (recent examples of installations include Rylstone Customer Service Office and Mudgee Arts Precinct). Potentially comes down to budgets as even the maintenance is quite expensive without mechanical issues.

Meeting closed 11:44am

**Next meeting date** – 6 July 2021 Stables meeting room.

## 12.3 Local Traffic Committee Meeting Minutes - May 2021

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, A0100009

### RECOMMENDATION

#### That Council:

1. receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - May 2021;
2. provide clearer plans of the Water Filling Station Upgrade – regulatory signage to the Committee due to minor change;
3. approve the installation of Australia Post only loading zone in Robertson Lane Gulgong with the following times permitting: Monday – Friday 7am to 8am and 2pm – 5pm; and
4. approve to further investigate traffic calming measures at the southern approach of the bridge of Reedy Creek Road Bridge.

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### Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

### Disclosure of Interest

Nil

### Detailed report

The Local Traffic Committee meeting was held on Friday 21 May 2021.

Three traffic reports were considered:

- Water Filling Station Upgrade Mudgee – Regulatory Signage
- Installation of Australian Post Only loading zone at Robertson Lane Gulgong
- Consider traffic calming devices at the Reedy Creek Road Bridge on Bylong Valley Way.

General Business items included

- Traffic counts for the intersection of Ulan Road and Buckaroo Road
- Temporary Speed Reduction on Blue Springs Road

Correspondence items included

- Concerns and request for the speed humps to be re-installed on Robertson Street Mudgee
- Request to reduce the speed limit on Aaron's Pass Road
- Kidney Kar Rally – request to seek approval drive a parade of cars through Mudgee CBD.

Full discussion notes are included in the attached report.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Not applicable

### **Legislation**

Not applicable.

## Financial implications

Not applicable

MICHELLE NEILSEN  
EXECUTIVE ASSISTANT, OPERATIONS

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

3 June 2021

*Attachments:* 1. Minutes - Local Traffic Committee May 2021.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Minutes of the Local Traffic Committee

Held at the Council Chambers, 86 Market Street, Mudgee  
on 21 May 2021.

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Present	Garry Hemsworth (MWRC), Phil Blackman, Cr Alex Karavas, Garry McGovern (NSW Police), Mark Fehon (NSW Police), Samantha Cecchini (MWRC), Jackie Barry (TfNSW)
Apologies	Garry McGovern (NSW Police)
Secretary	Emma Broadfield (MWRC)

The LTC meeting commenced at 10:10am.

### MINUTES OF PREVIOUS MEETING

**MOTION CARRIED: Community Member Phillip Blackman / Inspector Mark Fehon**

**That the Minutes of the previous Local Traffic Committee held on 23 April 2021 be taken as read and confirmed.**

2

MATTERS IN PROGRESS – NO ISSUES RAISED

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	It is looking likely that the power will need to go underground. Currently looking for quotations for this to be done. Works need to be completed prior to 1 July 2021.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	The Funds for this project are in the draft budget for next financial year.
Traffic Management Review for Gulgong	Feb 2021		This is to be parked for the moment. Will wait until the new Infrastructure Planning team are established before starting to review Gulgong.
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	
CBD Parking line marking	May 2019	If not address in parking study, prepare report for line marking to be extended to Market street between Church and Lewis and Mortimer Street between Church and Lewis	In the process of being marked.
Denison Street and Church Street Intersection	August 2020		Completed. Report to follow.
Henry Bayly Drive	September 2020	Council requests for traffic counts to be installed at the section of road.	Awaiting the placement of traffic counters
Ulan Rd and Buckaroo Rd Intersection	December 2020	Further investigation to take place at this intersection	Traffic Counts have been taken. Report to follow.
Loading Zone at Gulgong Post Office	December 2020	Further investigate into this	Forms part of this meeting
Library carpark request	February 2021	Investigate/review the access for trucks in the carpark behind the library.	Further investigation required.
3T signage on Short Street	February 2021	Review the 3T limit in Short Street due to large vehicles and caravans using Short Street	Further Investigation required

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### PAST EVENT DEBRIEF

EVENT	
Mudgee Classic Cycling event	debrief with Holly and David Kemp, part of the organising team. – SEE REPORT ON PAGE 4.

