



PUBLIC COPY

Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 20 MARCH 2024

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEE NSW 2850

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

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

13 March 2024

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
20 MARCH 2024
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

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

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

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

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 21 February 2024

Council Decision:

That the Minutes of the Ordinary Meeting held on 21 February 2024 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.
Ulan and Cope Road Safety – Rumble Strips	Res 241/23 Ordinary Meeting 18/10/2023	That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads to enhance safety measures.	To be reported to Council at a future meeting.
Air-Conditioner at Rylstone Hall	324/13 Ordinary Meeting 13/12/2023	That Council obtain estimates for air-conditioning costs for the Rylstone Hall and report back to Council.	<u>RECOMMENDED FOR COMPLETION</u>

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 Delivery Program 2022/26 Six Monthly Progress Report

REPORT BY THE PEOPLE & PERFORMANCE MANAGER
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, COR400116

RECOMMENDATION

That Council receive the report by People and Performance Manager on the Delivery Program 2022/26 Six Monthly Progress Report.

Executive summary

This report presents progress against the Delivery Program 2022/26 for the six months to 31 December 2023.

Disclosure of Interest

Nil

Detailed report

Council adopted the 2022/26 Delivery Program on 15 June 2022.

The Local Government Act 1993 requires the General Manager to ensure progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

The 2022/26 Delivery Program forms part of Council's Integrated Planning and Reporting documentation.

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Not Applicable

SHARNA ROSS
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

29 February 2024

Attachments: 1. Delivery Program 2022/2026 6 Monthly Progress Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 ME0022/2024 (DA0087/2022) - Section 4.55(1A) Modification to Conditions of Consent - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) - 33-35 Horatio Street, Mudgee

REPORT BY THE PLANNING COORDINATOR AND MANAGER PLANNING
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, DA0087/2022

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on ME0022/2024 Section 4.55(1A) to conditions of DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) - 33-35 Horatio Street, Mudgee; and
 - B. refuse ME0022/2024 Section 4.55(1A) to conditions of DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) - 33-35 Horatio Street, Mudgee based on the following statement of reasons:
 - The amendment of condition 30 (relating to the Transport for NSW requirements for a WAD to be obtained and road upgrades in Horatio Street be completed prior to issue of a Construction Certificate for the KFC building) is not supported by Transport for NSW or Council's Development Engineering Department as the intent of the condition is to reduce the impact of construction traffic on the existing classified (State) road network and reduce conflict for road users entering and exiting the site; and
 - The amendment of condition 31c) (relating to the requirement to construct a 2.5m wide pedestrian pathway at a length of approximately 98m along Horatio Street) to either reduce the width to 1.2m for the full 98m or reduce the total length of the 2.5m pathway to the frontage of the site only is not supported by Council's Development Engineering Department as the site will be a significant generator of pedestrian traffic and given the sites location with respect to the nearest existing footpath, it is considered that a suitable pedestrian linkage must be provided, at the current shared pathway standard of 2.5m wide.
-

Executive summary

OWNER/S:	Diamond 7 Pty Ltd
APPLICANT:	Diamond 7 Pty Ltd
PROPERTY DESCRIPTION:	33-35 Horatio Street, Mudgee
PROPOSED DEVELOPMENT:	Modification to conditions of consent for DA0087/2022 Demolition of dwelling and construction of food and drink premises (KFC)
ESTIMATED COST OF DEVELOPMENT:	\$1.8 Million
REASON FOR REPORTING TO COUNCIL:	Original DA0087/2022 was determined by Council on the 16 August 2023
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a Section 4.55(1A) Modification Application (ME0022/2024) to DA0087/2022.

DA0087/2022 was approved with conditions of consent by Council at the 16 August 2023 meeting enabling the demolition of a dwelling and outbuildings, and the construction of a Food and Drink Premises (KFC), at 33-35 Horatio Street MUDGEES NSW 2850, legally described as Lot 2 and Lot 3 DP 743615.

The modification application submitted seeks to amend two (2) conditions imposed by Council:

1. Condition 30 - road upgrades within Horatio Street prior to a construction certificate being issued; and
2. Condition 31c) - the requirement for a 2.5m wide and 98m long pathway, connecting to the existing pathway within Horatio Street.

The applicant has provided written justification for the proposed amendments which is included in **Attachment 1**.

