



# Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

**ORDINARY MEETING**

WEDNESDAY 20 SEPTEMBER 2023

**SEPARATELY ATTACHED ATTACHMENTS**

*A prosperous and progressive  
community we proudly call home*



## ATTACHMENTS

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	Attachment 2	Letter Consent Minister - Old Gulgong Fire Station PoM v7.....	121

**PROPOSED ALTERATIONS & ADDITIONS**  
FOR  
**MUDGEES COMMUNITY PRESCHOOL INCORPORATED**  
**2 LOVEJOY ST, MUDGEES, NSW 2850**



**GENERAL NOTES:**

Builder to confirm all dimensions before commencing any works.

If discrepancies occur on plans, designer to be contacted.

All dimensions are in millimetres unless otherwise stated.

Use figured dimensions only. Do not scale from plans.

If information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

All works shall comply with the National Construction Code (NCC) current Australian Standards, building regulations and statutory approvals. Notify this office of any discrepancies.

These plans should be read in conjunction with project specification and all consultant drawings including but not limited to Structural Engineer and Surveyor.

**SPECIFICATIONS:**

**WIND CLASSIFICATION - BY ENGINEER**

**PLUMBING**

All plumbing to AS 3500 and must carried out by a licensed plumber in accordance with the Plumbing Code of Australia (PCA) to comply with the requirements of the Local Authority.

Gutters and Downpipes to be designed and installed in accordance with NCC/BCA Part 3.5.3.

**ELECTRICAL**

All electrical work shall be undertaken by a licensed electrician and in accordance with AS/NZS 3000.

**DOOR/THRESHOLD SEALING**

Provide a seal/draught excluder to the bottom edge of all external doors.

**SPECIFICATIONS:**

**TERMITE PROTECTION**

All buildings shall be protected against termite attack in accordance with AS 3660.1 and NCC/BCA 3.1.4. Provide a durable notice in the meter box indicating type of barrier and required inspections.

**SMOKE DETECTORS**

Smoke detectors shall be installed as noted on the plans and in accordance with AS 3786 and NCC/BCA Vol. 2 Part 3.7.5. They must be hard wired to the electrical supply.

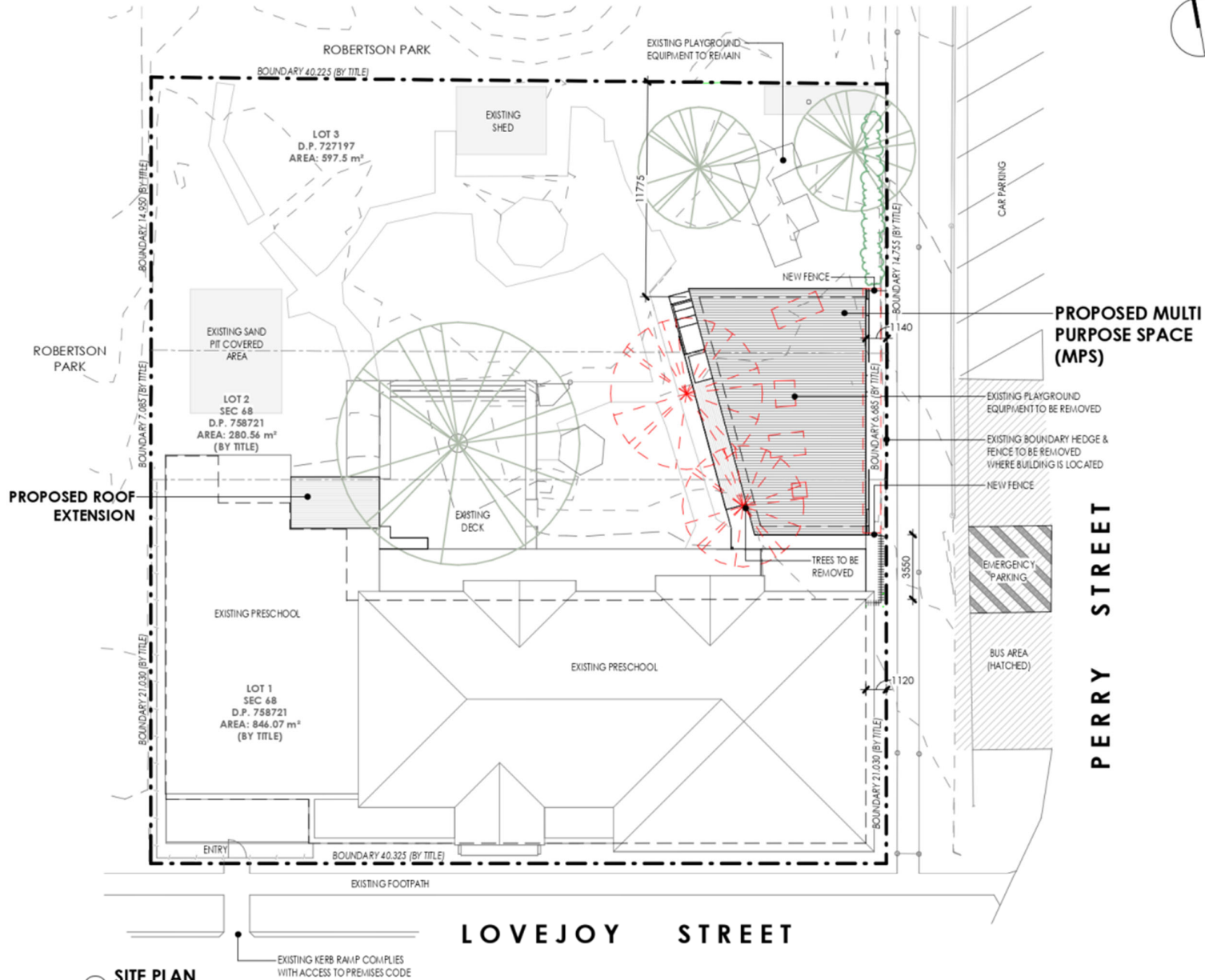
**GLAZING**

Provide glazing to AS 1288 and NCC/BCA Part 3.6.

**LIFT OFF HINGES (LOH)**

Provide lift off hinges to the doors on sanitary compartments as indicated on the plans in accordance with NCC/BCA Vol 2 3.8.3.3.





1 SITE PLAN  
SCALE 1 : 200



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Issue	Description	Date
C	DA ISSUE	18.08.2
B	FOR CLIENT APPROVAL	16.12.2
A	PRELIMINARY	07.11.2

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Client  
 MUDGEE COMMUNITY  
 PRE-SCHOOL INC.

Project  
 2 LOVEJOY STREET, MUDGEE  
 NSW 2850

Title  
 SITE PLAN

Scale at A3  
 1 : 200

Date  
 JULY 2022

Drawing No.  
 5/2022-01

Drawn  
 RG/C

Issue

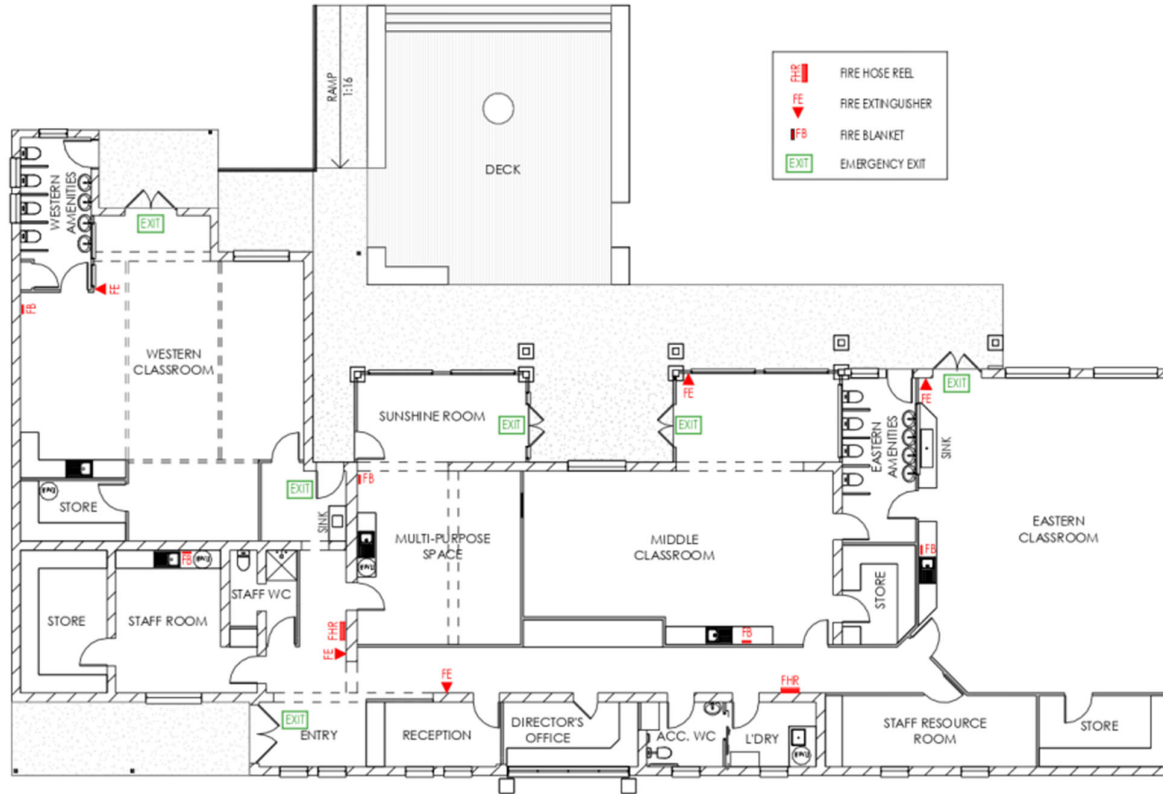


REFER TO SHEET 568PRE-02 FOR  
 EXISTING FIRE SAFETY MEASURES  
 COMPLIANT WITH NCC 2019

EXISTING FHR ARE INSTALLED TO  
 1.4 NCC AND AS 2441. THEY WILL  
 REACH THE FURTHEST PART OF  
 THE PROPOSED MPS BEING A MAX.  
 DISTANCE OF 30.6m.

PORTABLE FIRE EXTINGUISHERS ARE  
 INSTALLED IN EXISTING BUILDING  
 TO E1.4 NCC AND AS2444. AN  
 ADDITIONAL ONE TO BE INSTALLED  
 IN THE PROPOSED MPS AS SHOWN.

THREE HYDRANTS ARE LOCATED IN  
 LOVEJOY & PERRY STREET WITHIN  
 30m OF THE BUILDING



	FIRE HOSE REEL
	FIRE EXTINGUISHER
	FIRE BLANKET
	EMERGENCY EXIT

EXISTING FIRE SAFETY MEASURES REMAIN UNCHANGED  
 FOR THIS BUILDING WITH EXCEPTION TO STAFF ROOM.  
 EXISTING FIRE BLANKET TO MOVE TO NEW STAFF ROOM.

**1 EXISTING FLOOR PLAN & EXISTING FIRE SAFETY MEASURES**  
 SCALE 1 : 150



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**LEGEND**

15-21	WINDOW DIMENSIONS - HEIGHT x WIDTH
AAW	ALUMINUM ANODIZED WINDOW
ADH	ALUMINUM DOUBLE HUNG WINDOW
ASD	ALUMINUM SLDING DOOR
ASW	ALUMINUM SLDING WINDOW
BFD	B-FOLDING DOOR
CUN	CLOTHES LINE
CCNC	CONCRETE, TROWEL FINISH
CPT	CARPET
CSD	CAVITY SLDING DOOR
CFT	CERAMIC FLOOR TILES
DP	DOWNPIPE
DR	DRYER SPACE
DW	DOHWASHER
F	FRS GLASS WINDOW
FD	FRENCH DOOR
FP	REPLACE
F3M	FLOORING TIMBER FLOOR
FNG	FLOOR WASTE GULLY
HP	HOT PLATES
HWS	HOT WATER SYSTEM
J	JOINERY
LDH	LIFT OFF HINGES
LT	LAUNDRY TUB
LV	LOUVER WINDOW
MB	METER BOX
MCD	MICROWAVE CABBING
MSD	MULTI STACK SLDING DOOR
MW	MARCONAVE
OSL	OSGURE GLASS
Ov	OVEN
PC	POURED CONCRETE
PL	WHITE PLANK FLOORING
PLD	PANEL-LIFT GARAGE DOOR
RD	ROLLER DOOR
REF	REFRIGERATOR
RW	RETAINING WALL
SD	SMOKE DETECTOR
SK	SINK
SL	SIDE-UTE
TD	TIMBER DECKING
TF	POURED TIMBER FLOOR
WM	WASHING MACHINE SPACE

C	DA ISSUE	18.08.22
B	FOR CLIENT APPROVAL	16.12.21
A	PRELIMINARY	07.11.21
Issue	Description	Date

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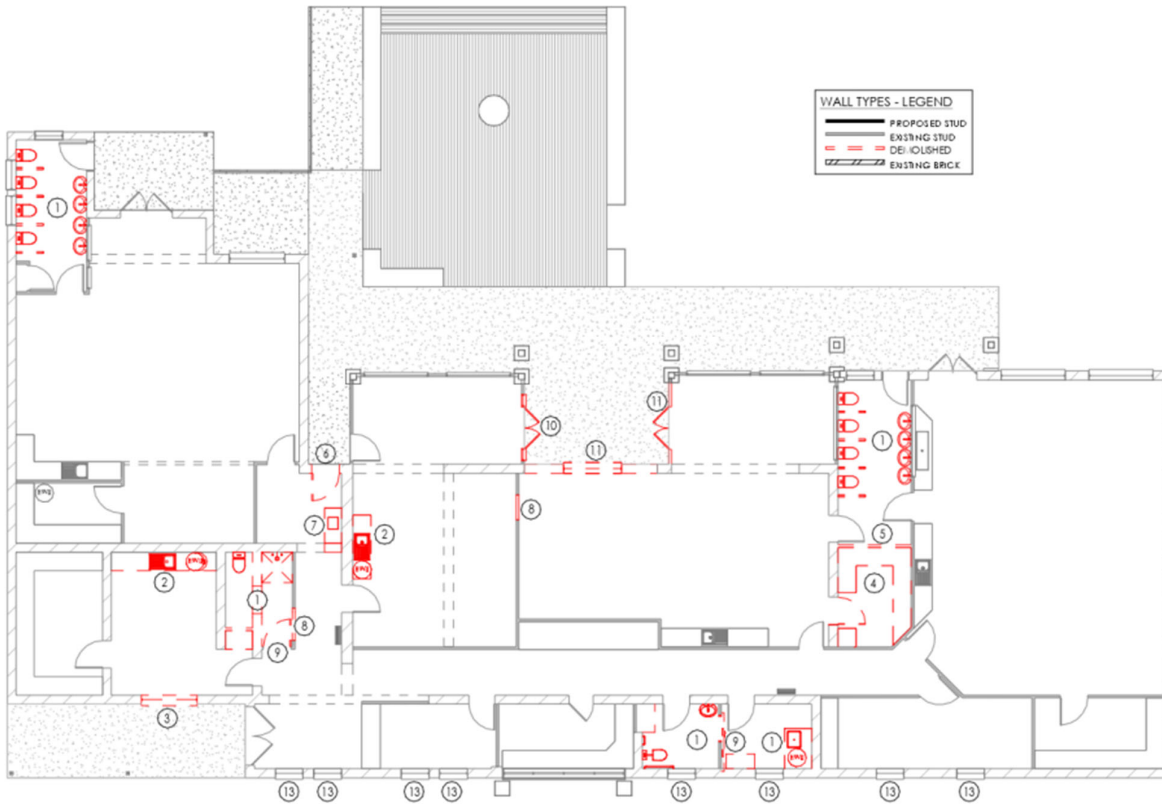
Project: 2 LOVEJOY STREET, MUDGEE NSW 2850

Title: EXISTING FLOOR PLAN

Scale at A3: 1:150

Date: JULY 2022 Drawn: RG/C

Drawing No. 568PRE-03 Issue



1 DEMOLITION PLAN  
SCALE 1 : 150

**SCOPE OF WORKS**

- ① EXISTING BATHROOM FIXTURES, WALL, FLOOR TILES & PARTITIONS TO BE REMOVED. ANY UNUSED SERVICES TO BE CAPPED. FLOOR AND WALL SURFACES PREPARED FOR NEW FITOUT.
- ② EXISTING KITCHENETTE & HWU TO BE DEMOLISHED. SERVICES CAPPED.
- ③ EXISTING WINDOW TO BE REMOVED & WINDOW OPENING HEIGHT INCREASED TO SUIT NEW WINDOW SIZE
- ④ EXISTING STORE ROOM DOOR AND INTERNAL JOINERY TO BE REMOVED
- ⑤ EXISTING DIVIDING WALL TO BE DEMOLISHED
- ⑥ EXISTING DOOR AND NIBS TO BE DEMOLISHED
- ⑦ EXISTING SINK & JOINERY TO BE REMOVED & PLUMBING CAPPED
- ⑧ CREATE NEW DOOR OPENING
- ⑨ REMOVE EXISTING DOOR & FRAME UP OPENING. MAKE GOOD
- ⑩ REMOVE EXISTING FRENCH DOORS & WINDOWS. FRAME UP AND MAKE GOOD
- ⑪ REMOVE WINDOWS/DOORS. DEMOLISH WALLS AS SHOWN DOTTED. NEW BEAM OVER TO ENGINEER'S DESIGN
- ⑫ HATCH DENOTES NEW TIMBER STUD WALLS



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 PRE-SCHOOL INC.

**Project**  
 2 LOVEJOY STREET, MUDGEE  
 NSW 2850

**Title**  
 DEMOLITION PLAN

**Scale at A3**  
 1 : 150

**Date** JULY 2022 **Drawn** RG/C

**Drawing No.** 5/2022-03 **Issue**

REFER TO SHEET 568PRE-02 FOR EXISTING FIRE SAFETY MEASURES COMPLIANT WITH NCC 2019

EXISTING FHR ARE INSTALLED TO 1.4 NCC AND AS 2441. THEY WILL NOT REACH THE FURTHEST PART OF THE PROPOSED MPS BEING A MAXIMUM DISTANCE OF 30.6m.

ADDITIONAL FIRE EXTINGUISHERS ARE INSTALLED IN EXISTING BUILDING TO 1.4 NCC AND AS2444. AN ADDITIONAL ONE TO BE INSTALLED IN THE PROPOSED MPS AS SHOWN.

HYDRANTS ARE LOCATED IN LOVEJOY & PERRY STREET WITHIN 30m OF THE BUILDING

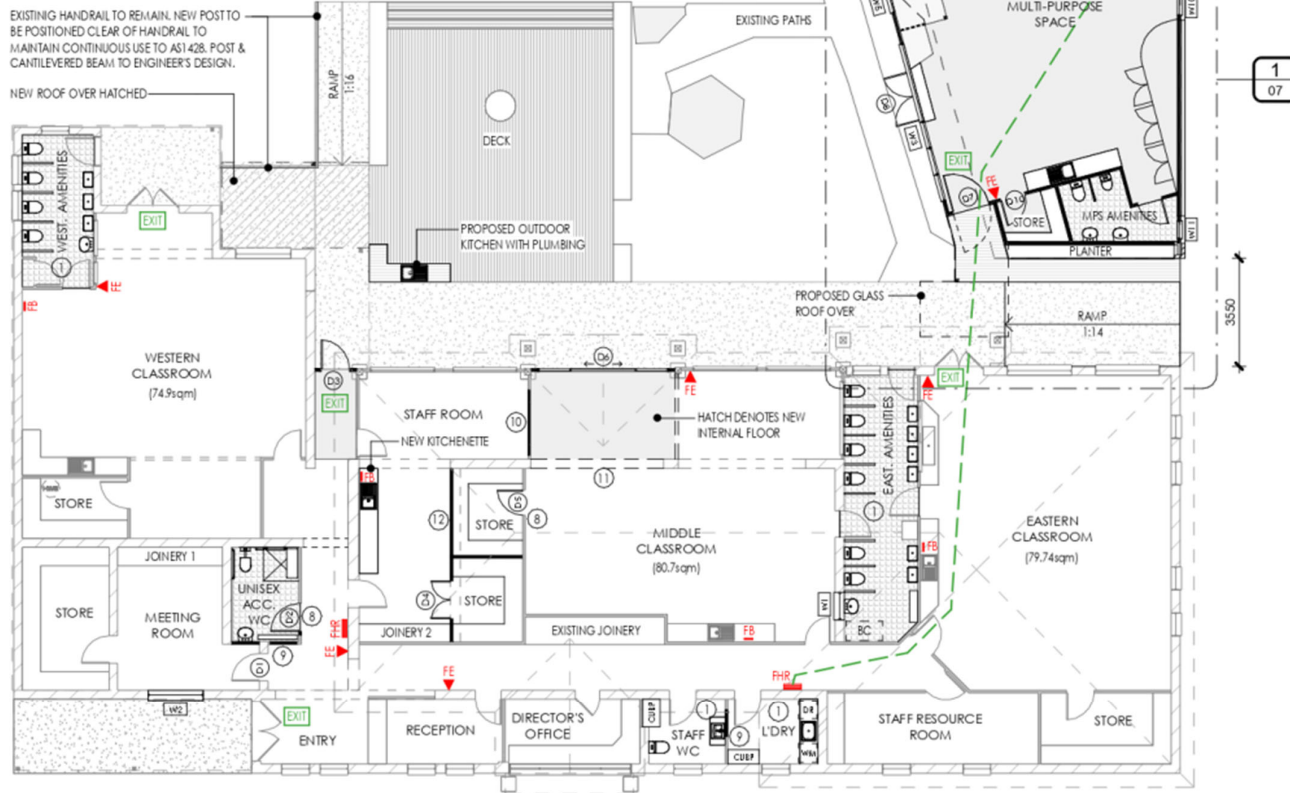
AREA ANALYSIS	SQ.M
EXISTING PRESCHOOL	546.2 m <sup>2</sup>
PROPOSED MPS	105.8 m <sup>2</sup>
TOTAL	652.0 m <sup>2</sup>

WALL TYPES - LEGEND	
	PROPOSED STUD
	EXISTING STUD
	DIS-COLOURED
	EXISTING BRICK

	FIRE EXTINGUISHER TO AS 2444 & NCC PART E1.6
	36m FIRE HOSE REEL. MAX REACH REQUIRED = 30.6m AS SHOWN BY DASHED LINE
	FIRE HOSE REEL
	FIRE BLANKET
	EMERGENCY EXIT

EXISTING HANDRAIL TO REMAIN. NEW POST TO BE POSITIONED CLEAR OF HANDRAIL TO MAINTAIN CONTINUOUS USE TO AS1428. POST & CANTILEVERED BEAM TO ENGINEER'S DESIGN.