### CALENDAR OF EVENTS

2021		
JANUARY	DATE	COMMENTS
Kandos Street Machine and Hot Rod Show	21-24 <sup>th</sup> January 2021	Approved – Did not go ahead
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	27 Feb 2020	Approved
MARCH	DATE	COMMENTS
Femta	13 March 2021	Approved
Can Cruises	20 March 202	For LTC information only
APRIL	DATE	COMMENTS
NRL Event – Manly vs Titans	17 April 2021	Approved
Wings, Wine and Wheels Air show	18 April 2021	For LTC information only
ANZAC Day Services Mudgee	25 April 2021	Approved
ANZAC Day Services Gulgong	25 April 2021	Approved
MAY	DATE	COMMENTS
Mudgee Classic	2 May 2021	
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
Small Farm Field Days	2 <sup>nd</sup> – 4 <sup>th</sup> July 2021	
AUGUST	DATE	COMMENTS
Outback Classic	August 2021	
SEPTEMBER	DATE	COMMENTS
Flavours Of Mudgee	27 September 2021	



4

OCTOBER	DATE	COMMENTS
Sunset Sounds	31 October 2021	Not a council event but an event in the area
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved  
 Green = Approved

21/023 DEBRIEF - MUDGEES CLASSIC

- The day went rather well.
- They had approximately 2000 riders which was more than the expected 1200 riders. Two of the three events were sold out.
- It was the right choice to close Lue Road. It was difficult to get the convoy around the riders when they were riding in both directions. They started with two escort vehicles and ended up needing four escort vehicles due to the demand.
- Will look to explore other route options. Will look towards the Gulgong area.
- Rider feedback so far has is that the social course was too short and the challenge course was too long. Will look to add another event which will be an 80km course to the 2022 ride.
- Garry asked how the two way traffic on Bylong Valley Road worked. David was monitoring this area of the event and he stated that there was not a lot of traffic and the traffic that was there managed to move around the riders without hassle.
- Mark (NSW Police) commented that the event ran well from his perspective. He said that the EEC worked well and they should be commended for it. The way they worked with the participants and organised staff to be where they needed to be was well done.
- The end of the race at the Ulan Road and Pitts Lane roundabout needed some work to make that smoother. It caused issues with some of the riders being diverted to the pedestrian path under the bridge.
- Samantha (MWRC) asked what the riders thought of the area outside the event. David commented that they have sent out a feedback survey to the riders and their responses are currently being compiled. They have received a 60% response rate which is the highest they have ever received.

Alex Karavas left the meeting at 10.26am

21/024 REEDY CREEK ROAD BRIDGE

**RECOMMENDATION**

**That Council approve to further investigate traffic calming measures at the southern approach of the bridge.**

Committee Comments

Speed zones will need to come to TfNSW

**MOTION: Community Member Phillip Blackman / Transport for NSW Representative**  
**That the above recommendation be accepted and approved.**

21/027 WATER FILLING UPGRADE MUDGEES - REGULATORY SIGNAGE

**RECOMMENDATION**

**That Council provide clearer plans to Committee due to minor change.**

Committee Comments

- S138 concurrence has come in from TfNSW
- Jackie - process still needs to go through to TfNSW- for signage approval
- Council will send through clear plan to Jackie at TfNSW.
- Samantha sort clarity on the need for an 'Entry' sign. Committee confirmed it will not be needed.
- An updated plan was forwarded to Transport for NSW which was approved.

**MOTION: Transport for NSW Transport for NSW Representative / Phillip Blackman**  
**That the above recommendation be accepted and carried.**

21/028 APPROVE THE INSTALLATION OF AUSTRALIA POST ONLY LOADING ZONE

**RECOMMENDATION**

**That Council approve the installation of Australia Post only loading zone in Robertson Lane Gulgong with the following times permitting.**  
**Monday – Friday 7am to 8am and 2pm – 5pm**

Committee Comments

- Australian standard allows to put times on sign post.
- Round times up from 3-4 and 4-5 to allow consistencies
- General loading zone sign and then the Australian Post Sign.

**MOTION CARRIED: Community Member Phillip Blackman / Transport for NSW Representative**

*The motion was carried with Councillors voting unanimously.*

MOTION:

**That the above recommendation be accepted and approved.**

## 6

### 21/029 GENERAL BUSINESS

#### TRAFFIC COUNTS FOR THE INTERSECTION OF ULAN ROAD AND BUCKAROO ROAD

Traffic counters for this intersection were placed down from 27 November 2020 to 13 January 2021. The results are attached.

##### Committee comments

- Low volume of traffic travelling on this road, raw data was given.
- Data need to be assessed and processed.

#### TEMPORARY SPEED REDUCTION ON BLUE SPRINGS ROAD

Don Cottee raised an issue Safety of truck turning movements on Blue Spring Roads during a development project. A temporary speed zone was brought up.

### 21/030 CORRESPONDENCE

#### CONCERNS & REQUEST FOR SPEED HUMPS TO BE RE-INSTALLED TO STOP SPEED RACING ON ROBERSTON STREET MUDGEES

Council received an email from Jen Treverrow to request the installation of speed humps that were removed from Robertson Street Mudgee due to increase of street racing. This email has been forwarded to the Police for their information. See attached email.

##### Committee Comments

- Traffic counter are scheduled to go back to collect data
- Collect data on Robertson Road and evaluate past and present counts.