The modification application was referred to Transport for NSW (TfNSW), specifically owing to condition 30 being included within their letter of concurrence provided under DA0087/2022. TfNSW provided a letter to Council dated 21 February 2024 which states that the amendment to condition 30 proposed by the Applicant is not supported. This referral response is further discussed later in this report.

The modification application was also referred to Council's Development Engineering Department who also do not support the amendments proposed to condition 30 and 31c). This referral response is further discussed later in this report.

The modification application was also neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 30 January 2024. No formal submissions were received during the notification period.

Owing to objections raised by TfNSW, and Council's Development Engineering Department the application is recommended for refusal.

Disclosure of Interest

Nil

Detailed report

The Modification application ME0022/2024 proposes amendments to conditions 30 and 31c) of DA0087/2022 approved by Council on the 16 August 2023. The current conditions imposed are detailed below, along with the proposed amendments sought by the applicant. Justification provided by the applicant is included in **Attachment 1**.

Current conditions of DA0087/2022:

30. *A channelised right turn lane (CHR) on the eastbound approach of Horatio Street generally in accordance with drawing titled Intersection Design Plan, numbered C3.00 Issue A, prepared by Triaxial Consulting (dated 30 August 2021) is to be constructed to TfNSW satisfaction and completed prior to the commencement of any construction works.*

As road works are required on Horatio Street, road works will be subject to the developer entering into the Works Authorisation Deed (WAD) with TfNSW prior to the commencement of any construction. TfNSW will exercise the function of the road authority under Section 64 of the Roads Act 1993, in addition to its concurrence with respect to a classified road.

Note: Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

All road works under the WAD shall be completed prior to issue of any Construction Certificate associated with the approved development.

All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council.

The access driveway and layback are to be constructed in accordance with Mid-Western Regional Council Engineering standards, match existing road levels and must not adversely interfere with existing road drainage.

31. *A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S.138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.*

A S.138 Roads Act Approval is required for but not limited to the following civil works:

- a) *Commercial vehicular crossings / driveways in accordance with Council's Access to Properties Policy.*
- b) *Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.*
- c) *Construction of a 2.5m wide reinforced concrete shared path from the eastern boundary of Lot 2 DP 743615 to the kerb return in Lawson Street (a distance of approximately 98 metres).*
- d) *Relocation and replacement of any affected street trees or services.*

- e) *Reinstatement and turfing of all disturbed footway areas.*

Note: no works can commence prior to the issue of the S138 Roads Act Approval.

Proposed amendments:

The applicant and owner of the site seeks to amend condition 30 outlined above to enable the Construction Certificate to be issued, and resultant onsite building works to commence, whilst concurrently progressing the Horatio Street detailed design for the road upgrades under the WAD process with TfNSW.

This proposed amendment would result in onsite construction works proceeding any road upgrades within Horatio Street being completed. The road works would unlikely be completed until prior to an Occupation Certificate being obtained. The applicants' consultant suggests that this amendment would reduce the projects timeline down to 1-2 years with all construction traffic being managed by a future 'Construction Traffic Management Plan' prepared by the appointed civil and/or building contractor.

Both the TfNSW and Development Engineering referral responses do not support an amendment to Condition 30 *as the intent of the condition is consistent with appropriate risk mitigation measures to ensure safe and efficient operation of the highway, a classified (State) road.* Further, stating that *the works (including the construction of a channelized right turn lane (CHR) on the eastbound approach of Horatio Street) are required to be completed prior to the commencement of any construction works to reduce impact of construction traffic on the existing road network and reduce conflict for road users entering and exiting the site.*

A full copy of the TfNSW response is included as **Attachment 2**.

It should also be noted that when considering the matters raised in submissions received during the assessment of DA0087/2022, traffic, access and parking conflicts in this location were a significant concern raised.

As a result of the above, amendment to condition 30 is not support by staff.