NEW ROOF OVER HATCHED



1 PROPOSED FLOOR PLAN  
 SCALE 1 : 150

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F	FIXED GLASS WINDOW
FD	FRENCH DOOR
FP	REPLACE
F3M	FLOORING TIMBER FLOOR
FNG	FLOOR WASTE GULLY
HP	HOT PLATES
HWS	HOT WATER SYSTEM
J	JOINERY
LDH	LIFT OFF HINGES
LT	LANDING TIE
LV	LOUVER WINDOW
MB	METER BOX
MCD	MICROWAVE CABBING
MSD	MULTI STACK SLIDING DOOR
MW	MARCAPOVE
OSL	OSCURE GLASS
OV	OVERHEAD
PC	PUSHED CONCRETE
PL	WHITE PLANK FLOORING
PLD	PANEL-LIFT GARAGE DOOR
RD	ROLLER DOOR
REF	REFRIGERATOR
RW	RETAINING WALL
SD	SMOKE DETECTOR
SK	SINK
SL	SLABUTE
TD	TIMBER DECKING
TF	PUSHED TIMBER FLOOR
WM	WASHING MACHINE SPACE

Issue	Description	Date
C	DA ISSUE	18.08.22
B	FOR CLIENT APPROVAL	16.12.22
A	PRELIMINARY	07.11.22

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Project: 2 LOVEJOY STREET, MUDGEE NSW 2850

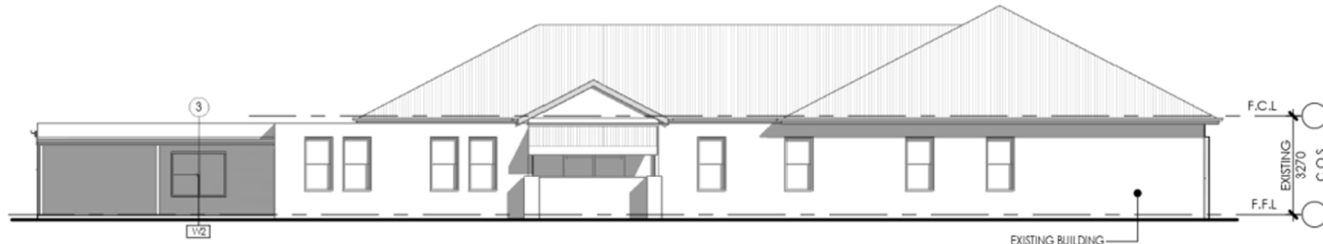
Title: PROPOSED FLOOR PLAN

Scale at A3: As indicated

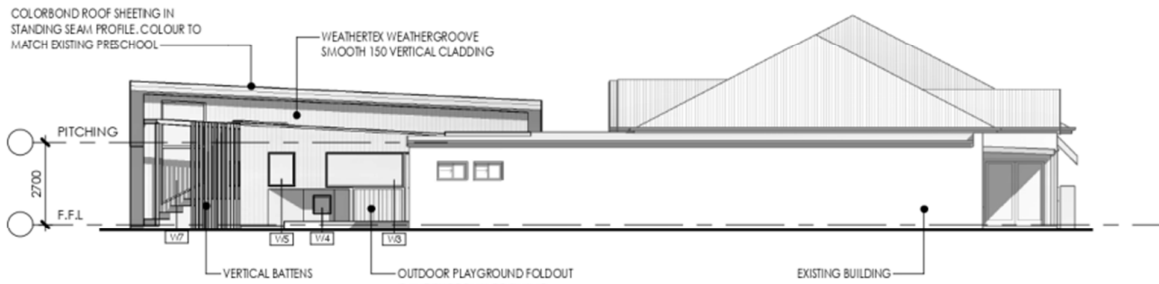
Date: JULY 2022 Drawn: RG/C

Drawing No. 568PRE-04 Issue





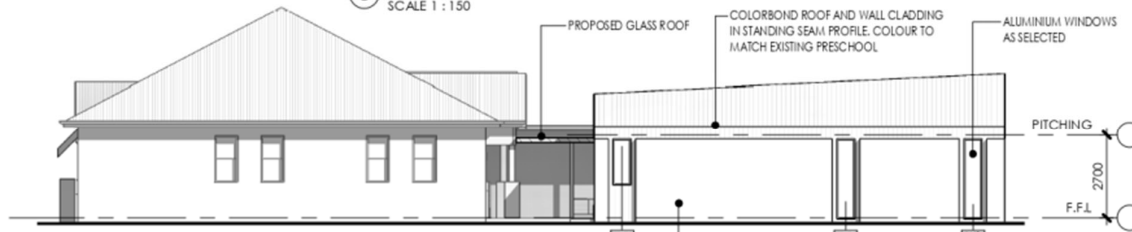
③ SOUTH ELEVATION  
SCALE 1 : 150



② WEST ELEVATION  
SCALE 1 : 150



③ NORTH ELEVATION  
SCALE 1 : 150



④ EAST ELEVATION  
SCALE 1 : 150

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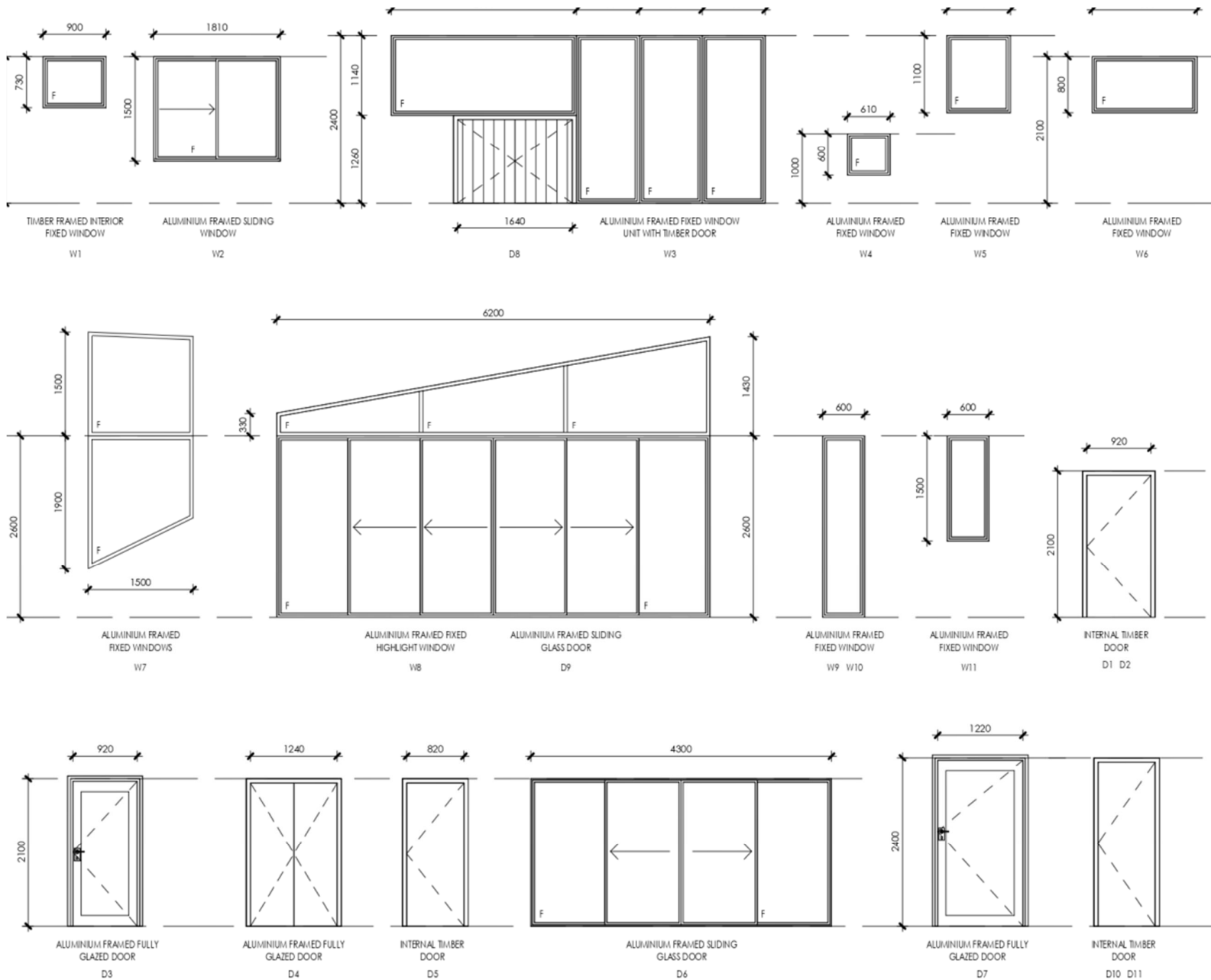
Client  
MUDGEE COMMUNITY  
PRE-SCHOOL INC.

Project  
2 LOVEJOY STREET, MUDGEE  
NSW 2850

Title  
ELEVATIONS

Scale at A3  
1 : 150

Date	JULY 2022	Drawn	RG/C
Drawing No.		Issue	



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**NOTE: ALL WINDOWS AND DOORS ARE SEEN FROM EXTERNAL SIDE. DIMENSIONS DENOTE OVERALL FRAME SIZES.**

Issue	Description	Date
C	DA ISSUE	18.08.22
B	FOR CLIENT APPROVAL	16.12.22
A	PRELIMINARY	07.11.22

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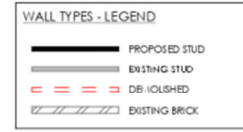
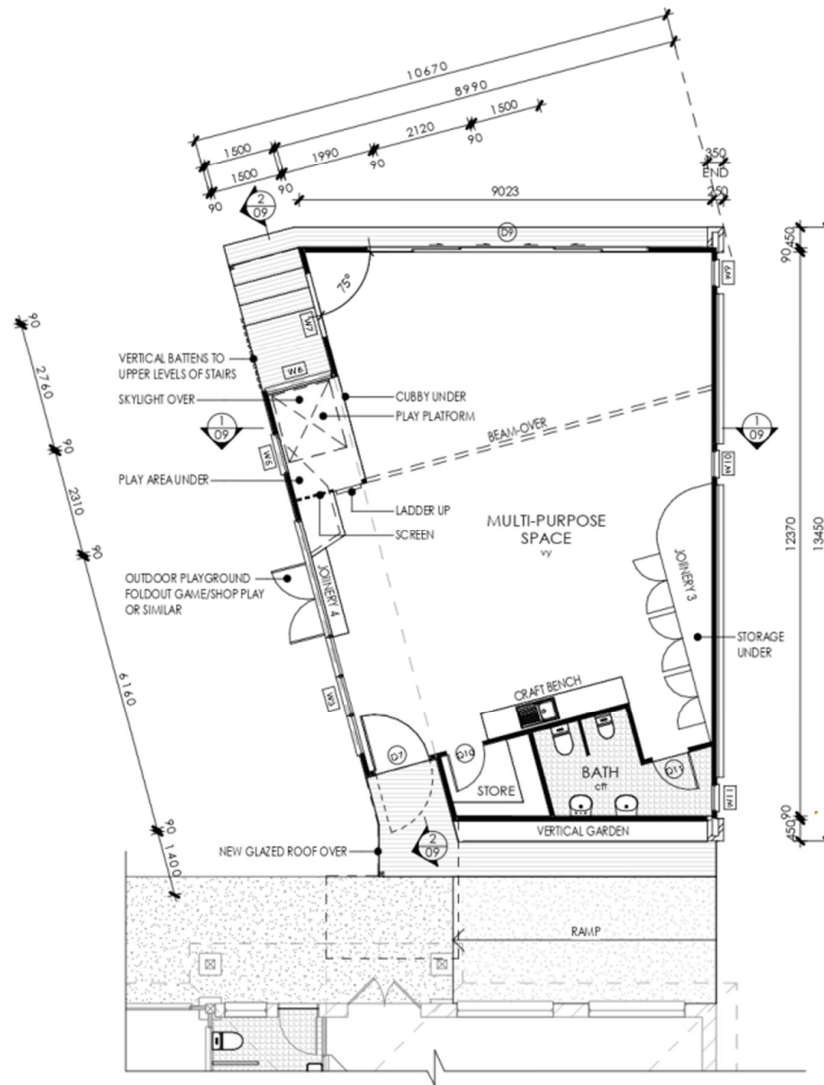
Client: MUDGEE COMMUNITY PRE-SCHOOL INC.

Project: 2 LOVEJOY STREET, MUDGEE NSW 2850

Title: WINDOW & DOOR SCHEDULE

Scale: A3  
 1 : 50

Date: JULY 2022  
 Drawing No. 5000504  
 Issue: RG/C



AREA ANALYSIS	SQ M
EXISTING PRESCHOOL	546.2 m <sup>2</sup>
PROPOSED MPS	105.8 m <sup>2</sup>
TOTAL	652.0 m <sup>2</sup>

**1 MPS - FLOOR PLAN**  
SCALE 1 : 100



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**LEGEND**

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ASD	ALUMINUM SLIDING DOOR
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DW	DISHWASHER
F	FIXED GLASS WINDOW
FD	FRENCH DOOR
FP	REPLACE
F3M	FLOATING TIMBER FLOOR
FWG	FLOOR WASTE GRILL
HP	HOT PLATES
HWS	HOT WATER SYSTEM
J	JAMB
LCH	LIFT OFF HINGES
LT	LAUNDRY TUB
LV	LEADLINE WINDOW
MB	METER BOX
MCD	MIDWOOD DECORING
MSD	MULTI STACK SLIDING DOOR
MW	MICROWAVE
OBG	OBSCURE GLASS
OV	OVEN
PC	POURED CONCRETE
PL	VINYL PLANK FLOORING
PLD	PANEL-LIFT GARAGE DOOR
RD	ROLLER DOOR
REF	REFRIGERATOR
RW	RETAINING WALL
SD	SMOKE DETECTOR
SK	SKIN
SL	SLABOTE
TD	TIMBER DECORING
TF	POURED TIMBER FLOOR
WM	WASHING MACHINE SPACE

Issue	Description	Date
C	DA ISSUE	18.08.2
B	FOR CLIENT APPROVAL	16.12.2
A	PRELIMINARY	07.11.2

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MUDGEE COMMUNITY PRE-SCHOOL INC.

**Project**  
2 LOVEJOY STREET, MUDGEE NSW 2850

**Title**  
MPS FLOOR PLAN

**Scale**  
As indicated

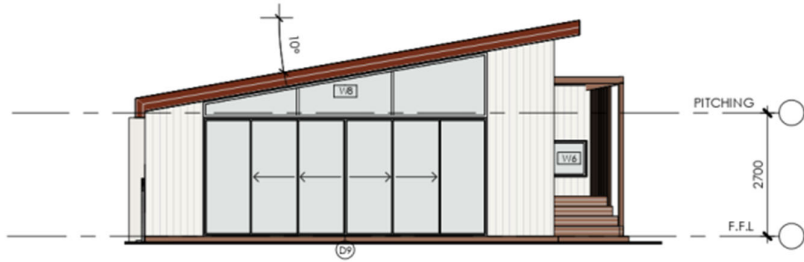
**Date**  
JULY 2022

**Drawing No.**  
54005-07

**Drawn**  
RG/C

**Issue**  
C

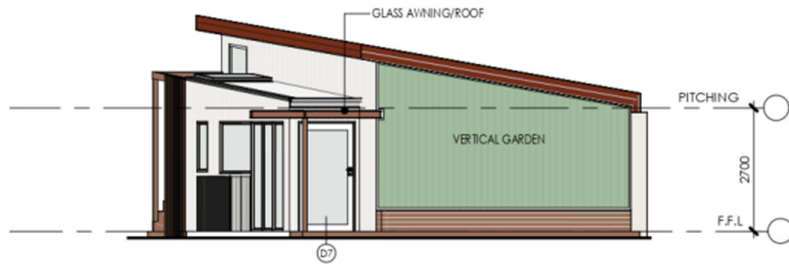




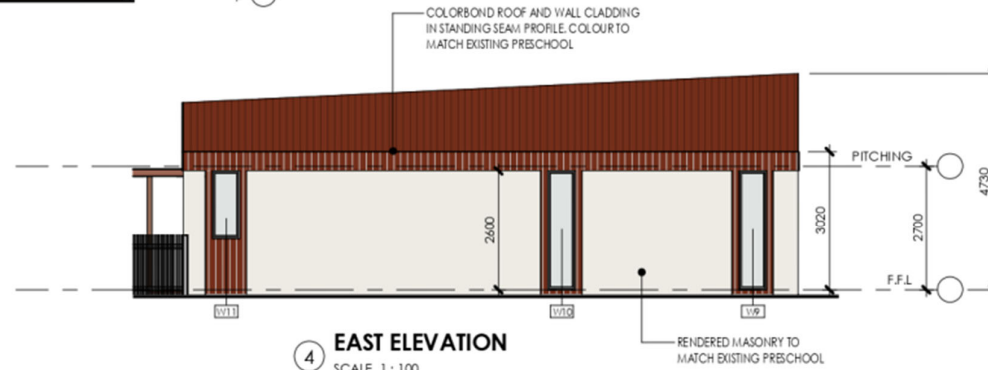
1 NORTH ELEVATION  
 SCALE 1 : 100



2 WEST ELEVATION  
 SCALE 1 : 100



3 SOUTH ELEVATION  
 SCALE 1 : 100



4 EAST ELEVATION  
 SCALE 1 : 100

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Client MUDGEE COMMUNITY PRE-SCHOOL INC.

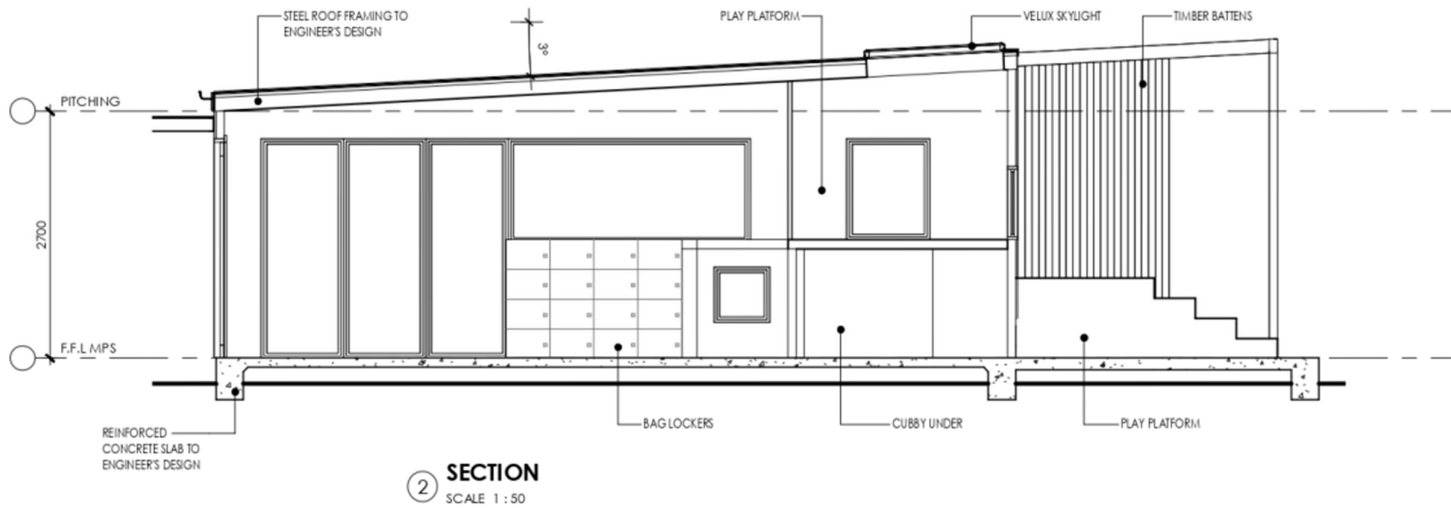
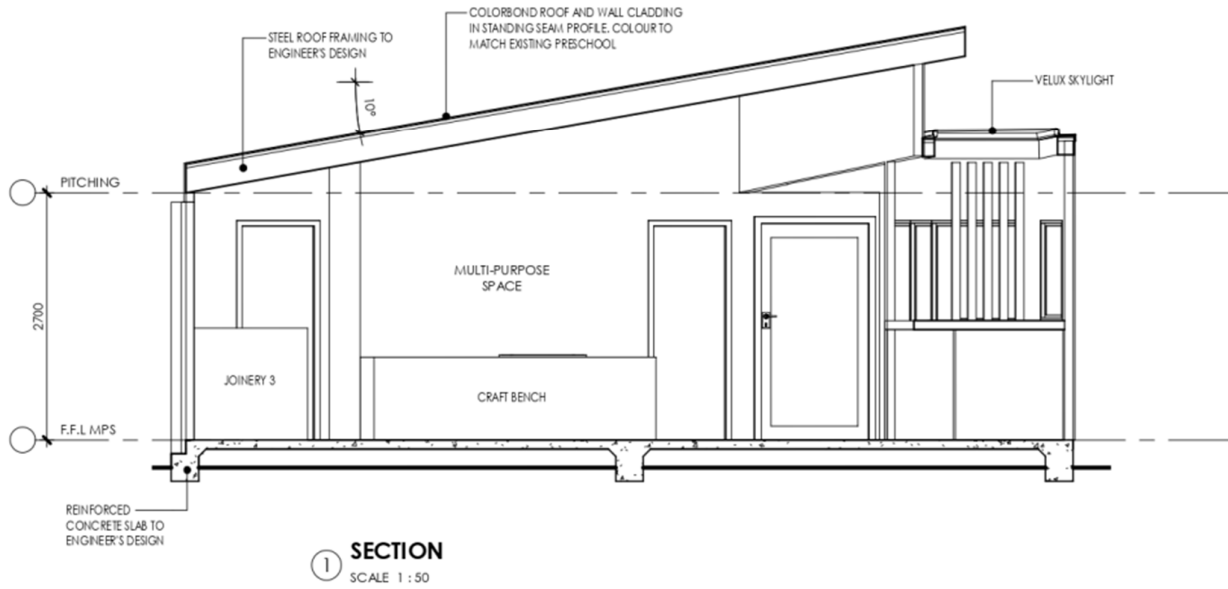
Project 2 LOVEJOY STREET, MUDGEE NSW 2850

Title MPS ELEVATIONS

Scale at A3  
 1 : 100

Date JULY 2022 Drawn RG/C

Drawing No. 5/2022-00 Issue



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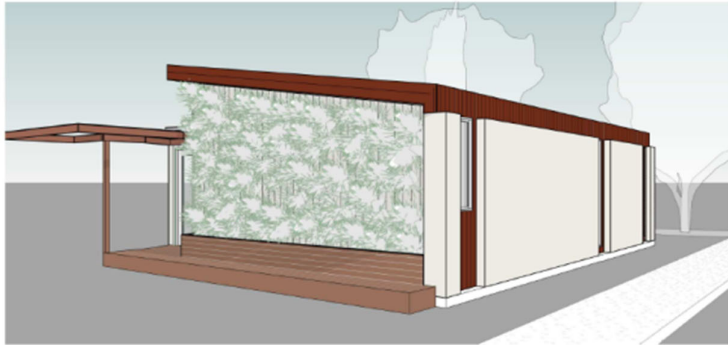
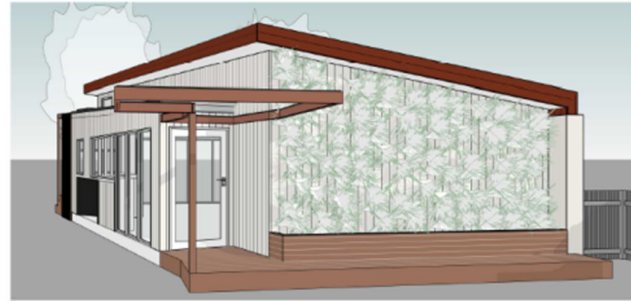
**Project**  
 2 LOVEJOY STREET, MUDGEE  
 NSW 2850

**Title**  
 MPS SECTIONS

**Scale at A3**  
 1 : 50

**Date** JULY 2022 **Drawn** RG/C

**Drawing No.** 5/2022-00 **Issue**



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Client: MUDGEE COMMUNITY PRE-SCHOOL INC.