#### REQUEST TO REDUCE THE SPEED LIMIT ON AARON'S PASS ROAD

Council received a request from a resident to reduce the speed limit on Aaron's Pass Road.

##### Committee Comments

- Review kerb warning and line marking to be investigated.
- Collect and review data and traffic counts on Aaron Pass Road
- TfNSW suggested putting in wildlife signs if they are required.

#### KIDNEY KAR RALLY

A request has come to the committee from the event coordinator of the Kidney Kar Rally to seek approval to kick off the proceedings of the event with a parade of cars through Mudgee CBD on Saturday 14<sup>th</sup> August 2021. This event raises funds for Kidney Health Australia and is an annual fund raising event. They will assemble at Parklands Resort, turn onto Ulan Road heading to town, turn right at Short Street and left at Perry Street, left into Market Street, turn right onto Church Street, left to Mortimer St, left into Lewis Street and left into Short Street and right at the roundabout to proceed onto Ulan Road and back to Parklands Resort. There are no road closures and they will be driving as per the road rules.

Committee Comments

- No road closures, therefore there are no issues for the Local Traffic Committee.

MUDGEES ENDURANCE RIDERS ASSOCIATION

The Mudgees Endurance Riders Association, wrote in to Council to amend the route of their ride on the weekend of 15<sup>th</sup> and 16<sup>th</sup> May 2021. They have extended their course to include Kemps Valley Road and Iron Bark Road for approximately 1.8km. This is to ensure their distance is 80kms as the previous course was 8km short of that. For the committees information only.

Committee Comments

- It has been completed and went well.

CLOSURE

There being no further business the meeting concluded at 10.55am.

## 12.4 Mid-Western Regional Youth Council

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, COS300610

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mid-Western Regional Youth Council;**
2. **note the minutes of the Mid-Western Regional Youth Council meetings convene on 9 February, 9 March and 11 May 2021;**
3. **endorse Imogen Barrett as Mid-Western Regional Youth Council Mayor;**
4. **endorse Kirilee Besant as Mid-Western Regional Deputy Youth Council Mayor; and**
5. **note the resignations of Nicola Hayes and Christopher Barry from Mid-Western Regional Youth Council.**

### Executive summary

This report seeks to inform Council of Mid-Western Regional Youth Council discussions and activities.

### Disclosure of Interest

Nil.

### Detailed report

The most recent Mid-Western Regional Youth Council meetings were convened on 9 February, 9 March and 11 May 2021. There was no meeting in April 2021 as quorum was unable to be achieved

Youth Councillors discuss a range of matters, including school holiday and Youth Week activities and how it can provide support to activities and events for the benefit of youth living in the region, such as through the Local Youth Employment Expo and through initiatives such as the One Young Adult Book One Community project.

Further detail of the abovementioned discussions are contained in the minutes attached to this report.

### Community Plan implications

Theme	Looking After Our Community
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Goal	Meet the diverse needs of the community and create a sense of belonging
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Strategy	Support programs which strengthen the relationships between the range of community groups
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## Strategic implications

### **Council Strategies**

Mid-Western Regional Council's Youth Strategy provides direction and recommendations for Council and the community to benefit local youth. Mid-Western Regional Youth Council also takes direction from this document when considering future planning. A review of this document is forthcoming following community consultation.

### **Council Policies**

Not Applicable.

### **Legislation**

Not Applicable.

## Financial implications

Not Applicable.

## Associated Risks

Not Applicable.

FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

1 June 2021

*Attachments:* 1. Minutes - February 2021.  
2. Minutes - March 2021.  
3. Minutes - May 2021.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER





## MINUTES OF YOUTH COUNCIL MEETING

**DATE:** 9 February 2021  
**VENUE:** Mudgee Council Chambers,  
86 Market Street, Mudgee  
**COMMENCEMENT TIME:** 4:22 pm

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### 1. ACKNOWLEDGEMENT OF COUNTRY

1.1. Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

### 2. ATTENDANCE

#### 2.1. In Attendance

Youth Councillors: Immi Barrett, Kirilee Besant, Ayden Seis (Chair), Joshua Smith

Councillors: Councillor Sam Paine (Deputy Mayor)

Council Staff: Fiona Shearman (Manager, Community Services), Cathy Meyers (Youth Services Officer), Sam Sbisa (Youth Services Officer; Minutes)

2.2. Apologies: Courtney Boxsell (Youth Councillor), Fen Fraser (Youth Councillor), Nicola Hayes (Youth Councillor)

**Motion:** Acceptance of apologies.

Moved: A. Seis    Seconded: J. Smith                                  -                  Carried

### 3. MINUTES – 8 December 2020

**Motion:** Acceptance of minutes.

Moved: J. Smith    Seconded: C. Meyers                                  -                  Carried