In addition to condition 30, the applicant also seeks to amend Condition 31c) to either of the following options, as the applicant contends that *that the full cost being borne by the developer is unreasonable:*

- *Require the developer to construct a 1.2m wide path for the full distance of 98m along the site frontage and westwards connecting to Lawson Street (with 1.2m being an acceptable minimum Council standard width for pedestrian use likely to be generated by the development). Future widening to 2.5m may be achieved under subsequent DAs with a nexus to the intensification of foot traffic, or*
- *Require the developer to construct a 2.5m wide path along the site's frontage (approximately 49m) only.*

Councils Development Engineering Department have reviewed this request and advised of the following:

The site will be a significant generator of pedestrian traffic and given the sites location with respect to the nearest existing footpath, it is considered that a suitable pedestrian linkage must be provided and further that sufficient nexus exists to allow for the imposition of such a condition.

The site is also identified as a key pedestrian linkage in the Mudgee Walking and Cycling Plan currently being prepared. This combined with the proposed location of a KFC restaurant that will generate a significant number of pedestrian movements, further reinforces the need

for an appropriately dimensioned pedestrian path as well as the existence of sufficient nexus to impose such a requirement.

The proposed modification of Condition 31 (c) is therefore not supported from an engineering perspective.

It should be noted that the approved plans for the KFC development also included allocation of 'bike parking' within the site, therefore encouraging cycling as a mode of transport to the premises. As result, it is considered that the imposition of a 2.5m shared pathway, connecting to the existing pathway, has been adequately considered in the context of the proposed development, and the need to provide a suitable and safe pedestrian connection in this location.

As a result of the above, amendment to condition 31c) is not supported by staff.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Should the applicant seek to appeal the decision of Council to the Land and Environment Court, the costs associated with an appeal will be required to be funded by Council.

Further, in the event that Council support an amendment to condition 31c) relating to the pedestrian pathway not being funded in full by the developer, Council may also need to allocate a future budget to upgrade and / or install a 2.5m wide shared pedestrian pathway, connecting to the development site.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

4 March 2024

Attachments: 1. Attachment 1 - Modification Application Justification Letter.
2. Attachment 2 - Transport for NSW Letter Response.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Pre-Lodgement Application Form

Portal Application number: PAN-397680

Applicant contact details

Title	Mr
First given name	Peter
Other given name/s	
Family name	Consadine
Contact number	0401258904
Email	fair@hwy.com.au
Address	6 AVISFORD COURT MUDGEE 2850
Application on behalf of a company, business or body corporate	Yes
ABN	86641313591
ACN	641313591
Name	DIAMOND 7 PTY LTD
Trading name	DIAMOND 7 PTY LTD
Is the nominated company the applicant for this application	No

Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	DIAMOND 7 PTY LTD
ABN / ACN	86 641 313 591

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
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Developer details

ABN	86 641 313 591
ACN	641 313 591
Name	DIAMOND 7 PTY LTD
Trading name	DIAMOND 7 PTY LTD
Address	6 AVISFORD COURT MUDGEE 2850
Email Address	fair@hwy.com.au

Development details

Application type	Modification Application
On what date was the development application to be notified determined	16/08/2023
Type of modification requested	S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved

Development Application number of the consent to be modified	
Description of the proposed modification	I am seeking a review of the imposition of conditions 30 and 31.c). An attached document from Western Project Services (WPS) on the portal provides additional reasoning and new information regarding traffic volumes, relevant standards and management measures in an effort to remove risks for the consent authority.
Was the DA applied for via the NSW Planning Portal?	Yes
Please provide portal application number (PAN)	PAN-141138
Site address #	1
Street address	33 HORATIO STREET MUDGEES 2850
Local government area	MID-WESTERN REGIONAL
Lot / Section Number / Plan	2/-/DP743615 <input checked="" type="checkbox"/> 3/-/DP743615 <input checked="" type="checkbox"/>
Primary address?	Yes
Planning controls affecting property	Land Application LEP Mid-Western Regional Local Environmental Plan 2012 Land Zoning SP3: Tourist Height of Building NA Floor Space Ratio (n:1) NA Minimum Lot Size NA Heritage Mudgee Significance: Local Land Reservation Acquisition NA Foreshore Building Line NA Groundwater Vulnerability Groundwater Vulnerable Local Provisions Former LEP Boundaries Map

Proposed development

Selected common application types	Demolition Erection of a new structure
Selected development types	Food and drink premise
Description of development	Proposed demolition of existing dwelling Proposed demolition of existing dwelling and development of a 'food and drink premises' being a 40 seat fast food store and development of a 'food and drink premises' being a 40 seat fast food store.
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	No
Monday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Tuesday	No
Tuesday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Wednesday	No
Wednesday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Thursday	No
Thursday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Friday	No
Friday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Saturday	No