Project: 2 LOVEJOY STREET, MUDGEE NSW 2850

Title: MPS PERSPECTIVES

Scale at A3

Date: JULY 2022      Drawn: RG/C

Drawing No. 5/2022-10      Issue



# DREW ROBERTS CONSULTING

## 4.6 VARIATION WRITTEN REQUEST

### Alterations & Additions to Existing Child-Care Centre

CLIENT: SUNRAI DESIGNS

DATE: 17 DECEMBER 2022

PROJECT: 2023/39

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## Clause 4.6 Variation – Active Street Frontage

### Introduction

The proposal is for the alterations and additions to an existing child-care facility at 2 Lovejoy Street, Mudgee.

The subject site is identified as requiring an *‘active street frontage’* under clause 6.7 of Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) and as shown on the Active Street Frontage Map.

The alterations and additions proposed present a variation to this requirement due to the new portion of building being located on the ground floor, facing the street but not incorporating a *business premises* or *retail premises*.

Clause 4.6 of the Mid-Western Regional LEP 2012, Exceptions to development standards provides opportunity for Council to vary the controls where the concurrence of the Secretary has been obtained and the written request adequately addresses the following four items:

- **Strict compliance is unreasonable and unnecessary:** The request must demonstrate that strict compliance with a development standard is unreasonable or unnecessary in the circumstances of the case;
- **Environmental planning grounds:** The request must show that there are sufficient environmental planning grounds to justify contravening the development standard;
- **Public interest:** The variation must demonstrate that the proposal would be in the public interest; and
- **Other matters:** The variation must address whether or not the contravention of the development standard raises any matters of significance for state or regional planning.

This document is a formal request for a variation to the active street frontage development standard under MWRLEP 2012. It has been prepared in accordance with the principles outlined in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action).

### Strict Compliance Unreasonable and Unnecessary

Under Clause 4.6(3)(a) of MWRLEP 2012 *“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the*

*contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case”.*

The Initial Action case is referable to the judgement of Preston CJ in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*) which sets out five ways of demonstrating that compliance with a development standard is unreasonable or unnecessary. Cases such as *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Randwick Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 have confirmed that adopting the ‘*Wehbe*’ principles when assessing a clause 4.6 submission in respect of clause 4.6(3)(a) is an appropriate approach. It is necessary that the proposal meets one or more of the *Wehbe* principles (although the *Wehbe* principles are not the only basis upon which ‘unreasonable or unnecessary may be demonstrated).

Five ways from the *Wehbe* judgement of demonstrating that compliance with a development standard is unreasonable or unnecessary are:

1. “if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)”
2. “the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary”
3. “the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable”
4. “the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable”
5. “the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary”

For the purpose of this variation request, only the second of the *Wehbe* principles is relevant.

Despite the breach of the active street frontage control, the proposal achieves the objective for active street frontages in Clause 6.7 as outlined below.

*“The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in Zone B3 Commercial Core.”*

**Comment:** The proposal will not hinder other sites within the B3 zone from providing an active street frontage. The site does not generally relate to the accepted primary pedestrian routes through the Mudgee CBD that are of importance. This is as a result of



the isolated and disjointed nature of the site from the CBD and the existing non-commercial use upon the site.

Despite the active street frontage breach the proposal also satisfies the B3 zone objectives as noted below:

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre serving the needs of the surrounding area.

2. *To encourage appropriate employment opportunities in accessible locations.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre and therefore generating employment.

3. *To maximise public transport patronage and encourage walking and cycling.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre within the downtown area, which is accessible for walking, cycling etc.

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

**Comment:** The proposal will not impact on the ability of the downtown area of Mudgee to continue to be the focus for retail and commercial activity. The site will continue to be used for the purpose of a child-care centre, which performs an important supportive role in the function of the downtown area and the various businesses and employees that rely upon it.

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

**Comment:** The proposal is an upgrade of an existing child care facility, which is permissible with consent. Subsequently, the proposal will not create additional risk to pushing other businesses outside of the town centre area.

6. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

**Comment:** The proposal is sympathetic to the surrounding streetscape with regards to heritage related elements and in particular Robertson Park. This is addressed further in this SEE.

7. *To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.*

**Comment:** The proposal will not interfere with any existing pedestrian movements throughout the commercial core, with the area already enclosed for the purposes of the child-care centre use.

## Environmental Planning Grounds

Under Clause 4.6(3)(b) of MWRLEP 2012 “Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: .....(b) that there are sufficient environmental planning grounds to justify contravening the development standard”.

It is considered that there are sufficient environmental planning grounds to justify breaching the active street frontage standard in this instance because:

- **The proposed variation allows for improved functionality and amenity for the existing use of the site into the future.** The existing child-care centre will benefit from the upgrade by modernising the layout and facilities to reflect the current and future needs of the children and staff including additional internal areas for additional learning and development.
- **The alternative to the variation proposed would result in a lesser planning outcome.** Alterations and additions afford the opportunity to improve a range of aspects of the facility. The alternative to the proposed variation would be to locate the works to another part of the site to the west whereby the active street frontage clause would not likely be triggered (although this is not clear). The proposed addition has been intentionally positioned in the current location to ensure the childrens play areas are orientated in a way that they are internalised to the site thereby ensuring privacy and amenity can still be afforded to the maximum potential possible for the site.

Additionally, the location of the new addition is the most logical in terms of integrating with the rest of the built form of the facility. An imperative design outcome is the close connectivity to the western classroom and allowance for clear visibility over the rest of the site.

- **The non-compliant elements of the proposal satisfy the relevant matters outlined in section 1.3 of the Environmental Planning and Assessment Act 1979.** This is outlined below:
  - *“(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,”* **Comment:** The proposed building has been designed with regard to ecologically sustainable design measures, with the variation not preventing compliance with other legislative requirements and allowing for improved functionality and amenity for occupants into the future.
  - *“(c) to promote the orderly and economic use and development of land,”* **Comment:** The design of the addition has been carefully considered and the issue of non compliance will be not be perceptible as a non compliance as viewed from the street and surrounding development given the isolation of the site from the rest of the primary pedestrian routes throughout the Mudgee CBD. The non compliant area promotes the orderly use of land in that it will have no unreasonable environmental impacts on adjoining properties in terms of visual bulk and scale, views, overshadowing or loss of sunlight.
  - *“(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,”* **Comment:** The proposed building use has no adverse implications with regard to protecting native vegetation or habitats.
  - *“(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),”* **Comment:** The site is not known to contain any items of cultural heritage, and none are anticipated to be encountered given the location of the development and that the site has been previously cleared and developed. The impacts with regards to the built environment are well considered and discussed within the SEE lodged with the development application.
  - *“(g) to promote good design and amenity of the built environment”* **Comment:** Despite the ASF breach the proposed alterations and additions are of high architectural merit. They have been sensitively designed and incorporate high-quality finishes. The proposed design is considerate in ensuring compatibility with adjacent and surrounding buildings and is presented appropriately when viewed from the street and parkland area. The appropriate design ensures no unreasonable adverse environmental impacts will result from the proposed works, including in terms of privacy, view sharing, visual intrusion and overshadowing. Given that it will not result in any adverse impacts and will result in a building form that is visually appropriate for its location it will satisfy this object of the Act.
- **The ASF breach has no implications for compliance with other key MWRLEP 2012 requirements:** The proposal is consistent with all other key MWRLEP 2012 requirements. Building height compliance is ensured, and a low

footprint is maintained on site. Overall, the design has been refined and considered in striving to achieve compatibility with both the existing streetscape and the future desired built form of the area. It is also noted that the proposal overall is consistent with the objectives of the B3 zone.

## Public Interest

Under Clause 4.6(4) of MWRLEP 2012 *“Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Secretary has been obtained.”*

This Clause 4.6 variation request is in the public interest because it has been shown to be consistent with the objectives of the ASF development standard and the B3 zone. It is understood that concurrence of the Secretary has been obtained.

## Other Considerations

Under Clause 4.6 (5) of MWRLEP 2012 *“In deciding whether to grant concurrence, the Secretary must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

There is considered to be no public benefit in refusing the application (for the reasons stated above) so as to ensure that full compliance with the ASF control is achieved, as discussed above. The variation to the development standard does not raise any matters of state or regional significance.

It is understood that concurrence of the Secretary has been obtained.

## Conclusion

This submission demonstrates that strict compliance with Clause 6.7 of MWRLEP 2012 is unreasonable or unnecessary in the circumstances of the case because the proposal achieves both the objectives of the ASF clause and the objectives of the B3 zone. This submission also demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard. Additionally, the proposal is considered to be in the public interest in that it achieves the objectives of the B3 zone



and continues to allow the rest of the Mudgee CBD to be the primary and logical retail focus.

A summary of the key arguments in support of the clause 4.6 variation is as follows:

- The proposed design is complementary to the surrounding streetscape in the commercial precinct and achieves:
  - the relevant objectives of clause 1.3 of the Environmental Planning and Assessment Act 1979;
  - the objectives for active street frontages in clause 6.7 of the LEP; and
  - the objectives of the B3 zone.
- The variation is to ensure that the non-commercial use of the site can continue in a logical manner, considering that no business activity has existed upon the site;
- The proposed variation allows for improved functionality and amenity for the child-care centre use on the site with the location of the proposed addition sited in the most appropriate location;
- The alternative to the variation proposed would result in a lesser planning outcome;
- The proposed variation does not create adverse visual impact including as viewed from the street, surrounding properties and Robertson Park; and
- The ASF variation has no implications for compliance with other key MWRLEP 2012 and MWRDCP 2013 requirements.

It is notable that this submission demonstrates that both the objectives of the ASF and the zone objectives are achieved. Achieving these objectives is a higher level of satisfaction than that required in Clause 4.6(4)(ii), which only requires that the proposed development “*will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone...*” In *Moskovich v Waverley Council* [2016] NSWLEC 1015, Commissioner Tuor makes the distinction between the different requirements between clauses 4.6(3) and 4.6(4) and notes the higher standard as being able to demonstrate the objectives of the standard and zone are “*achieved*”.

Accordingly, in light of the above written request it is submitted that the Council will be satisfied that in this instance the development standard can be varied because this written request has addressed all of the necessary matters contained in clause 4.6(4) of the MWRLEP 2012. Relevantly, compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and sufficient environmental planning grounds exist to justify a contravention of the development standard; and the proposed development will be in the public interest as it is consistent with the development standards and the zone.



# DREW ROBERTS CONSULTING

## STATEMENT OF ENVIRONMENTAL EFFECTS

### Alterations & Additions to Existing Child-Care Centre

CLIENT: SUNRAI DESIGNS

DATE: 7 DECEMBER 2022

PROJECT: 2023/39

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for SUNRAI Designs and forms part of a development application to Mid-Western Regional Council for the alterations and additions to an existing child-care centre at 2 Lovejoy Street, Mudgee.

The objective of this proposal is to create an improved layout and provide additional facilities for the existing child-care centre.

The proposal is in accordance with the relevant zone objectives contained in the Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 and generally satisfies the relevant objectives and controls of the Mid-Western Regional Development Control Plan 2013 (MWRDCP).

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans;
- 4.6 Variation Request; and
- National Quality Framework Assessment Checklist.

## 2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

### 2.1 The Locality

The subject site is located within the town of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.



FIGURE 1: LOCATION PLAN (SIX MAPS)

### 2.2 Site Description

The subject site is located on the north-western corner of the intersection between Lovejoy Street and Perry Street within the downtown commercial area of Mudgee and is known as 2 Lovejoy Street, Mudgee, which is split across 3 lots being:

- Lot 3 DP727197
- Lot 1 Sec 68 DP758721

- Lot 2 Sec 68 DP758721

The site is regular in shape, generally flat in topography with a slight rise to the south towards Lovejoy Street and contains a total area of 1724.13m<sup>2</sup>.

Existing improvements on the site consist of a single storey building, fencing and an extensive play area including various structures.

## 2.3 Existing Character and Context

The surrounding area is predominantly commercial, characterised by a mixture of businesses and other uses including the Mudgee Post Office, Robertson Park, other food and drink premises, Mudgee Guardian, residential accommodation and office premises.

The property also sits within the Mudgee Heritage Conservation Area (HCA) with many buildings in the immediate area listed as items of environmental heritage or contributory buildings to the HCA.

The outcome of the development is considered to be in keeping with the character of the commercial area in that it will have no unreasonable impacts upon the function, environmental criteria, heritage fabric or the general amenity of the locality.

## 2.4 Surrounding Road Network

The site has frontage to both Lovejoy Street and Perry Street with an unused vehicular access gained from Perry Street via an existing layback into the site (no parking internal to the site). The main pedestrian entry to the building is via an existing access directly onto the Lovejoy Street footpath. None of the streets are identified as a Classified Road in accordance with the Roads Act 1993 with MWRC the designated roads authority.

Lovejoy Street, directly in front of the centre, has been designated as the drop off location for the child care centre with a 15 minute parking limit arrangement in place to facilitate this. Additional parking spaces are located directly in front of the site in the Perry Street frontage.

It should be noted that the proposal is for alterations and additions to an existing child care centre with no change in occupancy rates as discussed in the DCP assessment table below. Subsequently, no significant additional vehicular movements result from the proposal.



### 3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Internal alterations to the floor layout to improve the bathrooms, kitchen and other facilities throughout the centre;
- Minor external alterations including alterations to a window, roof and door arrangement, outdoor kitchen, ramp and the like;
- Enclosure of a small deck area to integrate existing floor area internally;
- Removal of two trees and minor vegetation; and
- Erection of a new multi purpose space along the eastern boundary of the site to improve facilities available to the current operation on site;

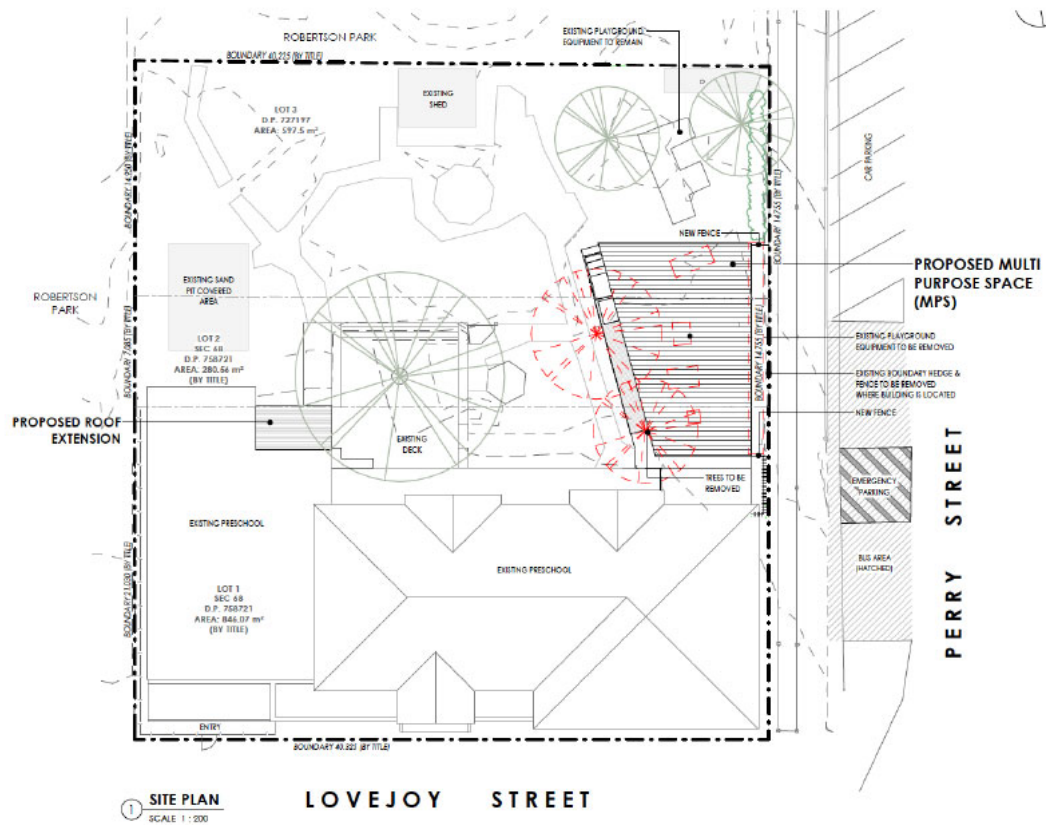


FIGURE 2: LAYOUT (SUNRAI DESIGNS)

The proposal will result in an improved child-care centre layout throughout the site with improved amenities, whilst presenting to the streetscape in a sympathetic manner.

## 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Mid-Western Regional Local Environmental Plan (MWRLEP) 2012;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Mid-Western Regional Development Control Plan 2013 (MWRDCP).

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

The subject site is zoned B3 – Commercial Core under Council's MWRLEP 2012 (see Figure 3). '*Centre-based child care facilities*' are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone. Subsequently, the proposal is not reliant upon existing use rights.

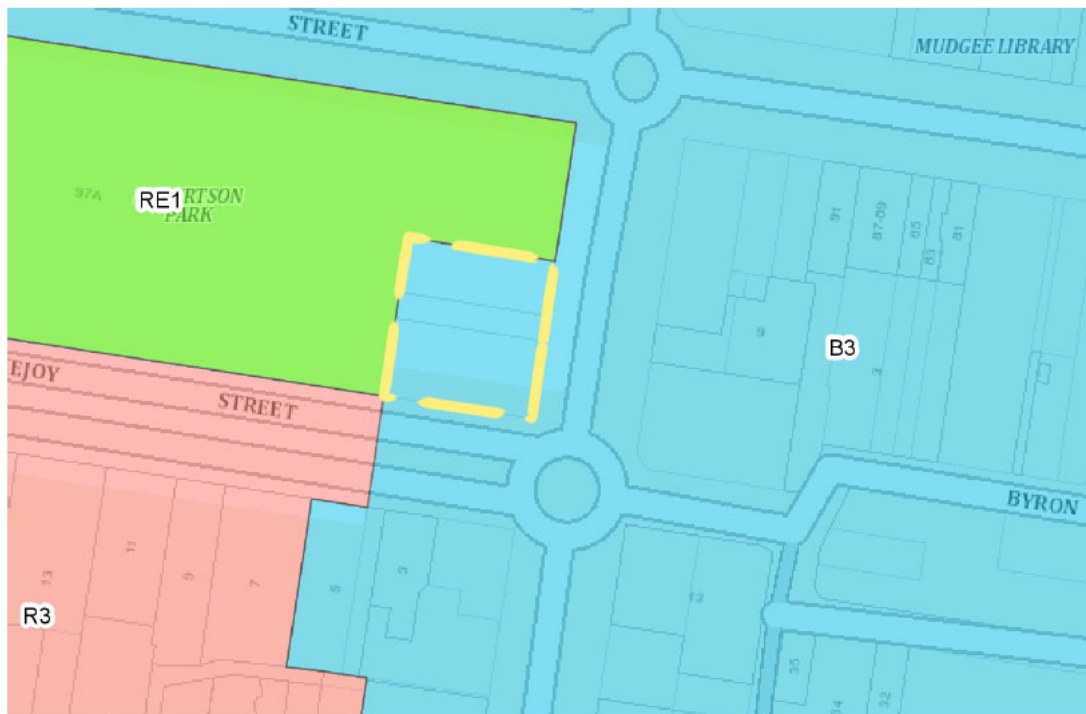


FIGURE 3: EXTRACT FROM ZONING PLAN  
(SOURCE: MID-WESTERN REGIONAL LEP 2012)

### 4.1.1 Zone Objectives

The relevant objectives for Zone B3 are stated:

1. *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre serving the needs of the surrounding area.