### 4. CORRESPONDENCE IN/OUT

#### 4.1. Letter from Mid-Western Regional Council Library – 09.02.2021

Youth Council have received communication (see Fig 1) detailing the Library’s plan to initiate a new strategic plan, as part of which community consultation is being undertaken. Youth Council were invited to partake in the various forms of consultation, especially the dedicated ‘Youth Focus’ small group session <https://www.eventbrite.com.au/e/focusing-on-youth-services-programs-tickets-140952856789>

### 5. EXISTING BUSINESS

#### 5.1. Youth Council Events

##### 5.1.1. Summer school holiday activities; update

A general discussion of the activities run over the January school holiday period occurred. Feedback overall was that the programme of events was well received. Bookings and attendance at all events was good, with the exception of those occurring in the Kandos and Rylstone area. Ideas on how to change this was discussed – advertising is undertaken as much as possible, with Kandos High School regularly promoting the events held in that area. K Besant suggested promoting through appropriate youth organisations such as Scouts and volunteered to assist with this. The Youth Services team expressed that the schedule of events was very ambitious and planning/organisation for some of the events (especially excursions) was greater than expected; that moving forward the amount of time involved in preplanning during the school holiday period would need to be considered when planning the schedule of

activities, especially over January when the Council shutdown period affects the planning time prior/during the school holidays.

Activity	Date	Location	Available places	Bookings	Attendance
Keyrings and necklaces	6 Jan	Event Zone – Mudgee Library	10	10	7
Keyrings and necklaces	7 Jan	Kandos Community Hall	9	0	0
Short film workshop (day 1)	11 Jan	The Stables Mudgee	15	19	12
Short film workshop (day 2)	12 Jan	The Stables Mudgee	15	19	11
Tenpin bowling excursion	13 Jan	Dubbo	20	41	18
Yoga session	14 Jan	Gulgong Memorial Hall	12	8	8
Video game design workshop	18 Jan	The Stables Mudgee	15	29	12
Kokedama workshop	19 Jan	Rylstone Memorial Hall	10	1	Session cancelled due to material supply issue
Laser skirmish excursion	20 Jan	Bathurst	22	53	21
Kokedama workshop	21 Jan	Gulgong Memorial Hall	10	14	8
Water photography competition	25 Jan	Online	N/A	N/A	18 entries
Water photography competition – People’s Choice Award	3 Feb	Online	N/A	N/A	18 entries

It was noted that the winner and placegetters of the photography competition will be displayed at the Gulgong RSL, with the printed photographs being gifted to the winners after the display period.

#### 5.1.2. Youth Week 2021 (16 to 24 April 2021) – “Together more than ever”

It was noted that due to the official dates of Youth Week 2021 and the April school holidays (2 -18 April) that planning for and discussion of the programme of events for the three week period would generally be referred to as ‘Youth Week’ – this may change around advertising.

In light of the comments from Youth Services regarding needing to be more realistic in regards to event management and planning time required during the event schedule period, a general discussion of potential events and scheduling of events for the Youth Week period was discussed. There was discussion about the possibility of facilitator schedules affecting preferred activities and timetabling. The destination for the April excursion was discussed – it is hoped that the Ice Skating opportunity at Bathurst would be viable for July 2021, with that in mind it was felt that travelling north for April would be preferable. As Flip-Out Dubbo has closed, and Bowling was included in the schedule for January, Youth Services suggested the Wellington Caves as a possible venue (a previous science themed excursion ‘Mudgee Observatory’ had good take up), the group agreed that this should be investigated. I Barrett expressed interest in assisting with the running of any shoe decorating sessions. S Sbisia also suggested a cupcake decorating workshop to tie into the theme of Youth Week 2021.

The majority of conversation revolved around the proposed short film competition. Some basic rules and guidelines for the entries were determined (for example there will be a strict 3 minute maximum film length), with final details regarding legalities etcetera for the Youth Services team to discuss with Council’s Economic Development team. All agreed using Mudgee Money for the prizes would be ideal, suggestions for prize amounts were also discussed. I Barrett suggested the ‘signature item/concept’ for the films be ‘book’ – after a brief discussion all agreed that this was an excellent idea. The Youth Services team will commence working on the advertising and associated required forms for the short film competition as soon as possible in order to maximise creation time for entrants.

**Action point:** Youth Services team to commence work on short film competition collateral as soon as possible and begin contacting and booking facilitators for Youth Week events.

**6. BUSINESS ARISING**

6.1. Office bearer elections – carried over until next meeting

6.2. Youth Councillor resignation

N Hayes formally resigned from Youth Council via email on 27 January 2021, due to moving away from the region for further education reasons. Youth Council thanks N Hayes for her service over the past years.