Saturday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Sunday	No
Sunday	10:30 AM - 10:00 PM
Dwelling count details	
Number of dwellings / units proposed	
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of proposed occupants	1
Existing gross floor area (m2)	
Proposed gross floor area (m2)	273
Total site area (m2)	
Total net lettable area (m2)	
Cost of development	
Estimated cost of work / development (including GST)	\$1,800,000.00
Capital Investment Value (CIV)	\$150,000.00
Do you have one or more BASIX certificates?	
Climate Zone	
What climate zone/s is the development in?	Climate zone 6 - mild temperate
Has the climate zone impacted the design of the development?	No
Subdivision	
Number of existing lots	
Proposed operating details	
Number of additional jobs that are proposed to be generated through the operation of the development	
Number of staff/employees on the site	8

Number of parking spaces

Category of development	Car parking spaces	Motorcycle spaces	Bicycle spaces
Commercial including business premises and retail premises	23	0	0
Total	23	0	0

Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact	

on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	Yes
Please provide a description of the proposed tree removal and/or pruning work	Council planted trees to be either transplanted to new location or new mature trees planted where affected by the entrance/ exit.
Number of trees to be impacted by the proposed work	2
Land area to be impacted by the proposed work	
Units	
Approximate area of canopy REQUESTED to be removed	10
Units	Square metres
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	Yes
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the	A modification or a review to a development application, or a review of determination, where the

development any of the following:	original application was submitted on the NSW Planning Portal before 1 October 2023.
-----------------------------------	--

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Peter
Other given name(s)	
Family name	Consadine
Contact number	0401258904
Email address	fair@hwy.com.au
Billing address	6 AVISFORD COURT MUDGEES 2850

Application documents

The following documents support the application.

Document type	Document file name
Cost estimate report	KFC Development team costing unit model_PAN-141138_PAN-392715
Heritage impact statement	STAMPED APPROVED HIS - DA0087-2022 - Mudgee KFC - Horatio Street, Mudgee_PAN-141138 (2)_PAN-392715
Other	Section 4.55 Request review of imposition of conditions 2023 11 22 WPS-COR-23010 - Mudgee KFC DA 0087_2022 - 33 Horatio St - Review of Conditions (1)_PAN-392715 (1)
Site Plans	STAMPED APPROVED FINAL PLANS - DA0087_2022 - PAN-141138 Proposed KFC - Commercial @ 33-35 Horatio Street MUDGEES NSW 2850_PAN-141
Statement of environmental effects	STAMPED APPROVED SEE and Reports DA0087_2022 - PAN-141138 Proposed KFC - Commercial @ 33-35 Horatio Street MUDGEES NSW 2850_PAN-14

Applicant declarations

I declare that all the information in my application and accompanying documents is, to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes

I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning and Environment.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

Transport for NSW



21 February 2024

TfNSW reference: WST20/00084/11| SF2022/092150
Your reference: ME0022/2024 (CNR-63889)

General Manager
Mid-Western Regional Council
By Email: council@midwestern.nsw.gov.au

Attention: Kayla Robson

ME0022/2024 – Modification to Amend Condition 30 imposed on approved food and drink premises (KFC) – Lots: 2 & 3 DP743615 – 33 Horatio Street, Mudgee

Dear Kayla,

Transport for NSW (TfNSW) is responding to the abovementioned modification (4.55) application referred on 18 December 2023.

TfNSW has reviewed the information and understands the application seeks to modify multiple conditions of DA0087/2022 including Condition 30 which refers to road works within the road corridor to be implemented under a Works Authorisation Deed (WAD). The works (including the construction of a channelized right turn lane (CHR) on the eastbound approach of Horatio Street) are required to be completed prior to the commencement of any construction works to reduce impact of construction traffic on the existing road network and reduce conflict for road users entering and exiting the site.

TfNSW does not support the proposed modification to Condition 30 as the intent of the condition is consistent with appropriate risk mitigation measures to ensure safe and efficient operation of the highway, a classified (State) road.

If you have any questions, please contact Brendan Croft, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Andrew McIntyre".