2. *To encourage appropriate employment opportunities in accessible locations.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre and therefore generating employment.

3. *To maximise public transport patronage and encourage walking and cycling.*

**Comment:** The proposed alterations and additions will allow the site to continue to be used for the purposes of a child-care centre within the downtown area, which is accessible for walking, cycling etc.

4. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

**Comment:** The proposal will not impact on the ability of the downtown area of Mudgee to continue to be the focus for retail and commercial activity. The site will continue to be used for the purpose of a child-care centre, which performs an important supportive role in the function of the downtown area and the various businesses and employees that rely upon it.

5. *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*

**Comment:** The proposal is an upgrade of an existing child care facility, which is permissible with consent. Subsequently, the proposal will not create additional risk to pushing other businesses outside of the town centre area.

6. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

**Comment:** The proposal is sympathetic to the surrounding streetscape with regards to heritage related elements and in particular Robertson Park. This is addressed further in this SEE.

7. To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.

**Comment:** The proposal will not interfere with any existing pedestrian movements throughout the commercial core, with the area already enclosed for the purposes of the child-care centre use.

In our opinion the proposal is consistent with the relevant objectives of the B3 Commercial Core zone as detailed above. The proposal is intended to create an improved layout and improved facilities, whilst continuing to provide a sympathetic form to the streetscape within the immediate vicinity.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

#### 4.1.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
Site Area : 1724.13m <sup>2</sup>	
LEP Provisions	Complies / Comments
<b>Clause 4.3 Height of buildings</b>	
(1) The objectives of this clause are as follows—  (a) to establish a maximum height limit to which buildings can be designed in particular locations,  (b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.	The proposed addition is of an appropriate height for the context of the area with a skillion roof utilised rising away from the eastern street frontage over a single storey building form.  This is considered the best design outcome in keeping with the heritage character of Mudgee and the single storey rhythm of the other buildings on site.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The maximum height prescribed is 8.5m  The proposed addition will have a height of 3020mm at the eastern boundary and 4730mm at the western elevation.
<b>Clause 4.6 Exceptions to development standards</b>	
(1) The objectives of this clause are as follows—  (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,	An exception to the design/character based development standard regarding building use contained within the 'active street frontage' clause 6.7 of MWRLEP 2012 is being sought as a part of the development application.



<p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Refer to the written request contained under separate cover.</p>
<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>An exception to the design/character based development standard regarding building use contained within the <i>'active street frontage' clause 6.7</i> of MWRLEP 2012 is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>An exception to the design/character based development standard regarding building use contained within the <i>'active street frontage' clause 6.7</i> of MWRLEP 2012 is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(4) Development consent must not be granted for development that contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Planning Secretary has been obtained.</p>	<p>An exception to the design/character based development standard regarding building use contained within the <i>'active street frontage' clause 6.7</i> of MWRLEP 2012 is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(5) In deciding whether to grant concurrence, the Planning Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p>	<p>N/A.</p>



<p>(b) the public benefit of maintaining the development standard, and</p>	
<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p>	<p>N/A.</p>
<p>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).</p>	<p>Noted.</p>
<p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4,</p> <p>(caa) clause 5.5.</p>	<p>No relevant criteria is applicable for the circumstances of this development application.</p>
<p><b>Clause 5.10 Heritage Conservation</b></p>	
<p>(1) <b>Objectives</b> The objectives of this clause are as follows—</p>	<p>The building is not listed as an item of environmental heritage but is located within the Mudgee Heritage Conservation Area (HCA).</p>

<p>(a) to conserve the environmental heritage of Mid-Western Regional,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The proposal is considered to respectfully conserve the Mudgee HCA in that:</p> <ul style="list-style-type: none"> <li>• The new works are minor in nature being single storey in height and having a footprint of 105.8m<sup>2</sup>;</li> <li>• The new addition does not directly adjoin or relate to any other heritage item in the street as the site sits isolated on a corner lot and enveloped by Robertson Park (refer to figure 4 below). It should be noted that whilst Robertson Park is identified as an item of environmental heritage, the Rotunda is the key element for this listing, which is located further to the west in the centre of the park;</li> <li>• The design is of a minimalist modern style, clearly distinguished as a deliberate non-contributory building and finished with materials of the highest quality to reinforce the building's role as a subtle and separated space to the surrounding heritage streetscape.</li> <li>• The two trees required to be removed are comparatively small and sit within the foreground of a larger tree on site and the larger trees of Robertson Park in general. Subsequently, their removal is considered to have minimal impact upon the streetscape and the Mudgee HCA as a whole.</li> </ul>
<p>(2) <b>Requirement for consent</b> Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <ol style="list-style-type: none"> <li>(i) a heritage item,</li> <li>(ii) an Aboriginal object,</li> <li>(iii) a building, work, relic or tree within a heritage conservation area,</li> </ol> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being</p>	<p>Development consent is being sought for the works described in this SEE.</p>

<p>discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—              (i) on which a heritage item is located or that is within a heritage conservation area, or              (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—              (i) on which a heritage item is located or that is within a heritage conservation area, or              (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
<p>(3) <b>When consent not required</b> However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—              (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and              (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development—              (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and              (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	<p>N/A. Development consent is being sought.</p>

<p><b>(4) Effect of proposed development on heritage significance</b> The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>Refer to comments above.</p>
<p><b>(5) Heritage assessment</b> The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>N/A. No heritage management document considered necessary.</p>
<p><b>(6) Heritage conservation management plans</b> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>N/A. A heritage conservation management plan is not considered necessary.</p>
<p><b>(7) Archaeological sites</b> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>N/A. No archaeological sites present on the property.</p>

<p><b>(8) Aboriginal places of heritage significance</b> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(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</p> <p>(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.</p>	<p>N/A. No Aboriginal place of heritage significance present on the site.</p>
<p><b>(9) Demolition of nominated State heritage items</b> The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>N/A. The site is not a State heritage item.</p>
<p><b>(10) Conservation incentives</b> The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the</p>	<p>N/A. Clause not proposed to be utilised.</p>



<p>heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	
<p><b>6.4 Groundwater vulnerability</b></p>	<p>The proposal does not involve any major physical works apart from standard footings for the structures. Subsequently, no impacts related to the groundwater table are reasonably expected.</p>
<p><b>6.7 Active street frontage</b></p>	
<p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in Zone B3 Commercial Core.</p>	<p>An exception to the design/character based development standard regarding building use contained within this clause is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.</p>	<p>An exception to the design/character based development standard regarding building use contained within this clause is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	<p>An exception to the design/character based development standard regarding building use contained within this clause is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <p>(a) entrances and lobbies (including as part of mixed use development),</p> <p>(b) access for fire services,</p> <p>(c) vehicle access.</p>	<p>An exception to the design/character based development standard regarding building use contained within this clause is being sought as a part of the development application.</p> <p>Refer to the written request contained under separate cover.</p>
<p>(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.</p>	<p>An exception to the design/character based development standard regarding building use contained within this clause is being sought as a part of the development application.</p>

	<p>Refer to the written request contained under separate cover.</p>
<p><b>6.9 Essential services</b></p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,              (b) the supply of electricity,              (c) the disposal and management of sewage,              (d) stormwater drainage or on-site conservation,              (e) suitable road access.</p>	<p>All essential services associated with a commercial location are already available and connected to the site.</p> <p>These are not expected to be affected by the proposal.</p>



**FIGURE 4: EXTRACT FROM HERITAGE MAPPING  
 (SOURCE: MID-WESTERN REGIONAL LEP 2012)**

## 4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

**Comment:** No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

## 4.3 State Environmental Planning Policy (Transport & Infrastructure) 2021

The object of this policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Chapter 3 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application for a centre-based child care facility, to consider various requirements throughout the Chapter. The various clauses considered relevant to the proposal are as follows:



<b>TABLE 2: PROJECT COMPLIANCE – SEPP (Transport &amp; Infrastructure) 2021</b>	
<b>SEPP Provisions</b>	<b>Complies / Comments</b>
<b>3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b>	
<p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) 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</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p>	<p>The child-care centre will comply with the indoor unencumbered space requirements contained within the E&amp;CS National Regulations. A maximum of 60 children are catered for within the facility with an allocated classroom area of 235.34m<sup>2</sup> spread across three classrooms. The Regulation requires 3.25m<sup>2</sup> per child, totalling 195m<sup>2</sup>.</p> <p>The child-care centre will comply with the outdoor unencumbered space requirements contained within the E&amp;CS National Regulations. A maximum of 60 children are catered for within the facility with an allocated outdoor area of 900m<sup>2</sup> spread across the rear of the site including verandah, deck and paths. The Regulation requires 7m<sup>2</sup> per child, totalling 420m<sup>2</sup>.</p> <p>Accordingly, further consideration of this section is not necessary.</p>
<p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p>	<p>N/A. The proposal is considered compliant as discussed above.</p>
<p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p>	<p>N/A. The proposal is considered compliant as discussed above.</p>
<p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p>	<p>N/A. The proposal is considered compliant as discussed above.</p>

<p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3).</p>	<p>N/A. The proposal is considered compliant as discussed above.</p>
<p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p>	<p>N/A. The proposal is considered compliant as discussed above.</p>
<p>(7) In this section—   <i>Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</i></p>	<p>Noted.</p>
<p><b>3.23 Centre-based child care facility—matters for consideration by consent authorities</b></p> <p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</p>	<p>A separate document has been prepared by Sunrai Designs addressing all of the relevant provisions that are applicable to the proposal contained with the <i>Child Care Planning Guideline</i>.</p> <p>The report concludes:</p> <p><i>“The alterations and additions propose to extend the already compliant and successfully operating pre-school in a way that continues to provide above minimum standards in a supportive, interactive and playful way. The natural environment has been incorporated into the indoor and outdoor spaces and is intrinsic to the operation of the school.</i></p> <p><i>This checklist when read in conjunction with the plans clearly demonstrates compliance in all areas.”</i></p>
<p><b>3.26 Centre-based child care facility—non-discretionary development standards</b></p>	
<p>(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p>	<p>Noted.</p>



<p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</p> <p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) <b>indoor or outdoor space</b>                  (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or                  (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b>—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>Consent authority not to consider the location of any other early education and care facility.</p> <p>Proposal complies with the two relevant criteria.</p> <p>Consent authority not to consider the site area and dimensions. However, the site is considered of an adequate size to facilitate the proposal.</p> <p>N/A. The site is located within a heritage conservation area.</p>
<p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>	<p>Noted.</p>
<p><b>3.27 Centre-based child care facility—development control plans</b></p>	
<p>(1) A provision of a development control plan that specifies a requirement, standard or control</p>	<p>MWRDCP 2013 does not contain any such provisions relating to child care facilities and</p>

<p>in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	<p>operation plans, proximity and the like.</p>
<p>(2) This section applies regardless of when the development control plan was made.</p>	<p>Noted.</p>

The provisions of SEPP (Transport & Infrastructure) 2021 are considered to be fully satisfied.

## 4.4 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional DCP 2013 applies to the site and the proposed development.

Whilst the proposal is not considered ‘commercial development’, the site is located within the *B3 Commercial Core* zone and Part 4.5 ‘*Commercial Development*’ would be the most appropriate section that contains specific controls relating to the proposal. However, any weight with regards to considerations given to the DCP should be limited where controls are clearly not targeted to the circumstances of the site and proposal. The relevant sections, as they relate to the proposal only, are addressed in the table below.

<b>TABLE 3: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013</b>	
<b>Relevant sections applicable to this proposal.</b>	
<b>DCP Provisions</b>	<b>Complies / Comments</b>
<p><b>Building setbacks</b></p> <p>(a) No minimum front setbacks apply.</p> <p>(b) Side and rear must comply with Building Code of Australia (BCA)</p>	<p>The new portion of the building is proposed with a setback of 1.1m from the eastern Perry Street frontage boundary and, more importantly, is also considered appropriate from a heritage and streetscape perspective.</p> <p>It should be noted that the existing building on site is also currently setback at 1.1m from Perry Street, setting the rhythm for the Perry Street frontage.</p> <p>The removal of the fencing and hedging along the eastern side of the proposed addition will allow the new building to present to Perry street in a similar manner to that of the existing building and remove any concealed spaces for safety and better management of the outdoor space for child safety.</p>
<p><b>Design</b></p> <p>(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.</p> <p>(b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space</p> <p>(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</p> <p>(d) Consider elements within established heritage buildings and how its application may be applied to new development</p> <p>(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.</p>	<p>Refer to the 4.6 variation request provided under separate cover demonstrating that an ASF is unnecessary in this instance.</p> <p>The proposal does not include a 'retail' use. Accordingly, building elements to encourage interaction between pedestrians and retail space is not required.</p> <p>The length of the addition is 13m and therefore there is limited need for articulation.</p> <p>N/A. The building and site is not listed as an item of environmental heritage.</p> <p>The site is isolated from any other significant built form. Accordingly, the design is considered appropriate for the isolated site, intended use and intent for minimising the presence of the building within the heritage streetscape.</p> <p>Refer to comments under LEP discussion. The design intent has been to gently incorporate</p>

<p>(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.</p> <p>(g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screened from view from a public road.</p> <p>(h) Development on a corner must include architectural features to address both frontages.</p> <p>(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.</p>	<p>the building into the heritage fabric of the surrounding area without reproducing a heritage inspired style.</p> <p>Noted.</p> <p>The site is a corner lot, however the new addition is present on the Perry Street frontage only. The existing building will continue to present to Lovejoy Street.</p> <p>N/A. The location of the new building on the eastern portion of the site does not adjoin another residential, village or mixed use zone.</p>
<p><b>Scale, form and height</b></p> <p>(a) The LEP controls the height of buildings to a maximum of 8.5m</p> <p>(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.</p> <p>(c) Gulgong has a building height limit to a maximum of 5m</p>	<p>The building will have a maximum height of 4730mm.</p> <p>The proposal has been designed with the surrounding heritage fabric considered. Refer to the MWRLEP 2012 for further comments.</p> <p>N/A.</p>
<p><b>Articulation and facade composition</b></p> <p>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</p> <p>(b) Excessive length of blank walls are not supported in the front facade.</p> <p>(c) Where blank walls are unavoidable (along side or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</p>	<p>The proposal includes 3 slim window elements within the Perry Street facade to add visual interest to the streetscape in a manner that contributes to the activation of the street whilst also limiting views to within the building for privacy and child protection purposes. On balance, whilst also taking into consideration the high quality design and finishing, the street presentation is considered highly appropriate.</p> <p>The length of the addition is 13m and is not considered excessive in the context of the site and surrounding streetscape.</p> <p>N/A.</p>
<p><b>Residential-Commercial interface</b></p>	

<p>(a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular).</p> <p>(b) Ground and first floor development should not overlook residential properties</p> <p>(c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</p> <p>(d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</p> <p>(e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.</p>	<p>N/A. The site does not directly adjoin residential development to the side or rear.</p> <p>The site is considered sufficiently separated from the residential flat building to the east on the opposite side of Perry Street.</p> <p>N/A. No additional vehicular movements proposed.</p> <p>The new portion of the building is separated from the adjoining residential boundary to the south-west. No additional visual bulk will be perceived.</p> <p>No overshadowing impact upon residential properties to the south will occur as a result of the proposed single storey development.</p>
<p><b>Utilities and services</b></p> <p>(a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste.</p> <p>(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.</p> <p>(c) Building and structures are to be located clear of infrastructure.</p> <p>(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.</p>	<p>N/A. Proposal will not increase the number of children or staff that utilise the facility.</p> <p>Trade waste arrangements are expected to continue as per the existing consent and use.</p> <p>Proposed addition is clear of all infrastructure, which is all located within the road reserve.</p> <p>N/A.</p>
<p><b>Traffic and access</b></p> <p>This section contains numerous controls relating to vehicular access and loading.</p>	<p>The proposal is aimed at improving existing facilities upon the site with no changes to the existing allowable children and staff rates that the centre has imposed.</p> <p>It should be noted that the number of children that the centre has self capped is 60, which is</p>



	<p>built in to the operational procedures. The proposed addition will facilitate a new 'multi purpose space' and is not being designated or intended for additional classroom footprint. Accordingly, the child and staff rates will remain unchanged.</p> <p>Subsequently, there are no relevant provisions within this section as traffic volumes will remain the same.</p>
<p><b>Pedestrian access</b></p> <p>(a) Maintain existing covered pedestrian access within the town centres.</p> <p>(b) Convenient and safe access through parking areas.</p> <p>(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.</p>	<p>Proposal does not impact any existing covered pedestrian access area.</p> <p>N/A. No parking area proposed or affected.</p> <p>N/A. As above.</p>
<p><b>Parking</b></p> <p>Refer Specific Provisions relating to parking section 1.3.</p>	<p>Refer to comments above regarding parking and traffic. No changes proposed to the current arrangements.</p>
<p><b>Landscaping</b></p> <p>(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.</p> <p>(b) Landscaping to comprise low maintenance, drought and frost tolerant species</p>	<p>N/A. No additional car parking proposed.</p> <p>N/A. No additional landscaping proposed as the site is already heavily landscaped and appropriate for the use of the site.</p>

## 5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

### 5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)

#### 5.1.1 Micro Climate Impacts

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

#### 5.1.2 Water & Air Quality Impacts

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality.

### 5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)

#### 5.2.1 Impact on the Areas Character

The surrounding built environment comprises a mix of commercial and other uses within the Mudgee HCA. The proposal will not impact this character as discussed throughout this report.

#### 5.2.2 Privacy, Views & Overshadowing Impacts

The proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots.

#### 5.2.3 Aural & Visual Privacy Impacts

The proposed development, being within a standard commercial area and not involving additional children or staff, will not result in any significant privacy concerns for adjoining properties.

#### **5.2.4 Environmentally Sustainable Development**

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

### **5.3 Assessment of the Site Suitability – 4.15(1)(c)**

#### **5.3.1 Proximity to Service and Infrastructure**

As outlined, the site is accessible for pedestrians via Lovejoy Street. As the site already contains an existing building, electricity, water, sewer, internet and telephone are also readily available.

#### **5.3.2 Traffic, Parking & Access**

The development will not increase the traffic volume for the area, as the proposal is for alterations and additions to an existing use with no additional capacity for children or staff proposed. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

#### **5.3.3 Hazards**

The site is not subject to any known hazards such as bushfire threat, flooding, landslip and the like.

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

#### **5.4.1 Social and Economic Impact**

The proposal will make a positive contribution to the Mid-Western Region by facilitating the improvement of a child care facility and the continuation of employment.

#### **5.4.2 The Public Interest**

The proposal is in the public interest as it satisfies the objectives of the MWRLEP 2012 and MWRDCP 2013 and will not set any undesirable planning precedents.

## 6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the B3 Commercial Core Zone under the Mid-Western Regional LEP 2012 and in our opinion is consistent with the relevant objectives of the Zone.

The concurrently lodged written request for a 4.6 variation in relation to the active street frontage development standard prescribed under clause 6.7 of the LEP 2012 clearly demonstrates that it is unreasonable and unnecessary to strictly apply the development standard in this instance.

As discussed throughout the SEE, the crux of the proposal is to facilitate the improved layout and functionality of the existing child care facility that will blend seamlessly into the existing streetscape with no exacerbated impacts with regards to the Mudgee Heritage Conservation Area and no impact upon any nearby items of environmental heritage. The proposal is fully compliant with the provisions of the MWRDCP 2013.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.

**ALTERATIONS & ADDITIONS TO  
MUDGEES COMMUNITY PRESCHOOL INCORPORATED**

ACCESS REPORT

2 Lovejoy Street  
Mudgee NSW 2850

25th July 2023  
ISSUE A

Prepared for  
Mudgee Community Preschool Incorporated

SUNRAIdesigns<sup>o</sup>





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## 1.0 INTRODUCTION

This Access Report has been prepared by Sunrai Designs and forms part of the Development Application Documentation for the Proposed Alterations and Additions to Mudgee Community Preschool Incorporated located at 2 Lovejoy Street, Mudgee NSW 2850

The new works must be designed in accordance with the following standards pertaining to access for people with Disabilities;

- Disability (Access to Premises - Buildings) Standard 2010
- Australian Standard - 1428.1 Design for access and mobility 2021

The object of the standard is to ensure that dignified, equitable, cost effective and reasonably achievable access to buildings and facilities and services within buildings, is provided for people with a disability.

## 2.0 PROPOSED DEVELOPMENT

### 2.1 General Description

An operational preschool currently occupies the site at 2 Lovejoy Street, Mudgee and is generally compliant with the Access to Premises Standard. It is proposed that a Multi-purpose space (MPS) be constructed to the north of the existing building, it will generally be detached from the current structure, linked only by a glass awning roof and footpath. The MPS is not intended to operate as another classroom and will not result in any additional children using the preschool. The MPS will compliment the existing preschool as outlined in the attached Statement of Environmental Effects (SEE) submitted with the Development Application. Please refer to this SEE for further information on the proposed development.

It is proposed that the MPS will be accessed from the existing principal entry as required by the Operational Standards of a Preschool to have a single entry point.

NCC Classification:           Class 9b  
Floor Area:                   652 sqm

### 2.2 Scope of Standard

Part 2.1 of the *Disability (Access to Premises - Buildings) Standard 2010* applies to;

*(b) A new part, and any affected part, of a building, to the extent that the part of the building is:*

*(iii) a Class 3,5,6,7,8,9 or 10 building*

The definition of a **'new part'** is;

*(4) A part of a building is a **new part** of the building if it is an extension to the building or a modified part of the building about which:*



*(a) an application for approval for the building work is submitted, on or after 1 May 2011, to the competent authority in the State or Territory where the building is located;*

The definition of an '**affected part**' is:

*(5) An **affected part** is:*

- (a) the principal pedestrian entrance of an existing building that contains a new part; and*
- (b) Any part of an existing building, that contains a new part, that is necessary to provide a continuous accessible path of travel from the entrance to the new part.*

The 'new part' being the proposed MPS and the 'affected part' being the principle entrance and linkway to the MPS. The following table in Section 3.0 is a Summary of the Access to Premises Standard demonstrating how the proposed works comply with each part, being further analysed in Section 4.0.