This resignation lowers the current Youth Council membership to eight young people. S Sbisa reported there may be another one or two resignations submitted in the coming weeks, but that four young people from across the region have recently requested information on how to join Youth Council. It is anticipated that some nomination forms may be received for voting on at the March 2021 meeting.

6.3. Flying minute outcome – Youth Council nomination; 14.12.2020

The flying minute regarding the Youth Council nomination received for Kirilee Besant, passed. Votes were received from I Barrett, C Boxsell, N Hayes, F Fraser, and R McPherson.

**7. GENERAL BUSINESS**

7.1. None

**8. DETAILS OF NEXT MEETING**

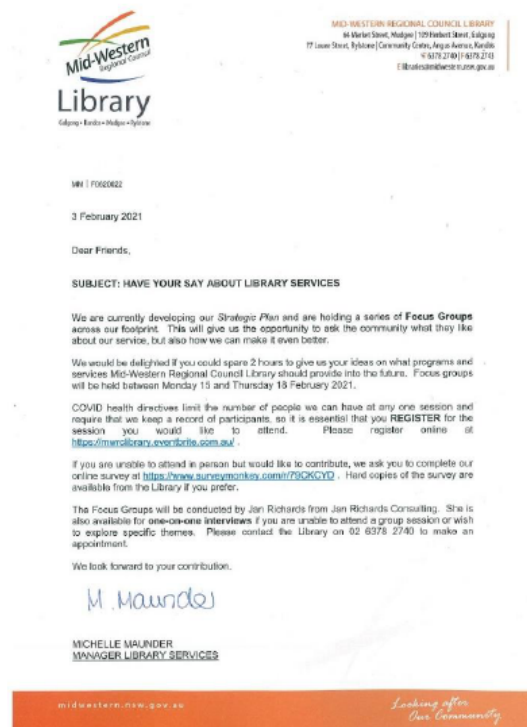
8.1. Tuesday 9 March 2021, Mudgee Council Chambers, Market Street, Mudgee.

5:23 PM Meeting closed.

**SUMMARY OF ACTION ITEMS**

TASK / ACTION	RESPONSIBILITY	COMPLETION
Commence work on Short Film Competition collateral and begin sourcing and booking facilitators etc. for Youth Week programme	Youth Services Officers	9.03.2021

Figure 1





# MINUTES OF YOUTH COUNCIL MEETING

DATE: 9 March 2021  
VENUE: Mudgee Library Event Zone  
64 Market Street, Mudgee  
COMMENCEMENT TIME: 4:14 pm

---

## 1. ACKNOWLEDGEMENT OF COUNTRY

1.1. Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

## 2. ATTENDANCE

### 2.1. In Attendance

Youth Councillors: Immi Barrett, Kirilee Besant, Ayden Seis (Chair)

Councillors: Councillor Sam Paine (Deputy Mayor)

Council Staff: Fiona Shearman (Manager, Community Services), Sam Sbisa (Youth Services Officer; Minutes)

2.2. Apologies: Christopher Barry (Youth Mayor), Courtney Boxsell (Deputy Youth Mayor), Rhiannon McPherson (Youth Councillor), Joshua Smith (Youth Councillor), Cathy Meyers (Youth Services Officer),

**Motion:** Acceptance of apologies.

Moved: A. Seis

Seconded: I. Barrett

- Carried

## 3. MINUTES – 9 February 2021

**Motion:** Acceptance of minutes.

Moved: A. Seis

Seconded: K. Besant

- Carried

## 4. CORRESPONDENCE IN/OUT

### 4.1. Resignation from C. Barry – 08.03.2021

Youth Council have received a resignation email from C. Barry; he is moving out of the area C. Barry thanked Youth Council for the opportunities and the skills acquired while being a member. All thanked C Barry for his service over the past two years.

## 5. EXISTING BUSINESS

### 5.1. Youth Council Events

#### 5.1.1. Autumn school holiday and Youth Week activities; update

A general update of the booked activities and competitions was provided. Promotional material has been forwarded to Council's Graphic Designer for final approval. It is hoped the programme will be available to the public early next week. The Short Film Competition details have been finalised, and promotion has commenced (See Fig 1 to Fig 2.2). Members commented that both Gulgong and Kandos high schools have been promoting the film competition. Promotion of the photo competition will commence this week (See Fig 3). All members are asked to assist with promoting the upcoming events and activities.