### 3.0 Summary of Access to Premises - Buildings

Access to Premises - Buildings	REFERENCED	COMMENT
D3.1 General Access Requirements	Y	compliance readily achievable
D3.2 Access to buildings	Y	compliance readily achievable
D3.3 Parts of the building to be accessible	Y	compliance readily achievable
D3.4 Exemptions	Y	compliance readily achievable
D3.5 Accessible Parking	Y	N/A - none present
D3.6 Signage	Y	compliance readily achievable
D3.7 Hearing augmentation	Y	compliance readily achievable
D3.8 Tactile indicators	Y	compliance readily achievable
D3.9 Wheelchair seating spaces	N	N/A - not present
D4 Braille and tactile signs	N	compliance readily achievable as outlined in Part D3.8
D5 Accessible water entry/exit for swimming pools	N	N/A - not present
E3 Lift installations	N	N/A - not present
F2 .4 Accessible sanitary facilities	Y	compliance readily achievable
H2 Public transport buildings	N	N/A - not present



#### 4.0 Analysis of Access to Premises - Buildings

The parts identified in the previous table are further analysed and comments to be actioned regarding the project are included in bold.

NCC Reference	Prescriptive NCC requirements / comments
D3.1 General Access Requirements	<p><i>Buildings and parts of buildings must be accessible as required by Table D3.1.</i></p> <p><i>Class 9b - Schools and early childhood centres - To an within all areas normally used by the occupants</i></p> <p><b>Complies: All areas normally used by occupants are accessible from the roadway and the approach to the building and within the building. Refer to Figure 1 and Figure 2 at end of this table.</b></p>
D3.2 Access to buildings	<p><i>(1) An accessway must be provided:</i></p> <p><i>(a) to a building required to be accessible;</i></p> <p><i>(b) From the main points of a pedestrian entry at the allotment boundary; and</i></p> <p><i>(i) from another accessible building connected by a pedestrian link; and</i></p> <p><i>(ii) From any required accessible car parking space on the allotment.</i></p> <p><i>(2) In a building required to be accessible, an access way must be provided through the principal pedestrian entrance, and:</i></p> <p><i>(5) Where a doorway on an access way has multiple leaves, one of those leaves must have a clear opening of 850mm in accordance with AS1428.1</i></p> <p><b>Complies: An accessway is provided from the principal pedestrian entry at the allotment boundary and to the proposed MPS building by a connected footpath/link. The main entry consists of a double leaf opening door. Each leaf has a clear opening of 890mm.</b></p> <p><b>All new doorways will have a minimum clear opening of 850mm.</b></p> <p><b>A car parking space is not required. There is no parking provided on the allotment.</b></p> <p><b>Refer to Figure 1 at end of table.</b></p>





<p>D3.3 Parts of the building to be accessible</p>	<p><i>In a building required to be accessible:</i></p> <p>(a) every ramp and stairway, except for ramps and stairways in areas exempted by clause D3.4, must comply with:</p> <p>(i) for a ramp, except a fire-isolated ramp, clause 10 of AS1428.1; and</p> <p>(ii) for a stairway, except a fire-isolated stairway, clause 11 of AS1428.1;</p> <p>(iii) for a fire-isolated stairway, clause 11.1 (f) and (g) of AS1428.1; and</p> <p>(c) accessways must have:</p> <p>(i) passing spaces complying with AS1428.1 at a maximum 20m intervals on those parts of an accessway where a direct line of sight is not available; and</p> <p>(ii) Turning spaces complying with AS1428.1;</p> <p>(A) within 2m of the end of access ways where it is not possible to continue travelling along the accessway; and</p> <p>(B) At a maximum 20m intervals along the accessway</p> <p><b>Complies:</b> <b>All ramps comply with AS1428.1 clause 10, being no greater than 1:14 grade as noted on the attached plan at Figure 1.</b></p> <p><b>Stairways, not applicable to this building</b></p> <p><b>There are no required fire-isolated stairways</b></p> <p><b>All passing spaces &amp; turning spaces comply with AS1428.1. A minimum of 1.8m x 2m is provided in all accessways. There are no accessways in excess of 20m. Refer to Figure 1 at the end of this table.</b></p>
<p>D3.4 Exemptions</p>	<p><i>The following areas are not required to be accessible:</i></p> <p>(a) an area where access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(b) An area that would pose a health or safety risk for people with a disability.</p> <p>(c) Any path of travel providing access only to an area exempted by this clause.</p> <p><b>Complies: An exemption for access would apply to the storerooms in each classroom and MPS.</b></p>
<p>D3.5 Accessible Parking</p>	<p>Table D3.5 refers to Class 9b - Schools requiring 1 space per every 100 car parking spaces or part thereof,</p> <p>Part DP8 refers to the Limitation of providing car spaces to buildings where direct access to car parking spaces by the general public or occupants is not available.</p> <ul style="list-style-type: none"> <li>• <b>No car parking is provided on the site. The only available car parking is on the public streets adjacent to the site.</b></li> <li>• <b>There is a kerb ramp provided on Lovejoy street adjacent to the main entrance and a driveway ramp provided on Pery Street at the emergency entrance that would allow for accessible access to the premises for occupants parking on the street.</b></li> </ul>





D3.6 Signage	<b>Signage is required and can easily be installed in accordance with this standard. Details to be outlined as part of the construction documentation.</b>
D3.7 Hearing augmentation	<b>Each classroom currently has a 'Hear &amp; Learn' sound system installed.</b>
D3.8 Tactile indicators	<b>The existing premises does not have tactile indicators installed. This can easily be addressed as part of the upgrade works and will be detailed as part of the construction documentation.</b>
F2.4 Accessible sanitary facilities	<p><i>In a building required to be accessible:</i></p> <p><i>(a) accessible unisex sanitary compartments must be provided in accessible parts of the building in accordance with Table F2.4(a) NCC</i></p> <p><i>Table F2.4(a) NCC requires a sanitary compartment;</i></p> <ul style="list-style-type: none"> <li>• <i>(a) 1 on every storey containing sanitary compartments; and</i></li> <li>• <i>(b) where a storey has more than 1 bank of sanitary compartments containing male and female sanitary compartments, at not less than 50% of those banks.</i></li> </ul> <p><i>(b) accessible showers must be provided in accordance with Table F2.4(b) NCC</i></p> <p><i>Table F2.4(b) NCC requires a shower;</i></p> <ul style="list-style-type: none"> <li>• <i>1 or more showers, not less than 1 for every 10 showers or part thereof.</i></li> </ul> <p><i>(d) an accessible unisex compartment must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels; and</i></p> <p><i>(e) the circulation spaces, fixtures and fittings of all accessible sanitary facilities provided in accordance with Table F2.4 (a) and (b) must comply with the requirements of AS1428.1; and</i></p> <p><i>(f) must be located so that it can be entered without crossing an area reserved for one sex only;</i></p> <p><b>Complies: One unisex sanitary compartment, with shower has been provided, as shown on the attached plan at Figure 1; it will comply with AS1428.1 to be detailed as part of the construction documentation. It will be entered from an area not reserved for one sex only.</b></p> <p><b>The existing unisex facility will be converted to staff amenities and a new unisex facility will be provided as part of the proposed renovation as outlined in the architectural plans submitted as part of the DA application.</b></p>

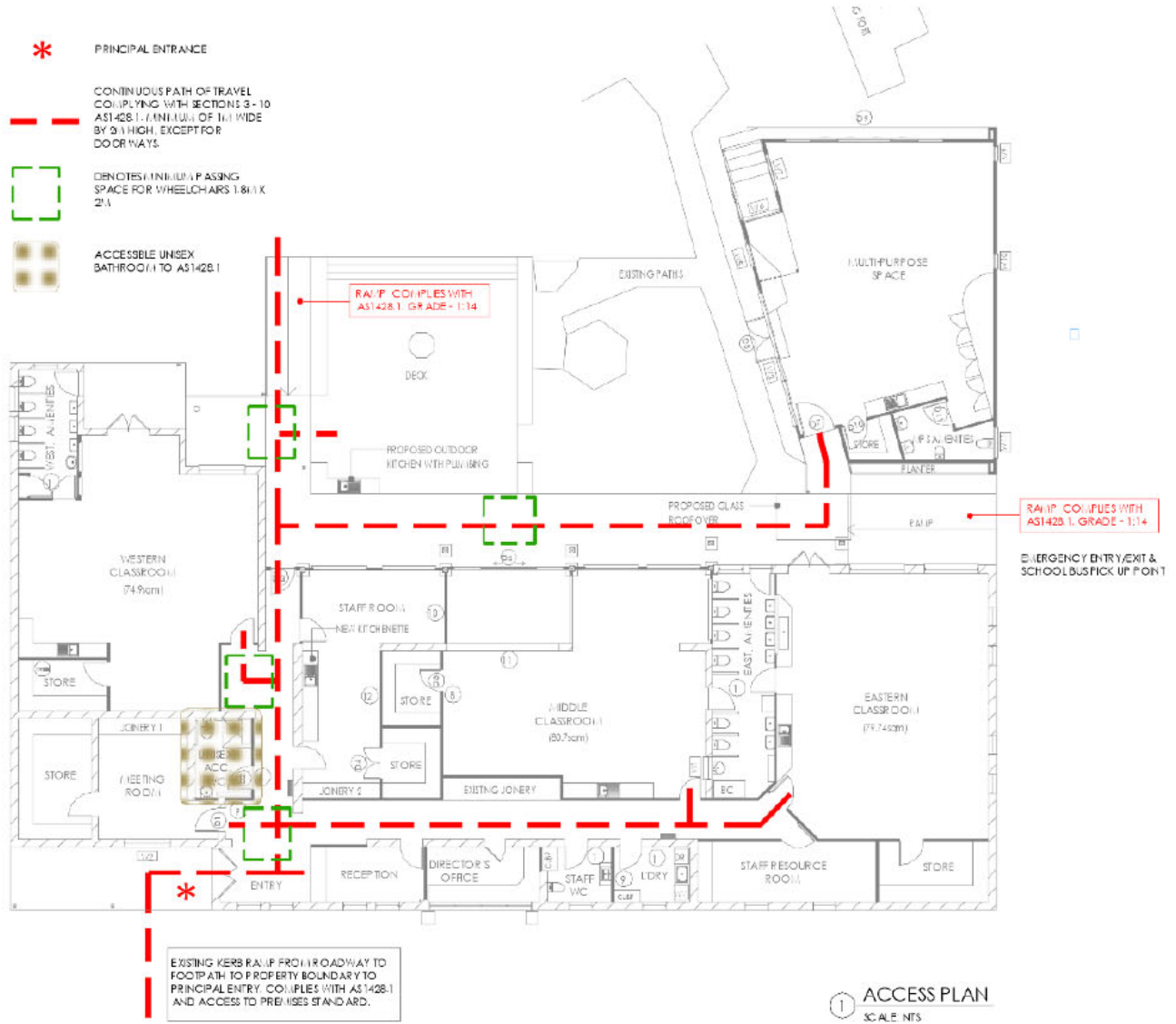


Figure 1: Access Plan (by Sunrai Designs)



*Figure 2: Photo of existing kerb ramp on Lovejoy Street*



Plan of Management  
**Old Gulgong Fire Station**

## DRAFT PLAN OF MANAGEMENT

### Old Gulgong Fire Station



April 2021





Version Control

Date	Comment
20 / 05 / 2021	Initial Draft (V2)
13 / 10 / 2021	Amendments following Council officer Review (V3)
27 / 01 / 2022	Minor amendments following further Council officer Review (V4)
02 / 06 / 2022	Amendments following DPE -CL advice on other PoMs (V5)
23 / 08 / 2022	Minor amendments following further Council officer Review (V6)
11 / 07 / 2023	Amendments following DPE-CL advice and updates relating to amendments to Environmental Planning Instruments (V7)

Council is proud to acknowledge and respect the Wiradjuri people as the Traditional Custodians of the Mudgee Area and to pay respect to elders past, present and emerging.

Plan of Management Report prepared by  
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**April 2021**

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**Disclaimer:**

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## EXECUTIVE SUMMARY

A Plan of Management (POM) is required to be prepared for public land which is owned and/or managed by a council and classified as community land under the *Local Government Act 1993* (LGAct). A POM on community land is a document that provides for and directs the use and management of that land. It describes the current purposes and uses of the community lands and their values, assigns them to one or more categories and sets out objectives and performance targets for active land management and use.

The Old Gulgong Fire Station (the Fire Station), adjoining car park and a reservation for historical purposes (the Reserve) consists of Crown land which is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the *Crown Land Management Act 2016* (CLMA).

The Reserve is classified as *community land*, under the LGAct. Crown land (and council owned community land) is further categorised under the LGAct as either park, sportsground, general community use, natural area, or area of cultural significance. The land at the Reserve has been categorised in this POM, as:

- General Community Use

The intention of this POM is to provide Mid-Western Regional Council (Council) with a framework that enables decisions in regard to the Reserve to be made on an informed, consistent and equitable basis. This POM meets all of the requirements of the LGAct.

A description of this land and its assets as they exist on the Reserve is provided. The current use patterns of the main assets (the Fire Station), its condition, community needs, and emerging trends and influences have been considered in this POM. Appropriate management objectives and actions required to improve assets, a tenure strategy and a management structure for the effective utilisation of the Reserve into the future, are key outcomes provided by this POM.

This POM specifically proposes:

- Upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses such as the administrative requirements of local business, the arts, social gatherings and community meetings via tenure arrangements with Council
- Creation of extra floor space (as required) to meet increases in demand which may be initiated by the above, via extensions to the existing Fire Station building
- Removal of unserviceable structures, boundary fence repairs, general maintenance of all items of infrastructure, and garden/yard improvements and management.

This POM is presented in two principal sections: The site description (A) covers the physical attributes, the legal framework and the constraints of the site; and the fundamental components of Plan (B), which describes what is planned for the site's future.



## PART A – THE SITE

### 1 INTRODUCTION

Gulgong is located in central western NSW, approximately 300 kilometres north west of Sydney and 30 kilometres north of Mudgee on the Castlereagh Highway. It is one of the significant towns within the Mid-Western Regional Council Local Government Area (LGA), the others being Kandos, Rylstone and the regional centre, Mudgee.

The Fire Station located at 104 Herbert Street, is situated on Crown Land a short walk to the south of the town's main commercial area (see Figure 1 locality diagram) and is managed by Council. This POM is for the Reserve which includes the Fire Station and its site, an adjoining car park and an additional (small) reservation for historical purposes on its western margins.



Figure 1 - Locality Diagram



### Site History

The discovery of reef gold on Red Hill in 1870 by Thomas Saunders, a local shepherd, sparked a major goldrush which initiated the first town survey for Gulgong township in the same year.<sup>1</sup> Remarkably, by 1872, the township of Gulgong had a population of 20,000 people. Current town population is around 2,600 people.

In 1885 the subject land was part of a Reserve for Public Buildings. By 1891 this Reserve had been revoked and the northern allotment (5) of the land had been dedicated for Town Hall and the southern allotment (6) reserved for Police Purposes (see Figure 2).

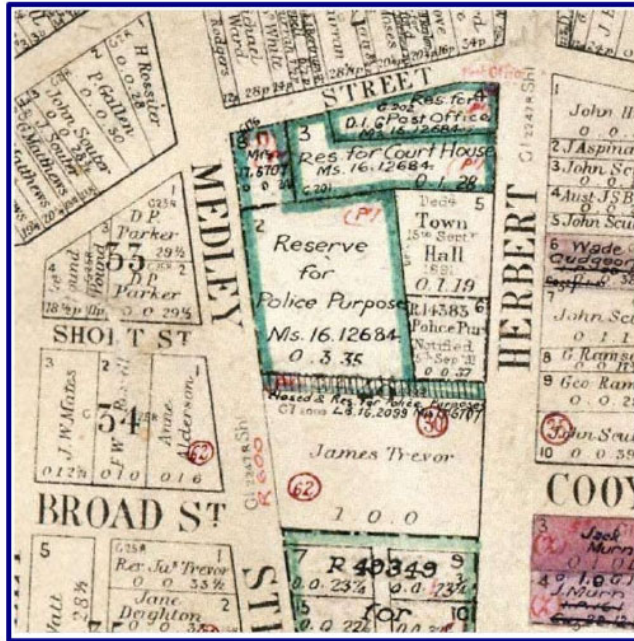


Figure 2 - 1904 Town Map of Gulgong

In 1953 the Town Hall dedication was divided again into a dedication for local government purposes in the north and the current Fire Brigade Station in the south.

The Reserve for Police Purposes was reduced to include only the Police Stables in 1957 when the Crown put the land to market as residential allotments (see Figure 3). They failed to sell and the current reservations were placed in 1977.

### Fire Stations in Gulgong

The earliest record of a fire brigade in Gulgong was in 1875 during the Gold Rush, and at a time when the town had a population of 20,000 people.<sup>2</sup> However, lack of funding resulted in it being disbanded five years later. In following decades, a number of attempts were made to re-form a brigade, finally succeeding in 1934 when a fire brigade was once again established in Herbert Street (believed to be where the Pioneer Museum is now located), before moving up the road to the current position.

The Fire Station<sup>3</sup> was built in 1935 at a cost of approximately £1000. The *Sydney Morning Herald* of 26 October in that year reports that the “new fire station” was officially opened by Mr. T J Smith, president of the Board of Fire Commissioners, who also praised the work of volunteer fire fighters in the country areas outside of Newcastle and Broken Hill.

<sup>1</sup> <https://www.regional.nsw.gov.au/meg>

<sup>2</sup> *Mudgee Guardian* 16 August 2017.

<sup>3</sup> A complete history of the Fire station (*Gulgong Fire Brigade Station No. 312: a brief history 1875-1880; 1934-2017*) can be found in the Museum of Fire (Penrith, N.S.W.), or in the State Library of NSW - Request from onsite storage (Mitchell Library Collection onsite use only): H 2020/3209.



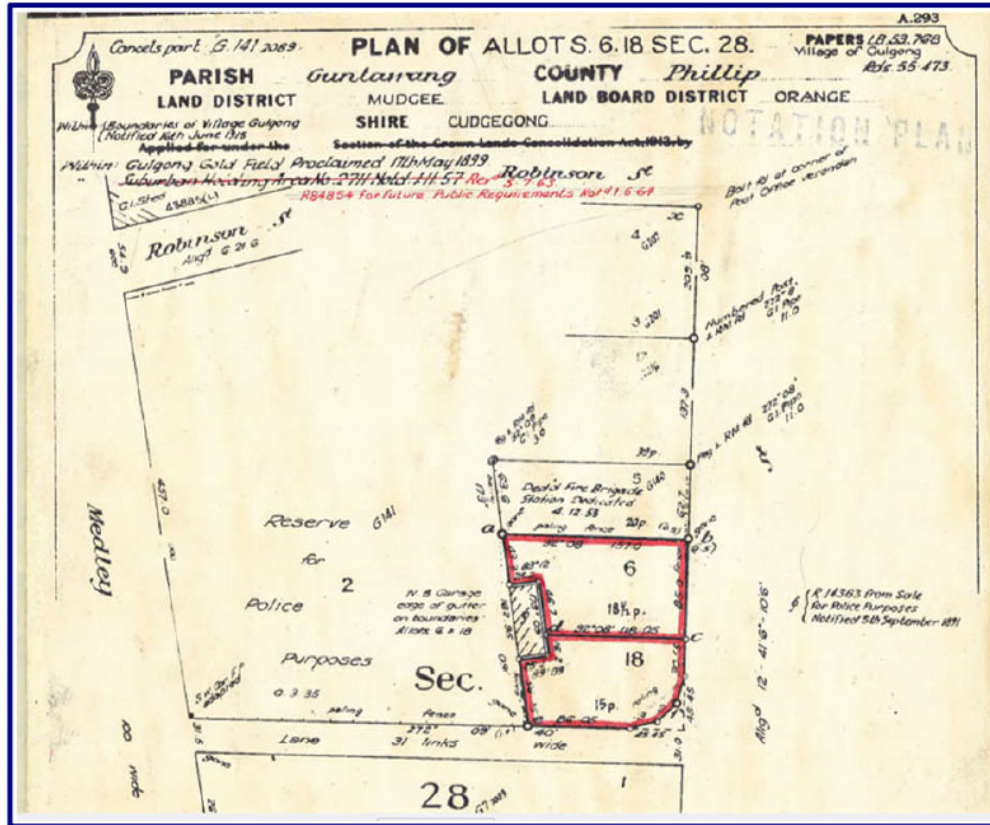


Figure 3 - Plan of Allotments 6 & 18 Section 28 Town of Gulgong

The *Mudgee Guardian* of 3 Sept 1936 describes an interesting meeting of Council, during which the tenure terms and conditions for the occupation of the new Fire Station by the Fire Commission were discussed. Sixty pounds were to be paid annually for two years, with an option to extend for another two-year period, that the “lessee pay all rates and taxes” and “have the right to purchase the property at any time for the sum of £1168”.

After eighty years of service, the Fire Station was vacated with the opening of the New Gulgong Fire Station in Medley Street during August 2017, by the Emergency Services Minister and Fire and Rescue NSW Commissioner.

This POM has been prepared in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community and the environment. It has been prepared to meet the requirements of the LGAct as amended by the *Local Government Amendment (Community Land Management) Act 1998*.



Plan of Management  
**Old Gulgong Fire Station**



*Figure 4 - Gulgong Police Station, Barracks and Lockup (circa 1870 – 1875)*

*Note: Sourced from the Mitchell Library, the shape of the building does not precisely match the footprint of some available Crown plans. The Stables for the Police building appear to be in the background (right).*



## 2 LEGAL FRAMEWORK

### 2.1 Public Land

This land managed by Council, occurs as Crown land.



Figure 5 - Land subject to this Plan of Management  
The land included in this Plan of Management is edged in green.

Crown land is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the CLMA. The CLMA provides that Council should manage the land under the LGAct. Under the LGAct, all public lands must be classified as either Community or Operational land. The



Reserves<sup>4</sup> D.520110, R.90877 and R.90876 are shown in Figure 5, and have been previously classified 'Community' land, and initially categorised:<sup>5</sup>

- General Community Use – D.520110 and R.90877 and
- Area of Cultural Significance – R.90876.

The purpose of the classification of Community land is to clearly delineate which land should be kept for use by the general public (Community) and which land need not be kept for that purpose (Operational). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a sportsground, hall, public park etc.,<sup>6</sup> and Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold
- cannot be leased, licensed or any other estate granted over the land for more than 30 years
- must have a POM prepared for it.

<sup>4</sup> D.520110 for Fire Brigade Station, Community Purposes, Government Purpose and Heritage Purposes. R.90877 for Parking. R.90876 for Preservation Historical Sites and Buildings.

<sup>5</sup> Authorised by Minister for Department of Planning and Environment – Crown lands and Council, 15 April 2020.

<sup>6</sup> See the note to Chapter 6, Part 2 of the LGAct.





## 2.2 What is a Plan of Management

The LGAct requires that in the development of a POM, Council consider the views of the community in identifying the important features of the land and determining how the land will be managed, used or developed. Until a POM for Community Land is adopted, the nature and use of the land cannot be changed. To change this, the POM must be revised.

The CLMA also requires that POMs are to be created over Crown land which is managed by a council. Council will undertake the required process as per Section 36 of the LGAct and Section 3.23 of the CLMA for this POM.

Specifically, the LGAct requires that a POM must identify:

- category of the land
- objectives and performance targets of the Plan with respect to the land
- means by which the council proposes to achieve the Plan's objectives and performance targets
- manner in which the council proposes to assess the objectives and performance targets.

It must also:

- describe the condition of the land and any buildings or other improvements on the land as at the adoption of the Plan
- describe the use of the land and any such buildings or improvements as at adoption
- specify the purposes for which the land, and any such buildings or improvements, will be allowed to be used
- specify the purposes for which any further development of the land will be permitted whether under lease or licence or otherwise
- describe the scale and intensity of any such permitted use or development.

## 2.3 Types of Plans

The LGAct allows a POM to cover one or multiple parcels of land.

Where multiple parcels of land are covered in one plan (Generic Plans), the LGAct specifically states what needs to be included. Where a POM covers one parcel of land (Specific Plans), like this plan, there is greater detail on what has to be prescribed in the Plan. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines very precise management proposals.

POMs for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequently amendments to the Plan may occur. This POM for the Reserve will be its first.





The location of the Reserve is shown in Figure 1 and a more detailed site map, Figure 5.

## 2.4 Categorisation and Objectives

As required by legislation for the purposes of the POM community land is categorised as one of the following:

- Natural Area
  - Bushland
  - Wetland
  - Watercourse
  - Escarpment
  - Foreshore
- Sportsground
- Park
- Area of Cultural Significance
- General Community Use

Once categorised, community land is also subject to specified objectives which are outlined in the LGAct, and in **Appendix 1**.



### 3 SITE DESCRIPTION

#### 3.1 Land Parcels

This Crown land Reserve lies within the Mid-Western Region Local Government Area, in the Parish of Guntawang, County of Phillip. The land is specifically identified as:

- Lot 5 Section 28 in DP 758482, on which the Fire Station is located, with a property address of the Fire Station on the Reserve as 104 Herbert Street Gulgong
- Lots 6 and 18 Section 28 in DP 758482 and Lot 7301 in DP 1142898 to the south containing the existing car park area, the property address being 106 Herbert Street Gulgong.

The Reserve is located a short walking distance to the south of the main commercial area of Gulgong.

Refer to Figure 5 for Lot locations.

The total area is approximately 1304m<sup>2</sup>.

#### 3.2 Ownership and Management

The Reserve is on Crown land owned by the State of New South Wales. All assets on the Reserve are also owned by the State of New South Wales.

Dedication (D.520110) for Fire Brigade Station, being over Lot 5 Section 28 in DP 758482, was notified on 4 December 1953. The additional purposes of Community Purposes, Government Purposes and Heritage Purposes were added to D.520110 on 22 February 2019. Council, as The Council of the Shire of Gulgong, was appointed trustee of D.520110 on 19 February 1954.

Reservation (R.90877) for Parking, was notified on 26 August 1977, including Lots 6 and 18 Section 28 in DP 758482. Reservation (R.90876) for Preservation of Historical Sites and Buildings, including Lot 7301 in DP 1142898 was also notified 26 August 1977. Council, as Mudgee Shire Council, was appointed trustee of R.90877 and R.90876 on 26 August 1977.

Council is now Crown land manager of D.520110, R.90877 and R.90876 for the purposes of the CLMA.

##### Native Title

Crown land in Australia is subject to Native title under the *Native Title Act 1993* (Commonwealth) (NTA). On Crown land Native title rights and interests must be considered unless:

- Native title has been extinguished; or
- Native title has been surrendered; or
- determined by a court to no longer exist.

Some examples of acts which may affect Native title on Crown land or Crown reserves managed by Council include:



- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues
- the construction of extensions to existing buildings
- the construction of new roads or tracks
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the issue of a lease or licence
- the undertaking of major earthworks.

When proposing any act that may affect Native title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the NTA.

#### Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALRA) seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW. The lodgment of an aboriginal land claim (ALC) under section 36 of the ALRA, over Crown land creates an inchoate interest in the land for the claimant pending determination of the claim. The Department of Planning and Environment – Crown Lands (DPE-CL) advises that, if the land is subject to an undetermined ALC, any works, development or tenures authorised by this POM should not go ahead if:

- the proposed activity could prevent the land being transferred to an ALC claimant in the event that an undetermined claim is granted
- the proposed activity could impact or change the physical/environmental condition of the land, unless:
  - the council manager has obtained written consent from the claimant Aboriginal Land Council to carry out the proposed work or activity, and/or
  - the council manager has obtained a written statement from the Aboriginal Land Council confirming that the subject land is withdrawn (in whole or partial) from the land claim
- the proposed activity is a lease to be registered on title unless the council manager has obtained written consent from the claimant Aboriginal Land Council.



## 4 PLANNING INSTRUMENTS AND POLICIES

### 4.1 Land Zoning

Under the *Mid-Western Regional Local Environment Plan 2012* (LEP), the Reserve is zoned B2 – Local Centre (see figure 6).

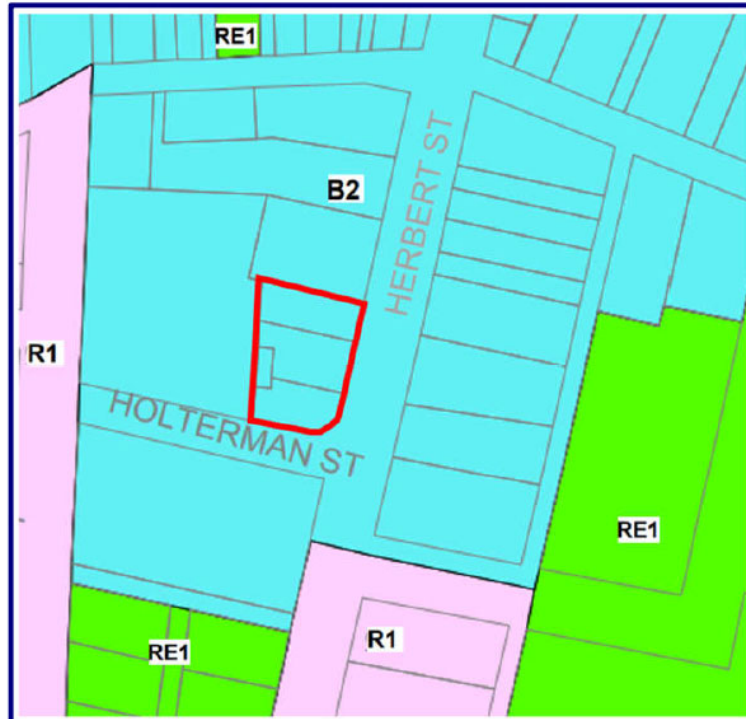


Figure 6 - Planning Zones

The Objectives for B2 land described within the LEP are:

- to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area
- to encourage employment opportunities in accessible locations
- to maximise public transport patronage and encourage walking and cycling
- to maintain the built integrity of the area by enabling development that is sympathetic to the existing heritage buildings and features.

Activities permitted without consent for land zoned B2 are shown as:

- Home occupations
- Roads
- Water reticulation systems



Activities permitted with consent for land zoned B2 are shown as:

- Boarding houses
- Centre-based childcare facilities
- Commercial premises
- Community facilities
- Educational establishments
- Entertainment facilities
- Function centres
- Information and education facilities
- Light industries; Medical centres
- Oyster aquaculture
- Passenger transport facilities
- Recreation facilities (indoor)
- Registered clubs
- Respite day care centres
- Restricted premises
- Service stations
- Shop top housing
- Tank-based aquaculture
- Tourist and visitor accommodation
- Any other development not permitted without consent, or not prohibited.

The following activities are prohibited for land zoned B2:

- Advertising structures
- Agriculture
- Air transport facilities
- Airstrips
- Animal boarding or training establishments
- Boat building and repair facilities
- Boat launching ramps; Boat sheds
- Camping grounds
- Cemeteries
- Charter and tourism boating facilities
- Correctional centres; Crematoria
- Depots
- Eco-tourist facilities
- Electricity generating works
- Environmental facilities
- Exhibition homes
- Exhibition villages
- Extractive industries
- Farm buildings
- Forestry
- Freight transport facilities
- Heavy industrial storage establishments
- Highway service centres
- Home occupations (sex services)
- Hostels; Industrial retail outlets
- Industrial training facilities
- Industries; Jetties
- Marinas
- Mooring pens
- Mooring
- Multi dwelling housing
- Open cut mining
- Pond-based aquaculture and Recreation facilities (major)
- Recreation facilities (outdoor)
- Research stations
- Residential flat buildings
- Rural industries
- Rural workers' dwellings
- Sex services premises
- Storage premises
- Transport depots
- Truck depots
- Vehicle body repair workshops
- Vehicle repair stations
- Warehouse or distribution centres
- Waste or resource management facilities
- Water recreation structures
- Water storage facilities
- Water treatment facilities; Wholesale supplies.





## 4.2 State Environmental Planning Policies

The Reserve is subject to the State Environmental Planning Policies. Important amongst these in the development of the Reserve is the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

Section 2.73 of the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a POM adopted for the land in accordance with the LGAct.

All other impacting State Environmental Planning Policies are listed below. Those that are considered more relevant to the future of the Reserve and this POM are underlined below and briefly described in **Appendix 2**.

- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resources & Energy) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2021*.

## 4.3 Council Policies

In addition to State planning policies and the directions of the LEP, Council has developed a number of plans and general policies which have either direct or indirect relevance to planning, management and maintenance of community land and Council reserves and of particular relevance to the Reserve:

- **Towards 2040** – Endorsing Council’s vision of “A prosperous and progressive community we proudly call home”, the strategy present goals, values, aspirations and a sustainable community. It is structured around a number of themes including: Looking After our Community; Protecting our Natural Environment; and Building a Strong Local Economy
- **Open Space and Recreational Asset Management Plan – Towards 2030 (May 2017)** (OSRAMP) – By making available open space and recreational infrastructure for residents and visitors, Council projects budgets and expenditure to operate, maintain and upgrade facilities ensuring



good functionality over a ten-year period

- **Community Grants Program Policy (2022)** – Establishes criteria by which financial assistance requests from non-for-profit groups will be determined with equity
- **Events Assistance Policy (2019)** – To assist with one-off community initiatives on community lands.
- **Long Term Financial Plan 2022–32** – Provides a framework to assist future decision making that will secure economic sustainability and ensure funding is adequate to achieve outcomes the community requires. The Plan is an integral component for the achievement of Council’s *Mid-Western Regional Community Plan Towards 2040*
- **Asset Management Policy (2022)** – Council is committed to a systematic asset management methodology to ensure appropriate asset management practices are applied across infrastructure managed by Council. The Policy ensures assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council’s priority of service delivery at the lowest life cycle cost
- **Information and Directional Signage Policy (2012)** – Provides a standard for consistent, professional and durable signage throughout the region to promote the region, enhancing visitors’ ability to navigate the region using consistent directional signage to genuine tourist destinations
- **Leases and Licences of Council Owned and Managed Land and Real Property Policy (2020)** (LLCPP) - Enables Council to consider applications for the leasing and licencing of Council controlled land assets, including Crown Land whilst ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application.

Given that the requirements and structure for this POM are stipulated by legislative direction, it scopes the above policies, plans and strategies for relevant ideas and initiatives. All relevant policies and plans as listed above can be found on Council’s website.



#### 4.4 Biodiversity

Under the LGAct, Council has obligations for conservation issues as determined by the *Biodiversity Conservation Act 2016*, and the *Fisheries Management Act 1994*. The LEP notes that there are no significant biodiversity issues present or critical habitat notified at the Reserve. There is no biodiversity certified land or biobanking agreement associated with this land as per the *Biodiversity Conservation Act 2016*.

#### 4.5 Native Vegetation

Land zoned B2 – Local Centre is covered by the State Government’s native vegetation laws aimed at protecting the biodiversity values of trees and other vegetation in non-rural areas of NSW and is included within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*<sup>7</sup> and also considered within the *Biodiversity Conservation Act 2016*. Any clearing of native vegetation requires consideration and possible authorisation under these policies.

#### 4.6 Aboriginal Significance

A search of the NSW Government’s Office of Environment and Heritage AHIMS Web Services did not reveal that:

- aboriginal sites are recorded in or near the Reserve (1km buffer)
- aboriginal places have been declared in or near the Reserve (1 km buffer).

The Reserve does not contain any items listed in the LEP as being of known aboriginal archaeological sites, nor places of indigenous heritage significance.

Any construction undertaken by Council will need to meet the cultural heritage requirements of the *National Parks and Wildlife Act 1974*.

#### 4.7 Heritage Significance

The objectives of heritage designations in the LEP are:

- to conserve the environmental heritage of the Mid-Western Regional Council area
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- to conserve archaeological sites
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

<sup>7</sup> Part 2.1 Section 2.3(b) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.





Figure 7 - Heritage Items  
Item I254 – Fire Station and the neighbouring I252 – Former Ulan County Council (Cudgong House)

The LEP indicates one specific item of heritage significance exists at the Reserve. This is the Fire Station at 104 Herbert St, Item Number I254 as recorded in the LEP, being of *local significance* (see Figure 7).

The Reserve adjoins other specific items of local heritage significance being I252 – Ulan County Council and I323 – Police Station.

Schedule 5 of the LEP indicates that whilst no part of the remainder of the Reserve is listed as a Heritage Item (Part 1), the Reserve is located within a **Heritage Conservation Area** described as of General Significance (see Figure 8) which applies to the town of Gulgong.

This requires that the consent authority must, before granting consent for a development under this clause, consider the effect of the proposed development

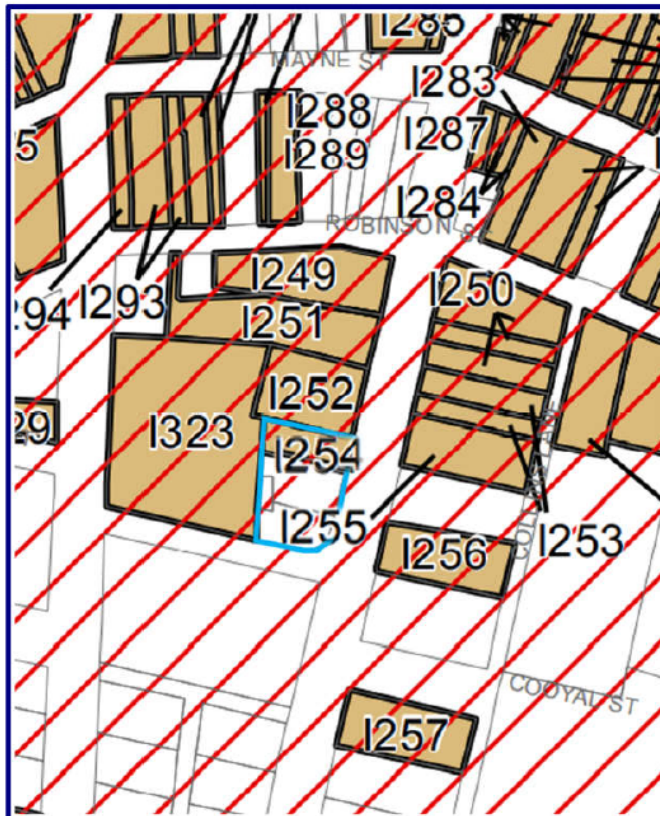


Figure 8 - Heritage Conservation Area  
Red hatching showing the Reserve is located within the designated Heritage Conservation Area and I254 – Fire Station is of local heritage significance.





on the heritage significance of the item or area concerned. This will require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The former Gulgong Police Stables were previously on the western boundary of the Reserve on Lot 7301 in DP 1142898. In the late 20<sup>th</sup> century, as the stables were in disrepair and largely inaccessible, they were demolished and the wood utilised on the eastern side of the site to create the current *Gulgong Town Trail* shelter (see Figure 9).



Figure 9 - Gulgong Town Trail shelter

#### 4.8 Bush Fire Planning

Land at the Reserve is not identified as bush fire prone land.<sup>8</sup>

#### 4.9 Operating Approvals

The Reserve has no tenures or operating approvals issued under the LGAct.

<sup>8</sup> [www.rfs.nsw.gov.au/.../bush-fire-prone-land/check-bfpl](http://www.rfs.nsw.gov.au/.../bush-fire-prone-land/check-bfpl)



## 5 THE CULTURAL ENVIRONMENT

An initial glance at the demography of Gulgong is helpful in appreciating the social environment which influences the future use and management of the Reserve.

The latest (2021) population census<sup>9</sup> showed the population of Gulgong to be 2,680. Of the total population, 28.1% were over 60 years old and 26.4 % were under 19 years old. 87.8% of the population were born in Australia, the United Kingdom or New Zealand and 3.2% of people spoke languages other than English, at home. The largest employment sector of residents was Coal Mining (18.2%) and 15.0% of the population performed some form of unpaid/voluntary work through an organisation or group. A relatively small proportion of indigenous peoples (8.1%) in the town may in some way be explained by the early and total disruption to aboriginal life with the influx of white settlers and pastoralists.

The population statistics of Gulgong currently reflect a buoyant and enthusiastic community flourishing on the back of a strong tourism industry, supported in recent times by one dominant industry sector, coal mining, an industry which is conducted at some distance to the north east of the Gulgong township. Of note, is the large proportion of people who are contributing to the town via an enthusiasm for volunteer work, complementing those employed in businesses which service the tourist industry. This enthusiasm is a reflection of the consciousness of residents belonging to a township of great uniqueness and historical value. It is driven by the memories of Gulgong's elderly inhabitants and the stories they've told to their children and grandchildren; in the weatherboard facades, built as fronts to the leaning bark and tent dwellings which defined the town's streets in the days of the goldrush; and in the crooked streets themselves that follow the tent lines, hastily pegged out by gold prospectors when the rush began.

This township character generates the energy which embraces it and paves its future. This energy also creates the opportunities for the appropriate future uses for this Reserve.

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<sup>9</sup> 2021 Census Quickstats Gulgong; Australian Bureau of Statistics  
[www.abs.gov.au/census/find-census-data/quickstats/2021/SAL11800](http://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL11800)



## 6 CURRENT USES

At present the Fire Station (see Figure 10) is under-utilised. It is used for storage of some Council materials.



Figure 10 - Fire Station



Figure 11 - Current Use  
(Clockwise from Top Left) Car Park viewed from Herbert St, pedestrian access from Herbert St, Car Park viewed from Holtermann St, western boundary of Lot 5 with access over the fence.

The rest of the Reserve is utilised for:

- parking facilities (see Figure 11) with access from Holtermann Street used by town workers, shoppers, those attending functions at the Gulgong Memorial Hall, and other visitors to the





town

- an access way through the Reserve car park located within the western boundary of Lot 5, currently provides unauthorised access to neighbouring property "Cudgegong House"
- an emergency assembly area, and a small seat for passers-by for casual resting
- the heritage shelter noted in section 4.7
- a Mudgee Region sign-board series which introduces the Mudgee area and Gulgong's various attractions to visitors and passers-by.





## 7 RESERVE ASSESSMENT

### 7.1 Assessment of Infrastructure

Infrastructure on the Reserve includes:

- The Fire Station (see Figure 10) double brick main building<sup>10</sup> (good condition) and associated infrastructure:
  - Internal room layout – main garage/entrance (fair to good condition); functional kitchen (fair to good condition); common room (fair to good condition); office and amenities (fair to good condition); single toilet amenity (poor condition) (see Figures 12,13)
  - Building installations – gas connectors; air conditioner; communications tower etc, (fair condition) (see Figure 16)
  - Boundary and internal fencing - front and side picket (fair condition), side ring lock (fair condition), rear steel (fair condition), rear and side paling (poor condition) (see Figures 10, 11, 17 and 18)
  - Small structures - garden shed (poor condition); fire-hose conditioning pit<sup>11</sup> (good condition) (see Figures 14, 17, 18)
  - Underneath/subfloor storage (good condition) (see Figure 14).
- Sealed car park area, pathway with steps from Herbert Street access, seating (fair to good condition) (Figure 5, 11)
- 3 metre sealed driveway/access linking Reserve car park and Cudgegong House. (good condition)
- Signage structures and signboards – heritage styled (fair condition)
- Mature trees (three) (see Figure 19)
- Street verge (Herbert Street) garden and landscaping.

<sup>10</sup> Heritage significance.