## 6. BUSINESS ARISING

### 6.1. Office bearer elections

#### 5.1.1. Election of Youth Mayor

- K. Besant nominated I. Barrett; nomination accepted
- I. Barrett has been elected Youth Mayor. Congratulations to I. Barrett

5.1.2. Election of Deputy Youth Mayor

- I. Barrett nominated K. Besant; nomination accepted
- K. Besant has been elected Deputy Youth Mayor. Congratulations to K. Besant

**7. GENERAL BUSINESS**

7.1. None

**8. DETAILS OF NEXT MEETING**

8.1. Tuesday 11 May 2021, Mudgee Council Chambers, Market Street, Mudgee.

*4:55 PM Meeting closed.*

**SUMMARY OF ACTION ITEMS**

TASK / ACTION	RESPONSIBILITY	COMPLETION
Promote Autumn school holiday and Youth Week activities and competitions.	All members	23.04.2021



Figure 1



FOR AGES 12-25

**\$300 Mudgee Money Grand Prize**  
+ runners up, People's Choice and more to be won

# Short Film Challenge

Enter the challenge and show off your filmmaking skills

- Films can be in any style, a maximum of 3 minutes long, must contain "book", and be made by amateur filmmakers
- Entries close 4.30pm on 15 April 2021
- Entry form on Council's website ([midwestern.nsw.gov.au](http://midwestern.nsw.gov.au)), listing full terms and conditions
- Enquiries to [youth.services@midwestern.nsw.gov.au](mailto:youth.services@midwestern.nsw.gov.au)

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Figure 2.1



# Short Film Challenge

FOR AGES 12-25

Entries close 15 April 2021

FIRST PRIZE	SECOND PRIZE	THIRD PRIZE	PEOPLE'S CHOICE AWARD (Voting closes 4 May 2021)
<b>\$300</b> Mudgee Money Gift Card	<b>\$200</b> Mudgee Money Gift Card	<b>\$100</b> Mudgee Money Gift Card	<b>\$250</b> Mudgee Money Gift Card

### Terms and Conditions

- Films must be no longer than three (3) minutes – this includes any credits.
- "Book" must appear somewhere in your film – this can be a physical item (such as a book) or a concept (booking tickets). The time stamp of your "book" must be included on your entry form.
- There can be no more than five (5) people on your creative/production team. There is no limit on the number of actors in your film.
- The competition is open to amateur filmmakers only
- Content must be appropriate for a youth competition and adhere to the Parental Guidance (PG) Australian Classification rating.
- Entries must be submitted via USB to one of Mid-Western Regional Council's Customer Service Centres or a Mid-Western Regional Council Library branch by 4.30pm on Thursday 15 April 2021.
- The creative/production team must gain permission from all actors for their likeness to be viewed and screened publicly and on social media.
- Films can be in any style – live action, animation, stop motion etc.

9) All entries must be original work by the creative team. 10) Entrants must be aged 12 – 25. 11) At least one member of the creative/production team must live, study, or work in the Mid-Western Regional Council area. 12) Persons under the age of 18 should seek permission from their guardian before entering the competition. 13) Each creative team can submit a maximum of one film. 14) All entries must have titles. 15) Employees of Mid-Western Regional Council are not eligible to enter this competition. 16) Entries may be displayed publicly and/or used for publicity purposes. 17) Entrants' likeness may be used for publicity purposes. 18) Entries must be submitted via email and be suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 19) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and discussions will not be entered into. 20) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 21) The judging panel reserves the right not to award a prize if the entries are not deemed of a suitable standard. 22) The winner of the People's Choice Award will be by members of the public via a voting system on Facebook. 23) Winners of the People's Choice Award will be determined by the most likes received per film/entry by 4:30pm on Tuesday 4 May 2021. 24) Determination/awarding of prizes is final and no correspondence will be entered into. 25) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels, and winners contacted privately via email – prize distribution may be delayed due to social distancing requirements. 26) Mid-Western Regional Youth Council will take all reasonable care with entries, but will not accept responsibility for any entries not received due to technological failures, damage, distortion, or similar that may occur to entries. 27) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 28) Prizes not claimed by 31 December 2021 will be forfeited by the winner. Privacy Policy: To read the privacy policy visit: [midwestern.nsw.gov.au/Privacy-Statement](http://midwestern.nsw.gov.au/Privacy-Statement)

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Figure 2.2

### Short Film Challenge Entry Form

Title of film \_\_\_\_\_  
 Name of contact person \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

#### Details of Creative/Production team

Name	Age	Phone
1		
2		
3		
4		
5		

**Have you obtained permissions from all actors in your film?**  
 (this includes permission to film, use their likeness, play film publicly and place on social media)

Yes  No  (your film is ineligible for entry)

**Have you obtained all other permissions for your film?** (eg. songs, music, footage, images)

Yes  No  (your film is ineligible for entry)

**At what time stamp in your film does "Book" appear:** \_\_\_\_\_

**I have read and agree to the terms and conditions of the competition on behalf of myself and the full creative/production team**

Yes  No  (your film is ineligible for entry)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 (If entrant is under 18, parent/carer's signature is required)

Parent/Carer's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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Figure 3



FIRST PRIZE	SECOND PRIZE	THIRD PRIZE	PEOPLE'S CHOICE AWARD <small>(voting closes 20 April 2021)</small>
<b>\$50</b> Mudgee Money Gift Card	<b>\$30</b> Mudgee Money Gift Card	<b>\$20</b> Mudgee Money Gift Card	<b>\$50</b> Mudgee Money Gift Card

Photo subjects should relate to the theme FAUNA, but contain no recognisable human faces (this is to do with publishing permissions).

Email your entry (not exceeding 10MB) by 22 April 2021 with the title of your entry, your full name, age, and postal address to: [youth.services@midwestern.nsw.gov.au](mailto:youth.services@midwestern.nsw.gov.au)

**Terms and Conditions:** 1) All entries must be original work by the entrant. 2) Entrants must be aged 12 – 25, and live, study, or work in the Mid-Western Regional Council area. 3) Persons under the age of 18 should ask permission from their guardian before entering the competition. 4) Entrants can submit a maximum of two entries. 5) All entries must have files. 6) Employees of Mid-Western Regional Council are not eligible to enter the competition. 7) Entries may be displayed publicly and/or used for publicity purposes. 8) Entrants' likeness may be used for publicity purposes. 9) Entries must be submitted via email and be suitable for display on Mid-Western Regional Youth Council and/or Mid-Western Regional Council's social media pages. 10) Suitability of entries for publication on social media will be at the discretion of Mid-Western Regional Council staff, and discussion will not be entered into. 11) Entries will be judged by a panel of at least two persons, comprising at least one representative from Mid-Western Regional Council. 12) The judging panel reserves the right not to award a prize if the entries are not deemed of a suitable standard. 13) The winner of the People's Choice Award will be by members of the public via a voting system on Facebook. 14) Winners of the People's Choice Award will be determined by the most 'likes' received per Instagram by 4.30pm on the date advertised. 15) Determination / awarding of prizes is final and no correspondence will be entered into. 16) Prize winners will be announced via Mid-Western Regional Youth Council's social media channels, and winners contacted or notify via email – prize distribution may be delayed due to social distancing requirements. 17) Mid-Western Regional Youth Council will take all reasonable care with entries, but will not accept responsibility for any loss or non-receipt due to technological failure, damage, deletion, or similar that may occur to entries. 18) Council will endeavour to display all entries, but may not be able to do so due to display area restrictions. 19) Prizes not claimed by 31 December 2021 will be forfeited by the winner. **Privacy Policy:** To read the privacy policy visit [midwestern.nsw.gov.au/Privacy-Statement](http://midwestern.nsw.gov.au/Privacy-Statement)

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## MINUTES OF YOUTH COUNCIL MEETING

DATE: 11 May 2021  
VENUE: Mudgee Library Event Zone  
64 Market Street, Mudgee  
COMMENCEMENT TIME: 4:18 pm

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### 1. ACKNOWLEDGEMENT OF COUNTRY

1.1. Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

### 2. ATTENDANCE

#### 2.1. In Attendance

Youth Councillors: Immi Barrett (Chair), Kirilee Besant (Deputy Youth Mayor), Fen Fraser, Joshua Smith, Hope Irwin, Blake Irwin, Bronte Furness

Councillors: Councillor Sam Paine (Deputy Mayor)

Council Staff: Fiona Shearman (Manager, Community Services), Cathy Meyers (Youth Services Officer), Sam Sbisa (Youth Services Officer; Minutes)

#### 2.2. Apologies: Ayden Seis (Youth Councillor)

**Motion:** Acceptance of apologies.

Moved: F. Fraser

Seconded: J. Smith

-

Carried

### 3. MINUTES – 9 March 2021

**Motion:** Acceptance of minutes.

Moved: I. Barrett

Seconded: K. Besant

-

Carried

### 4. CORRESPONDENCE IN/OUT

4.1. None

### 5. EXISTING BUSINESS

#### 5.1. Youth Council Events

##### 5.1.1. Autumn school holiday and Youth Week activities; evaluation

A general discussion about the activities was held. Overall, it was felt that the range of activities were well received. It was noted that feedback received suggested a longer parkour event in Mudgee may have been a better option. All agreed the excursion was worthwhile and that another visit to the Caves for a different tour might be a good future excursion. K Besant made some suggestions as to activities that may be well received in Kandos and Rylstone, including candle making – these will be investigated for future holiday periods. Participation was as follows for both the school holiday and Youth Week period:

Activity	Date	Location	Available places	Bookings	Attendance
Custom shoes and caps	6 Apr	The Stables Mudgee	12	21	9
Parkour introduction	7 Apr	The Stables Mudgee	20	22	17
Parkour introduction	7 Apr	Gulgong Memorial Hall	20	7	4
Custom shoes and caps	8 Apr	Kandos Community Hall	12	4	8