<sup>11</sup> Heritage significance.



Figure 12 - Fire Station Internal  
Garage (left) and kitchen.



Figure 13 – Fire Station Internal  
Toilet (left), common room (centre), and office.



Figure 14 - Fire Station Rear  
(L-R) Rear entrance, rear view with garden shed, access to subfloor storage area.



Figure 15 - Fire Station Side Boundaries  
(L-R) Beyond northern boundary adjoining property (adjoining property), view across back to adjoining property, northern wall facing west and northern wall facing east.





Plan of Management  
**Old Gulgong Fire Station**



Figure 16 - Fire Station Installations



Figure 17 - Fire Station External Assets  
(Clockwise top LHS) boundary picket fencing and gate, fencing and path, garden shed and rear of Fire Station.



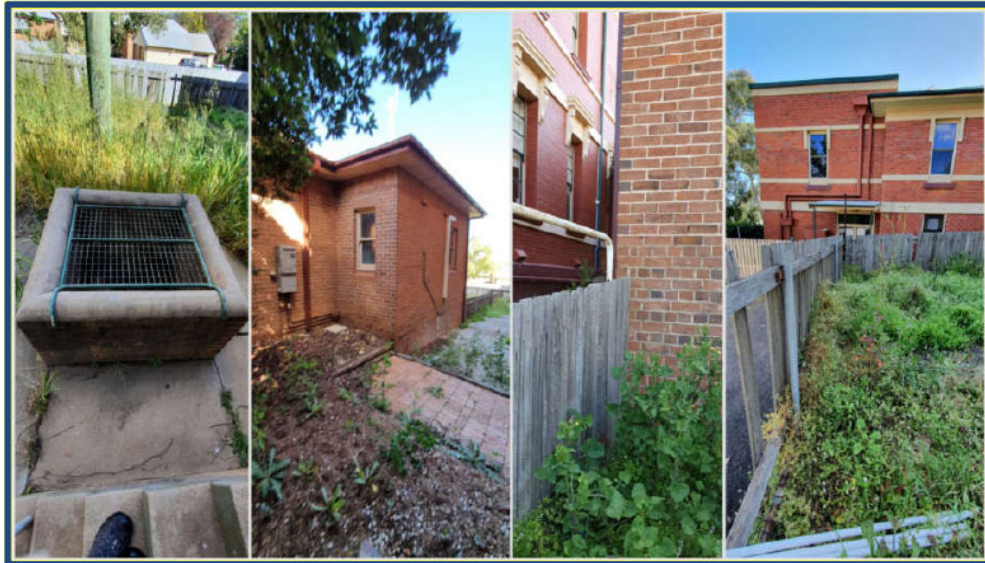


Figure 18 - Fire Station External Assets  
(L-R) Fire hose conditioning pit; NE aspect, main building; paling fence on boundary, NW corner building; back paling fence on boundary, viewing adjoining property to the north.



Figure 19 - Fire Station External Assets  
Fire Station picket fence on Herbert Street boundary, and boundary of adjoining car park to the south showing ringlock fencing. (Note mature Eucalypt tree near car park)

## 7.2 Assessment of Management Needs

As the main asset, the Fire Station building is generally sound, well drained and appears well maintained and there is little major work required other than that associated with modifications (internal) as a requirement of any future nominated usage (see Plan). The garden shed is considered non serviceable and may be removed or repaired as per requirements. The construction referred to as the fire hose conditioning pit (brick) may have historical significance and should be managed accordingly. Otherwise, its removal may be in the interests of human safety and provide greater



flexibility for emerging and new uses of the Reserve. Any improvements to the Fire Station building by way of additional floor space which may be permitted by this POM is suggested as an adjoining rear (western) extension, rather than from the southern wall. This may effectively use existing surplus yard, as well as minimise required heritage standards (and therefore, costs) because of minimal disruption to the Herbert Street vista. Ready access especially to new additions to the building may also be facilitated in the creation of easy and more direct access from the adjoining car park, by reconfiguring boundary fencing and pathway.

Routine management of the grounds at the Reserve requires mowing, slashing, gardening, weeding, fence repairs and maintenance (especially to the paling boundary and internal fence component). Maintenance of all built infrastructure including Fire Station, car park / driveway surfaces, gardens / landscaping, seating and signage as required, will occur in accordance with Council's maintenance schedule. Particular attention is drawn to some mature trees which are within the boundaries of the car parking area and the maintenance requirements to avoid damage and human injury.

### 7.3 Community Consultation and Future Use Options

Prior to the development of this POM, the community was requested to cast opinion on future needs and uses of the Fire Station. This process occurred via survey and interest group consultation.

#### Survey

Council commissioned a survey which was open to the community for on-line opinion conducted between 31 October 2018 – 09 August 2020.

A Survey Response Report was produced by *Bang the Table Engagement*.

The first question posed to respondents in this survey called for expressions regarding the community or economic assets which are currently noted as absent from the Gulgong Area. The survey proposed a series of response options to this question including:

- Community building for hire
- Gallery or Exhibition purposes
- Museum
- Tourism Experience
- Office Space Retail Accommodation
- Food services such as café or restaurant
- Other (please specify).

The top five responses (see Figure 20) were:

- Gallery and Exhibition (72 respondents)
- Community Building for Hire (45)
- Tourism Experience (37)
- Office Space (35)
- Café or Restaurant (31)
- Other (79).

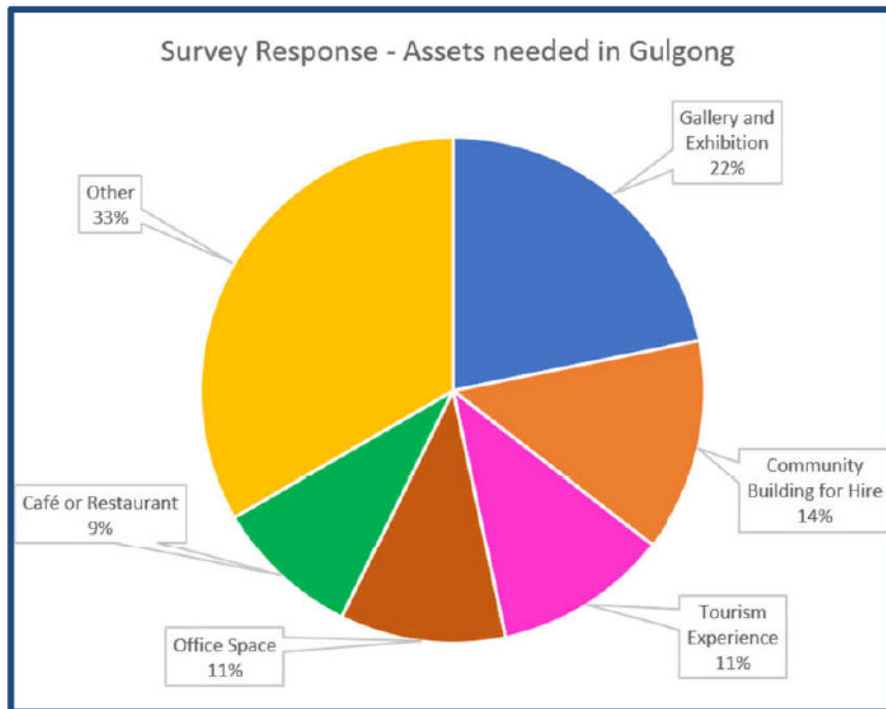


Figure 20 - Survey - Assets Needed in Gulgong

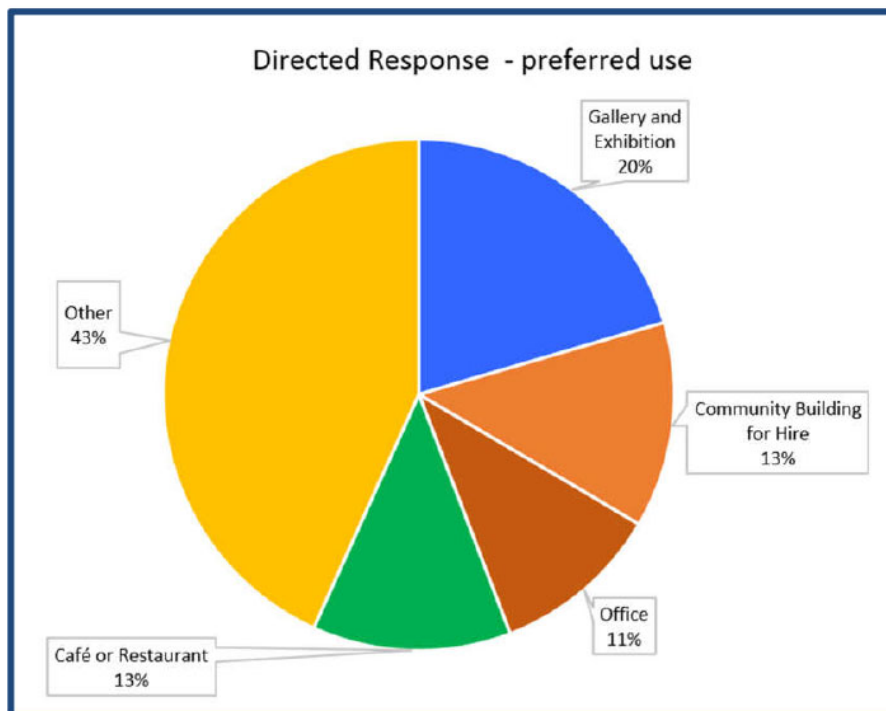


Figure 21 - Preferred Use for Fire Station - Directed Response





A further question requested respondents to nominate “the purpose that the Fire Station may best be used for into the future” (Directed response). It noted that that highest response was 20% for a Gallery / Exhibition space (see Figure 21). Specific insight is provided with a 43% return by the “Other” response option.

Finally, when asked for further feedback in regards the utilisation of the Fire Station (non-directed response), responses were received from 106 respondents<sup>12</sup> with the largest preferred use category for a Youth Centre (see Figure 22).

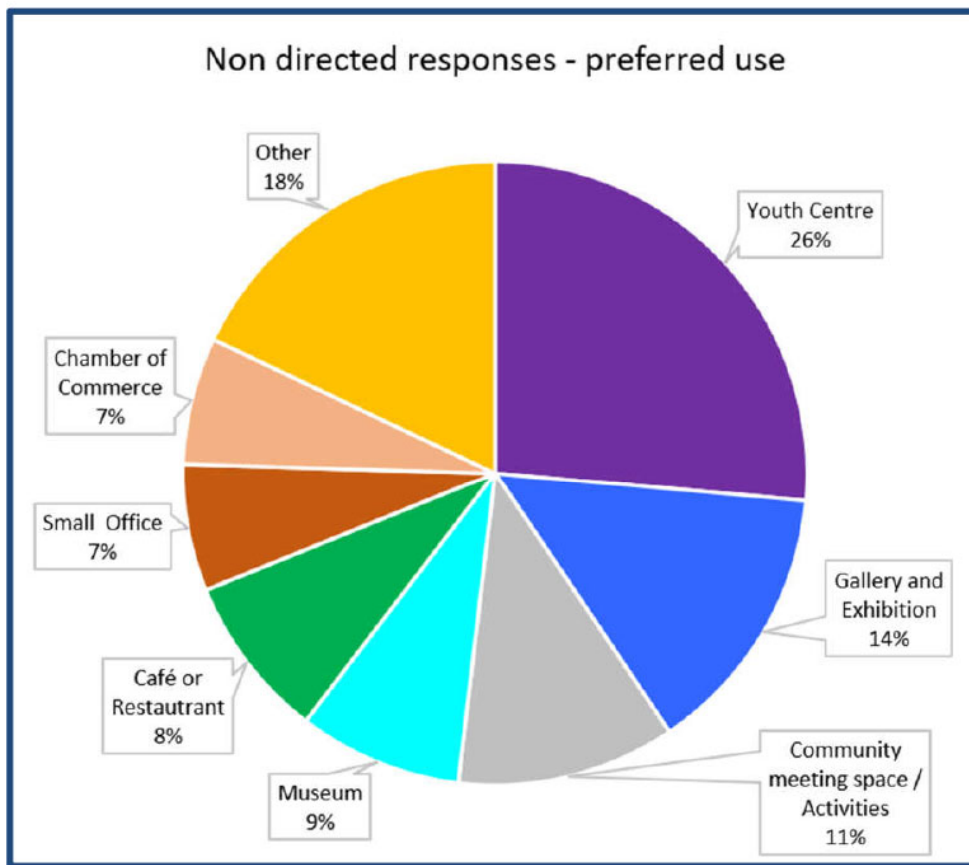


Figure 22 - Further Information Preferred Use - Non-directed Response

Figure 23 provides the word cloud prepared following the survey.

<sup>12</sup> Note some respondents included more than 1 proposed use.







- Community Art Programs in collaboration with exhibition areas located at Red Hill tourist information centre and associated venues
- Venue to assist community communication in publishing of magazines, papers (Gulgong Gossip, Mid-Western Mail).

Based on consultation undertaken, the preferred uses for the Fire Station are:

- Youth Centre
- Gallery and Exhibition Space
- Community Space for hire / meetings.



## PART B – THE PLAN

### 8 A VISION FOR THE LAND

In proposing a Vision for the future of the Reserve, this POM considers the clear statements from relevant Council policy and strategy which have relevance to its future development and management. For instance, in the Regional Economic Development Strategy 2018-2022 and Regional Economic Development Strategy – 2023 Update, Council presents its Vision for the region as:

***"a prosperous and diversified economy delivering lifestyle benefits to the community through employment, income, and sustainable economic growth."***<sup>13</sup>

In its Regional Community Plan (RCP)<sup>14</sup> Council endorses regional goals for the next 20 years, some of which are more directly relevant to the role and services which may potentially be provided by the Reserve to the Gulgong community. These include:

- a sustainable and resilient place.
- people, housing and communities.
- prosperity, productivity and innovation.
- location specific responses.

These statements and strategies reflect Council's broad strategic intent to create and maintain a sense of community fulfilment and enrichment through lifestyle, employment opportunity, commercial opportunities, and the values of heritage. They therefore demonstrate a strong support for the role of the Reserve as one important asset in the provision of these values within the Gulgong community.

The above references from Council's directional statements, ongoing consultation with Council and the assessment of responses from community views reflect a measured multi-purpose best use of the Fire Station and its surrounds. The following vision statement for the Reserve is therefore proposed:

***"A Meeting Space Expressing Local Youth and Art"***

<sup>13</sup> Regional Economic Development Strategy 2018-2022 and Regional Economic Development Strategy – 2023 Update  
*Mid-Western Regional Council.*

<sup>14</sup> Towards 2040 – Mid Western Region Community Plan.



## 9 OBJECTIVES, CLASSIFICATION, CATEGORY and RESERVATION PURPOSE

The Reserve is classified as Community Land under the LGAct as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

Under Section 36(4), all Community Land must be categorised as one of the following categories:

- Natural Area - (further categorised as either Bushland, Wetland, Escarpment, Foreshore, Watercourse)
- Sportsground
- Park
- Area of Cultural Significance; or
- General Community Use.

The Core Objectives for all community land categories vary according to the categorisation of the land. All objectives are defined in Sections 36E to 36N of the LGAct and also appear in Appendix 1, of this POM.

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) and the derived management directions and planning principles presented above; land at the Reserve is categorised by this POM, as **General Community Use**.

This plan is over Crown land and proposes over Lot 7301 DP 1142898, being R.90876 for Preservation of Historical Sites and Buildings a change from the initial categorisation of Area of Cultural Significance to General Community Use.<sup>15</sup>

### 9.1 General Community Use

Relevant Core Objectives for management of community land categorised as **General Community Use** are to promote, encourage and provide for the use of the land, and to provide facilities on the land to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

<sup>15</sup> This change in categorisation is required noting that any items of cultural significance on this land have, for many years, been removed.





Management Directions

Directions for the use of the Reserve into the future are cast by the required responses to legislation (eg., CLMA); the original reservation purposes; the needs and responsibilities of Council and community expectation from conducted consultations (see Figure 24 describing flow of influences).



Figure 24 - Influences on the Future Use of the Fire Station

Creation of a centre for restricted multiple purposes which is practical and cost effective, would reflect the vision statement, the directions and requirements of legislation for the use of community land appropriately categorised, as well as prominent community needs as expressed through consultation processes.



## 10 DEVELOPMENT AND MANAGEMENT OF THE RESERVE

### 10.1 Development at the Reserve

Under this POM, Council reserves the right to control the use of all land categorised at the Reserve as Community Land. Tenures will also be issued to enable the removal/construction/implementation of required works consistent with future needs and requirements.

Council will also:

- create opportunities for community consultation and participation in the planning and development as required
- ensure all formal use of the Reserve is authorised through appropriate documentation
- consider how use of the site can provide funding for the maintenance of the facilities to reduce costs to Council and employ human services as required
- facilitate a system whereby enquiries and complaints<sup>16</sup> from the public can be efficiently and promptly dealt with
- issue leases and licences for appropriate activities conducted on the Reserve, as described in Section 10.3
- grant easements as required for utilities and access, as described in Section 10.8.

#### Management Structure

Council manages the Reserve directly.

### 10.2 Permitted Uses and Activities at the Reserve

Controlled access by the public will be permitted and encouraged at the Reserve.

#### Permissible Uses

Table 1 lists the permissible uses on the land subject to this POM with their scale and intensity.

*Table 1 – Permissible Uses*

Use	Scale	Intensity
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Alternate energy technology	Limited to the physical constraints of the facility	24 hours a day, 7 days a week

<sup>16</sup> Complaints in relation to the Reserve will be addressed consistent with Council's *Complaints Management Policy*.



Use	Scale	Intensity
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week Subject to any Hire Agreement, Tenure and/or Development Application conditions for a specific event
Business Operations	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Cafe	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	Operating hours of the establishment subject to Council approval and subject to Tenure or Hire Agreement
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Children’s programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Community events (markets, fundraising / charity events, special events)	Limited to the hours the facility is booked Agreement via tenure or hire agreement	7 days a week, 8.00am – 10.00pm subject to Tenure or Hire Agreement
Community Services	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Drainage	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Education Services	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Filming and photography (commercial, amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Maintenance buildings	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Personal training	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Playing of a musical instrument, or singing, for fee or reward	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Private events (i.e., weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement
Public performance or education	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement



Use	Scale	Intensity
Public utility infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week
Sponsorship signage (temporary) and Reserve signage	As per section 10.12 of this POM	24 hours a day, 7 days a week
Storage facilities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Temporary structures (i.e., marquees, tents, stages)	Limited to the physical constraints of the facility	Temporary structures (no pegs, weighted only) subject to Tenure or Hire Agreement
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement

It is an express provision of this POM that Council shall provide from time to time as circumstances may require the construction and maintenance of utility services, provision and maintenance of floodways, vehicular access ways and the granting of easements.

### 10.3 Leases, Licences and other Estates

For this section, please see the Explanation of Terms<sup>17</sup> set out below.

The LGAct provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land under Sections 46 and 47.

Tenures may be held by:

- community organisations, or
- by private/commercial organisations, or
- government agencies, or
- individuals providing facilities and/or services for public use.

#### <sup>17</sup> Explanation of Terms

**Tenure** – A lease, licence or other estate issued by Council in accordance with Section 46 of the LGAct or Section 2.20 of the CLMA.

**Holder** – The company, organisation, individual or group of individuals who have been issued with a Tenure.

**Hire Agreement** – An estate issued by the Holder to the Hirer consistent with their Tenure.

**Hirer** – The company, organisation, individual or group of individuals who have been issued with a Hire Agreement.

**Regular Hirer** – A hirer who regularly uses the Reserve through a Hire Agreement or has an ongoing Hire Agreement.

**Singular hirer** – A Hirer who has a Hire Agreement as a once off or irregularly.

**Casual user** – A person or group of people using the Reserve for passive recreation, non-commercial purposes without a Tenure or Hire Agreement.

**User** – The collective term for a holder, hirer and casual user.





The maximum period for leases and licences on community land allowable under the LGAct is 30 years (with the consent of the Minister for Local Government for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licensed for periods of more than 5 years if public notice is given according to the requirements of Sections 47 (for terms greater than 5 years) and 47A (for terms less than 5 years) of the LGAct.

#### Leases

A lease will generally be required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- that subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council and consistent with Section 47C of the LGAct
- maintenance of the facility will generally be the responsibility of the lessees however this will be defined in the lease agreement.

#### Licences

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different holders can apply to the same area at the same time, provided there is no conflict of interest.

#### Hire Agreements

An agreement for use of the land subject to this POM may be issued by Council for any purpose listed below, subject to the approval of Council. A hire agreement may be issued to a regular hirer or a singular hirer for formal use. Any legal requirements as determined by Council will include the requirement for adequate public liability insurance cover.

#### Purposes for which Tenures may be issued

In accordance with Section 46A of the LGAct, a POM for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a POM.

This POM authorises a Tenure to be issued:

- for any permissible use in Table 1



- for purposes consistent with the Reserve's:
  - categorisation (see Section 9.1), and
  - zoning (see Section 4.1) under Section 46 of the LGAct, and
  - reserve purpose as required under the CLMA.

However, the CLMA allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLMA. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently as shown in Appendix 3.<sup>18</sup>

The LGAct provides that Council may grant a lease, licence or other estate in respect of Community Land, consistent with the Reserve purpose, for:

- a purpose prescribed by Section 361 of the LGAct as a core objective of the categorisation of the land; or
- for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public.<sup>19</sup>

A tenure or hire agreement on Crown land may impact Native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NTA and in accordance with Part 8 of the CLMA unless Native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's Native title managers that it complies with any applicable provisions of the Native title legislation.

Council at any time in the future, reserves the right to prohibit the taking or consumption of alcohol on this Reserve. This will be indicated by conspicuously displayed signs in accordance with Section 632 and Section 670 of the LGAct (as amended).

#### Direction of Funds

Income produced from the Reserve will be distributed to manage community land in a fashion directed by Council.