Cupcake Decorating Workshop	12 Apr	The Stables Mudgee	10	13	7
Brazilian Jiu Jitsu Introduction	13 Apr	Rylstone Rollers BJJ	20	2	2
Wellington Caves Excursion	14 Apr	Wellington	16	24	16
Short Film Challenge	15 Apr	Online	N/A	N/A	3 films
D & D Extravaganza	15 Apr	Event Zone – Mudgee Library	6	14	6
Fauna Photography Competition	22 Apr	Online	N/A	N/A	12 entries
Short Film Challenge premiere screening	23 Apr	Mudgee Town Hall Theatre	60	8 at time of cancellation	Session cancelled due to technical issues
People's Choice Award Voting for Fauna Photography Comp	29 Apr	Online	N/A	N/A	214
People's Choice Award voting for Short Film Challenge	5 May	Online	N/A	N/A	170

5.1.2. Winter school holiday activities and competitions

A draft of the proposed winter school holiday activities was presented and discussed. It was decided that the theme for the online photography competition would be 'My place'. Suggestions for back up events/activities should the proposed events not be possible, were raised including indoor rock climbing. All agreed the paint your own ceramic travel mug idea should be a well-received Plastic Free July activity.

**6. BUSINESS ARISING**

6.1. One YA Book One Community 2021

The novel selected was *The Left-handed Booksellers of London* by Garth Nix. The Youth Services Officers had difficulty in sourcing 150 copies of the book, but managed to get them through small orders at multiple suppliers. The books were able to be ready to launch during Youth Week. Due to COVID-19 related restrictions it was once again decided that businesses would not be involved in hosting copies of the novel – it is hoped that they can be invited to be involved again next year. All four local high school libraries and the TAFE Library have agreed to host copies of the book (they are responsible for adherence to COVID-Safe practices for their copies); between them they are hosting about 50 copies. The remaining 100 copies are available from all four MWRC Library branches (some are barcoded, and some are available for non-library members. Additionally an online trivia competition relating to the theme will be run on the Youth Council socials between April and the end of June.

6.2. Mudgee Readers' Festival 2021

The Mudgee Readers' Festival [MRF] committee has contacted the Youth Services Officers on behalf of the Youth Council. MRF have asked if the Youth Council would like to sponsor up to 5 workshops by a Young Adult author to occur over the Mudgee Young Readers' Festival period (all four high schools would be asked if they would like to host a talk, with an additional one at the Mudgee Library to cater for home school or other relevant aged people who may not attend a local high school), as well as a *Body Love Project* talk and workshop for young people aged 12-25 over the MRF Festival weekend. The Youth Services Officers reminded the group that part of the NSW Government funding grant said that events like this would be sponsored/partnered on. All agreed that the proposed events would be suitable and appropriate events for the Youth Council to sponsor.

**Action point:** YSOs to contact MRF regarding outcome of the discussion.

**7. GENERAL BUSINESS**

7.1. Local Youth Employment Expo

The Youth Services Officers presented information on the Local Youth Employment Expo that they are running in May (see Fig 1).

**8. DETAILS OF NEXT MEETING**

8.1. Tuesday 8 June 2021, Mudgee Council Chambers, Market Street, Mudgee.

4:58 PM Meeting closed.

**SUMMARY OF ACTION ITEMS**

TASK / ACTION	RESPONSIBILITY	COMPLETION
Inform MRF Committee regarding sponsorship request outcome	Youth Services Officers	17.05.2021

Figure 1



# Local Youth Employment Expo

Hear from a variety of employers about recruiting opportunities and the hiring process. There will be the opportunity to approach business representatives one-on-one and ask questions.

Open to young people and their families.

Participating businesses include:

- Aquarius Car Wash
- Bunnings
- Coles
- The Horatio
- McDonald's

**Wednesday 26 May 2021**  
 4.30pm – 6.30pm (presentation 4.30pm – 5pm)  
 Mudgee Town Hall Theatre, 64 Market Street  
 Suitable for persons aged 14–25 and their families

 RSVPs essential. To book, visit [mwrCYOUTH.eventbrite.com](http://mwrCYOUTH.eventbrite.com)



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## Item 13: Urgent Business Without Notice

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### URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)



## Item 14: Confidential Session

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### LOCAL GOVERNMENT ACT, 1993

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#### 10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### 10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A(2)
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



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**DISCLOSURE AND MISUSE OF INFORMATION**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
  - (e) with other lawful excuse.
2. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
3. (1B) Subsection (1A) does not apply to:
  - (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
  - (a) the determination of an application for an approval, or
  - (b) the giving of an order.

**Maximum penalty: 50 penalty units**

## MOTION

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**I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.**

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

## CHAIRMAN

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*The following matters have been listed for consideration in Confidential Session:*

### **14.1 Stubbo Solar Voluntary Planning Agreement**

***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a proposal subject to Council negotiation.***

### **14.2 Classification of Land for future development.**

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

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

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.