## 10.4 Other Approvals

An approval to occupy land or facilities for a specific purpose does not remove the need to obtain approval under other legislation. These approvals may include:

- a liquor licence
- to engage in a trade or business

<sup>18</sup> *Crown Land Management Regulation 2018 Section 31.*

<sup>19</sup> See Section 46(4)(a) of the LGAct



- to direct or procure a theatrical, musical or other entertainment for the public
- to construct a temporary enclosure for the purpose of entertainment
- to play a musical instrument or sing for fee or reward
- to set up, operate or use a loudspeaker or sound amplifying device
- to deliver a public address or hold a religious service or public meeting with the use of a loudspeaker
- to install or operate amusement devices
- to use a standing vehicle or any article for the purpose of selling any article in a public place.

### 10.5 Allocation

The Reserve will continue to be used by a variety of user groups and individuals for purposes previously noted. Council will endeavor to generate greater utilisation of the Reserve for community purpose and other activities consistent with the Reserve's purpose.

### 10.6 Fees

Council applies fees for the use of Council reserves.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc., are detailed in Council's *Operational Plan – Fees and Charges* on Council's website. Council's fee structure is reviewed on an annual basis.

Where the Reserve is to be hired for a purpose not within Council's *Operational Plan – Fees and Charges*, the fee will be set by Council.

### 10.7 Communication in the Management of the Reserve

Communication between Council, Holders, Hirers and Casual users is important to the success of this POM. Council will establish and maintain clear lines of communication with Tenure holders and across all Reserve users, especially relating to the operations of and responsibilities within (proposed) tenure operations.

This will include:

- regular meetings between Council, Tenure holders and Regular hirers, and
- the establishment of a clear understanding that the site will be occupied on the basis of formal agreement.



## 10.8 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the NTA and Section 8.7 of the CLMA.

## 10.9 Development of the Reserve

Under this POM, Council reserves the right to control the use of all land classified at the Reserve as Community Land and categorised as General Community Use.

Council approval is required prior to any development or improvement made to community land.<sup>20</sup>

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.<sup>21</sup>

To facilitate the establishment of the new and restored infrastructure, Council may issue tenders to design and restore the Reserve's infrastructure to required heritage standards.

Tenures may be issued to enable the construction/implementation of new facilities.

### Native Title

Where it is proposed to construct or establish a public work<sup>22</sup> on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the NTA.

Where a proposed update of a Master Plan, Capital Works Program, Facilities Asset Management Plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the NTA have been addressed including the

<sup>20</sup> Section 2.73 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LGAct (see Appendix 2).

<sup>21</sup> The term approval refers to approval as Crown land manager of the land rather than consent under the *Environmental Planning and Assessment Act 1979*.

<sup>22</sup> A public work is defined as:

- (a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
- (i) a building, or other structure (including a memorial), that is a fixture; or
  - (ii) a road, railway or bridge; or
  - (iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2—a stock-route; or
  - (iii) a well, or bore, for obtaining water; or
  - (iv) any major earthworks; or
- (b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*





notification and opportunity to comment noted above.

### 10.10 Development of New and Improvement of Existing Facilities

Consistent with the preferred use for the Reserve expressed through community consultation, this POM authorises the following new facilities and improvements to existing facilities:

- upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses



Figure 25 - Preferred Use

- possible creation of an extension of the existing building or new detached building (as required<sup>23</sup>) community infrastructure as noted in Figure 25

<sup>23</sup> Note LEP Schedule 5 requirements for **Heritage Conservation Area** described as of General Significance, and consent requirements for alteration to structure of heritage significance to No. 1254 (LEP).



- remove internal fencing unless of a heritage nature
- remove existing access to rear of Cudgegong House
- in association with the as-required extension to the Fire Station, reconfigure pathway to permit easy access to main infrastructure from car park, considering one option for disabled access
- landscaping to enhance the rest area.

### 10.11 Maintenance of Facilities

In accordance with the maintenance schedule of its asset management plans, building management plans and grounds management plans; and to measured targets within available resources, Council will ensure the facilities on the Reserve are maintained to an appropriate standard.

Council will:

- conduct essential repairs and maintenance to all facilities including the Fire Station and maintenance of the car park area
- remove unserviceable structures (eg. shed), complete boundary and subdivision fence repairs, general maintenance of all open space items of infrastructure, signage, and garden/yard improvements and management
- monitor the condition of structures on the Reserve and ensure effective maintenance procedures are in place through tenure conditions
- prepare a safety audit of the site and repair or replace any areas that may impact on public safety
- ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required
- ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish
- Continue monitoring for issues of compliance and general site amenity.

### 10.12 Signage

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits.

Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of reserves such as the Fire Station. All signs must:

- meet a design standard and be approved by Council



- be sympathetic to their environment in their design, construction and location
- be placed in accordance with *State Environmental Planning Policy (Industry and Employment) 2021* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- be consistent with the *Mid-Western Regional Development Control Plan 2013*
- be consistent with Council's wayfinding and signage strategy.

Note that for issues of safety signage, Council uses the *Statewide Mutual Best Practice Manual – Signs as Remote Supervision*.

Where a sign requires development consent,<sup>24</sup> Council must approve, as owner, the lodging of a Development Application prior to assessment by Council in accordance with Schedule 5 Assessment Criteria of *State Environmental Planning Policy (Industry and Employment) 2021*.

Where a sign does not require development consent, Council must approve the sign before erection.

All Council signs erected under Section 632 of the LGAct, plus reserve name signs and traffic and safety signs, are permissible.

#### Proposed Signage

Council will ensure the following signage is on the Reserve:

- directional signage for the purposes of guiding the community to required infrastructure and services
- signage for safety purposes including speed limitations and evacuation procedures.

<sup>24</sup> Development consent is not required if the sign is to be erected for the purposes of implementing this POM.



## 11 FINANCIAL SUSTAINABILITY

Income may be sourced from the following:

- **Council's General Revenue Fund (in accordance with annual operational budgets):** Where the Reserve is being used for informal casual use, Council will contribute to the maintenance and development of Infrastructure
- **Section 7.11 Contributions (Environmental Planning and Assessment Act 1979) specifically collected for community land:** This component occurs as rate payer's contributions for the general use of community land for community well-being
- **User pays for minor infrastructure works associated with nominated facilities:** This occurs through fund raising by the relevant body including entry fees and sales
- **Community contributions by way of sponsorships and community group projects (eg., Landcare, and service clubs such as Rotary, Lions Club):** This occurs through grants either sourced externally, and/or contributed locally by the group (eg., for the purposes of environmental works, social and intellectual well-being etc. and other improvements)
- **Grant and loan funding from either Commonwealth or State Governments:** The implementation of the management structure will allow primary users to apply for funds from a number of Government bodies with the concurrence of Council. Council may also apply for these funds. Funding opportunities exist from government programs including the Crown Reserves Improvement Fund managed by the DPE-CL
- **Income from commercial operations:** Where tenures are involved (eg. the major user groups), ticket and product sales etc, income will arise as per details in the revenue-split in the corresponding agreement.

In order to address the outstanding and future maintenance requirements at the Reserve, and permit any required new developments as proposed in this POM, it is important that all income which is generated from the Reserve be returned to the Reserve, and that this should be clearly demonstrated in Council's financial statements. Ensuring appropriate rental and fees for formal use of the site will assist in the maintenance of specialised infrastructure.





## 12 IMPLEMENTATION PLAN

Table 2 sets out a number of actions required to implement the identified Management Strategies and Performance Targets within the Reserve. These actions are the means of achieving the objectives of this POM.

A clear indication of how the completion of the aims will be assessed is also provided in the table under Performance Evaluation.

Table 2- Implementation Table

Management Objectives	Management Strategies	Actions (A) Council (B) Tenure holder/user	Performance Evaluation (how they will be assessed)
To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public: <ul style="list-style-type: none"> <li>in relation to public recreation and the physical, cultural and intellectual welfare or development of individual members of the public, and</li> </ul>	A. Complete essential works in accordance with all required approvals, available resources and as prioritised by Council.	<ul style="list-style-type: none"> <li>Engage a heritage specialist to advise on the heritage requirements for the upgrade and extension of the Fire Station and the Heritage Sign (A).</li> <li>Upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses (A) &amp;/or (B).</li> <li>Creation of an extension of the existing building or new detached building (as required) for community infrastructure (A) &amp;/or (B).</li> <li>Remove internal fencing unless of a heritage nature (A) &amp;/or (B).</li> <li>Remove existing access to rear of Cudgegong House (A).</li> <li>In association with the as-required extension to the Fire Station, reconfigure pathway to permit easy access to main infrastructure from car park, considering one option for disabled access (A).</li> <li>Landscaping to enhance the rest area (A).</li> </ul>	<ul style="list-style-type: none"> <li>All new works are completed in accordance with heritage requirements, works plans, to budget.</li> <li>Increase in usage and visitations to the Fire Station and car park.</li> <li>Increased cash flow/profit attributed to more community utilisation of the Reserve.</li> <li>Feedback from visitors and business sector that facilities at the Reserve are satisfactory.</li> </ul>
	B. Continue to manage and maintain existing assets with approvals as required to appropriate standards.	<ul style="list-style-type: none"> <li>Conduct essential repairs and maintenance to all facilities in accordance with heritage requirements, the maintenance schedule of Council's <i>Asset Management Policy (2022)</i> and building management plans (A) &amp;/or (B).</li> <li>Conduct essential repairs and maintenance to all facilities including the Fire Station, maintenance of the car park area (A) &amp;/or (B).</li> <li>Removal of unserviceable structures (eg. shed), complete boundary and subdivision fence repairs, general maintenance of all open space items of infrastructure, signage, and garden/yard improvements and management (A) &amp;/or (B).</li> <li>Monitor the condition of structures on the Reserve and ensure effective</li> </ul>	<ul style="list-style-type: none"> <li>Built assets are managed in accordance with prescribed Council standards, heritage requirements and community expectations.</li> <li>Natural assets are managed appropriately.</li> <li>Reserve orderly, neat and well maintained.</li> <li>Efficient and timely issuing of</li> </ul>



Management Objectives	Management Strategies	Actions (A) Council (B) Tenure holder/user	Performance Evaluation (how they will be assessed)
		<p>maintenance procedures are in place through tenure conditions (A).</p> <ul style="list-style-type: none"> <li>• Prepare a safety audit of the site and repair or replace any areas that may impact on public safety (A) &amp;/or (B)</li> <li>• Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required (A) &amp;/or (B).</li> <li>• Ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish (A) &amp;/or (B).</li> <li>• Continue monitoring for issues of compliance and general site amenity.</li> <li>• Maintain sealed car park area, access driveway, formed pathways and fences. (A)</li> <li>• Maintain/trim mature trees in car park area and avoid hazardous incidents (A).</li> </ul>	<p>consents as required.</p>
	C. Manage the land for improved and appropriate outcomes.	<ul style="list-style-type: none"> <li>• Update signs as appropriate. (A) &amp;/or (B).</li> <li>• Ensure appropriate management of all open space areas in accordance with relevant grounds management plan of Council's <i>Asset Management Policy (2022)</i>. (A) &amp;/or (B)</li> <li>• Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. (A) &amp;/or (B).</li> <li>• Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required. (A) &amp;/or (B).</li> <li>• Ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish. (A) &amp;/or (B).</li> </ul>	<ul style="list-style-type: none"> <li>• Grounds operating effectively in accordance with use agreements and responsibilities, orderly, clean.</li> <li>• Positive feedback from user groups and individuals.</li> <li>• Grounds are kept tidy and orderly.</li> </ul>
	D. Monitoring and Compliance.	<ul style="list-style-type: none"> <li>• Continue to monitor the condition of major structures and ensure effective maintenance schedule and procedures are in place. (A)</li> <li>• Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. (A)</li> <li>• Council officers to be present to monitor all issues of compliance and general site amenity. (A)</li> </ul>	<ul style="list-style-type: none"> <li>• Audit processes for safety and asset condition reporting developed and working well.</li> <li>• Tenures are well managed resulting in no complaints and showing desired cash flow.</li> <li>• No confusion or inefficiencies regarding use and occupation exist.</li> <li>• No illegal use and abuse of facilities.</li> </ul>



Management Objectives	Management Strategies	Actions (A) Council (B) Tenure holder/user	Performance Evaluation (how they will be assessed)
	E. Capitalise on good relationships and improve coordination and communication with occupiers of and visitors to the Reserve.	<ul style="list-style-type: none"> <li>Establish appropriate tenure and hiring arrangements for new hirers, at recommended/appropriate rent and hire fees where applicable. (A)</li> <li>Ensure that the requirements of any tenure or hire agreement are met by establishing positive relationships between Council and tenure holder through clear expectations and communications. (A)</li> <li>Where necessary, develop guidelines which communicate the requirement for users to concur with all tenure conditions including the maintenance of orderly and tidy surrounds at all times. (A)&amp;(B)</li> <li>Ensure effective communication with user groups regarding the implementation of this POM. (A)</li> </ul>	<ul style="list-style-type: none"> <li>Tenure compliance problems non-existent.</li> <li>Good cooperation regarding maintenance responsibilities.</li> <li>Number of user groups and general passive users has increased.</li> </ul>
<ul style="list-style-type: none"> <li>in relation to purposes for which a lease, licence or other estate may be granted in respect of the land.</li> </ul>	F. Build relationships with existing and new users in order to: <ul style="list-style-type: none"> <li>draw more people to the Community Purposes area, to maximise business and cash flow</li> <li>maximise tenures to ensure good and complete use of the Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>Establish relationships with relevant cultural groups, users, Gulgong Police and other neighbours etc. to ensure an integrated and complimentary approach is adopted for attracting suitable tenure holders to the Reserve. (A)</li> </ul>	<ul style="list-style-type: none"> <li>Tenure holders and other user groups are content with tenure arrangements and plan is working well with all, including improved clarity and communication.</li> <li>Community enjoying general access on arrangement for casual use of new recreational facilities, particularly the aged and disabled.</li> <li>Relationships established with appropriate user groups and others.</li> </ul>



### 13 CONSULTATION DURING THE PREPARATION OF THIS PLAN

Community consultation is an important source of information necessary to provide an effective POM for Community Land and is a requirement under Section 38 of the LGAct. As such, Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using the Reserve.

Section 38 of the LGAct requires that:

- Council must give public notice of a draft POM
- The period of public exhibition of the draft plan must be not less than 28 days
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council
- Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

Notice was provided to the Minister for Land and Property in accordance with section 39 of the LGAct. The consent of the Minister for Land and Property is required under clause 70B of the *Crown Land Management Regulation 2018*.

Prior to the development of this POM, the community was requested to cast opinion on future needs and uses of the Fire Station. This process occurred via two separate means:

- A survey commissioned by Council was open to the community for on-line opinion conducted between 31 October 2018 - 09 August 2020. A Survey Response Report was produced by *Bang the Table Engagement*
- Discussions with all user groups and broader community representatives were conducted in Gulgong on 28 September 2020 and views on a range of issues were captured as notes transcribed onto butcher's paper. Attendees were also asked to compile prioritised needs and aspirations for the Reserve.





## **14 APPENDICES**

- 1) Core Objectives for Categories of Community Land.
- 2) Relevant State Environmental Planning Policies.



## 15 REFERENCES

Australian Bureau of Statistics, *2016 Census Quickstats* Gulgong; (2016):  
[www.quickstats.censusdata.abs.gov.au/census\\_services/](http://www.quickstats.censusdata.abs.gov.au/census_services/)

Commonwealth Government, *Native title Act 1993*,  
[www.legislation.gov.au/Browse/Results/ByTitle/Acts/InForce/Na/0/0/principal](http://www.legislation.gov.au/Browse/Results/ByTitle/Acts/InForce/Na/0/0/principal)

Crown Land Management Act 2016: [www.industry.nsw.gov.au/lands/what-we-do/legislation-policies/the-crown-land-management-act-2016](http://www.industry.nsw.gov.au/lands/what-we-do/legislation-policies/the-crown-land-management-act-2016)

*Crown Land Management Regulation 2018* S.31:  
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Department of Local Government (2000): *Practice Note No.1, Public Land Management, Amended May 2000*.

Regional Economic Development Strategy 2018-2022 and Regional Economic Development Strategy – 2023 Update  
Gulgong Fire Brigade Station No. 312: *a brief history 1875-1880; 1934-2017*. *State Library of NSW*.

Gulgong NSW – Aussie Towns; <https://www.aussietowns.com.au/town/gulgong-nsw>

*Local Government Act, 1993: Amended by the Local Government (Community Land Amendment) Act 1998*. NSW Government: <http://www.legislation.nsw.gov.au/>.

*Mid-Western Regional Local Environment Plan 2012 (LEP)*: NSW Government:  
<http://www.legislation.nsw.gov.au/>

Prime Facts: Profitable and Sustainable Primary Industries:  
[www.resourcesandenergy.nsw.gov.au/.../109713/gulgong-gold-depos](http://www.resourcesandenergy.nsw.gov.au/.../109713/gulgong-gold-depos).

Towards 2040 – Mid Western Region Community Plan.



## Appendix 1

### CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (LGAct)

#### 36E Core objectives for management of community land categorised as a natural area

The core objectives for management of community land categorised as a natural area are:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

#### 36F Core objectives for management of community land categorised as a sportsground

The core objectives for management of community land categorised as a sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

#### 36G Core objectives for management of community land categorised as a park

The core objectives for management of community land categorised as a park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

#### 36H Core objectives for management of community land categorised as an area of cultural significance

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
  - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance



- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material
  - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state
  - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact)
  - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

### 36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

### 36J Core objectives for management of community land categorised as bushland

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

### 36K Core objectives for management of community land categorised as wetland

The core objectives for management of community land categorised as wetland are:

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their





- hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
  - (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

**36L Core objectives for management of community land categorised as an escarpment**

The core objectives for management of community land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

**36M Core objectives for management of community land categorised as a watercourse**

The core objectives for management of community land categorised as a watercourse are:

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

**36N Core objectives for management of community land categorised as foreshore**

The core objectives for management of community land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.



## Appendix 2

### STATE ENVIRONMENTAL PLANNING POLICIES WHICH ARE RELEVANT TO THE RESERVE

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

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP Exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP, providing the limitations and conditions of the exemptions. They include:

- Access Ramps
- Advertising and signage
- Aerials, antennae and communication dishes
- Air-conditioning units
- Animal shelters
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- Barbecues and other outdoor cooking structures
- Bollards
- Charity bins and recycling bins
- Earthworks, retaining walls and structural support
- Fences
- Flagpoles
- Footpaths, pathways and paving
- Fowl and poultry houses
- Garbage bin storage enclosure
- Hot water systems
- Landscaping Structures
- Minor building alterations
- Mobile food and drink outlets
- Playground equipment
- Screen enclosures
- Sculptures and artworks
- Temporary uses and structures
- Waste storage containers

Section 1-16 of Division 2 of the SEPP provides the General Requirements for exempt development.

#### State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced in New South Wales on 1 March 2022 consolidating 4 earlier SEPPs focused on employment and advertising. The T&I SEPP focuses on:

- Planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The T&I SEPP provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Section 2.20 of the T&I SEPP provides that a range of works are “exempt development” when carried out for or on behalf of a public authority (including Nambucca Valley Council). These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m<sup>2</sup> in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m<sup>2</sup>.



Section 2.73 of the T&I SEPP further provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act. Further, any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- a. development for any of the following purposes:
    - i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges
    - ii. recreation areas and recreation facilities (outdoor), but not including grandstands
    - iii. visitor information centres, information boards and other information facilities
    - iv. lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard
    - v. landscaping, including landscape structures or features (such as artwork) and irrigation systems
    - vi. amenities for people using Wellington Park, including toilets and change rooms
    - vii. food preparation and related facilities for people using Wellington Park
    - viii. maintenance depot,
    - ix. portable lifeguard towers.
  - b. environmental management works
  - c. demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Educational establishments and childcare facilities containing planning for child-care centres, schools, TAFEs and Universities.
  - Major infrastructure corridors containing planning controls and reserves land for the protection of the 3 North South Rail Lines, South West Rail Link extension and Western Sydney Freight Line corridors.
  - Three ports containing the land-use planning and assessment framework for Port Botany, Port Kembla and the Port of Newcastle.

### **State Environmental Planning Policy (Industry and Employment) 2021**

The *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP) commenced in New South Wales on 1 March 2022 consolidating 2 earlier SEPPs focused on employment and advertising. The I&E SEPP focuses on:

- Western Sydney employment area' contains planning rules and controls for the employment land within the Western Sydney
- Advertising and signage ensuring that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high-quality design and finish.



- to regulate signage (but not content) under Part 4 of the Act, and
- to provide time-limited consents for the display of certain advertisements, and
- to regulate the display of advertisements in transport corridors, and
- to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.





## Department of Planning and Environment

Our ref: LBN22/1514; DOC22/205337

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cc: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

31 July 2023

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**Subject: Mid-Western Council draft Plan of Management – Old Gulgong Fire Station**

Thank you for submitting the draft Plan of Management (PoM) for Old Gulgong Fire Station on 4 October 2022.

I have reviewed the draft PoM and support it being placed on public exhibition.

Council should conduct a final review of the document to ensure all legislation referenced is currently in force, departmental names are up to date, and spelling, grammar and formatting is correct and consistent.

Subject to no changes following public exhibition, as a delegate for the Minister for Lands and Water, I consent to council to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018.

If the PoM is amended after public exhibition (except for minor editorial and formatting changes), council must resubmit the draft PoM for Minister's consent to adopt. With the amended PoM, please provide the following documents:

- a table of PoM amendments, or tracked changes
- summary report of submissions from public exhibition (if any)
- council reports on the proposed adoption (if any)

If there are no amendments to the PoM, please provide a copy of the adopted PoM. All documents must be sent to [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au).

Please remember, an adopted PoM authorises the lawful use and occupation of Crown land. Council must ensure that any activities planned on the reserve are expressly authorised in the adopted PoM and native title obligations are met.

If you have any questions or need assistance, please email the Council Crown Land Management Team at [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Jane Adam".

Jane Adam  
A/Principal Policy and Project Manager  
Department of Planning and Environment – Crown Lands and Public Spaces