Andrew McIntyre
Manager Development Services (West)
Community & Place
Regional and Outer Metropolitan

OFFICIAL

8.2 DA0140/2024 - Alterations and Additions to the Federal Hotel including New Drive-Thru Bottleshop, New Two (2) Storey Hotel Accommodation, Signage, Consolidation of Land and Ancillary Works - 34 to 36, 38 and 40-42 Inglis Street, Mudgee

REPORT BY THE PLANNING COORDINATOR AND MANAGER PLANNING
 TO 20 MARCH 2024 ORDINARY MEETING
 GOV400105, DA0140/2024

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on the DA0140/2024 - Alterations and Additions to the Federal Hotel including New Drive-Thru Bottleshop, New Two (2) Storey Hotel Accommodation, Signage, Consolidation of Land and Ancillary Works - 34 to 36, 38 and 40-42 Inglis Street, Mudgee; and
- B. approve DA0140/2024 - Alterations and Additions to the Federal Hotel including New Drive-Thru Bottleshop, New Two (2) Storey Hotel Accommodation, Signage, Consolidation of Land and Ancillary Works - 34 to 36, 38 and 40-42 Inglis Street, Mudgee subject to the following conditions and statement of reasons:

APPROVED PLANS

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

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Cover sheet & site location	DA000	A	13/9/2023	Bergstrom Architects Pty Ltd
Site analysis	DA001	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing photographs	DA002	A	13/9/2023	Bergstrom Architects Pty Ltd
Lot consolidation plan	DA003	A	25/9/2023	Bergstrom Architects Pty Ltd
Existing ground floor plan	DA010	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing level 1 plan	DA011	A	13/9/2023	Bergstrom Architects Pty Ltd

Existing roof plan	DA012	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 01	DA050	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 02	DA051	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - ground	DA090	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - level 1	DA091	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed lower ground floor plan	DA100	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed ground floor plan	DA101	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed level 1 plan	DA102	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed roof plan	DA103	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - pub	DA500	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - hotel	DA501	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations & external finishes - bottle shop	DA502	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed signage details	DA503	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 01 DA510	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 02 DA511	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 03 DA512	A	13/9/2023	Bergstrom Architects Pty Ltd

3d views sheet 01	DA520	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 02	DA521	A	13/9/2023	Bergstrom Architects Pty Ltd
Landscape plans	DWG 2401 - SHEETS 1 – 5	A	28/9/2023	Paddock Studio Pty Ltd
Civil concept drawings	NDP-CIV-001	2.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100 AND DA101)
Hydraulic drawings	NDP-HSK-001	4.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100, DA101, DA102 AND DA103)
Mechanical concept drawings	NDY-CSK-001	1.0	20/10/2023	NDY
Statement of environmental effects	-	REV 4	12/10/2023	Canberra Airport Group
Statement of heritage impact	-	-	October 2023	Sue Rosen Associates
Traffic and parking impact assessment	-	2.0	5/10/2023	SCT Consulting
Noise impact assessment	rp230705c0029	3.1	5/9/2023	NDY
Tree assessment report		1.0	5/10/2023	McArdle and Sons Arboricultural Services Pty Ltd

- For clarity, this development consent provides approval for demolition works, alterations and additions to the existing Federal Hotel, new drive through bottle shop, 38 room hotel accommodation building, business identification signage and ancillary works including landscaping and fencing of the site.

GENERAL

- This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate for building works have been obtained, along with the appointment of a Principal Certifier.
- All building work must be carried out in accordance with the *Building Code of Australia*.

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

5. All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.

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

7. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b.
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This section does not apply if—

- a) the person having the benefit of the development consent owns the adjoining land, or
- b) the owner of the adjoining land gives written consent to the condition not applying.

8. This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
9. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.
10. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
11. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
12. The only waste derived fill material that may be received at the development site must be:
- a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
13. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
- a) Lot 16 Section 43 DP 758721
 - b) Lot 17 Section 43 DP 758721
 - c) Lot 18 Section 43 DP 758721
 - d) Lot 10 DP 1275386
15. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works. The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.
16. Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.

17. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.
- Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance noting that further information regard floor areas must be supplied to Council's Water and Sewer Department for confirmation of the applicable Contribution amount payable. Please contact Council's Water and Sewer Department for further information.*
18. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.
- Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.*
- Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.*
19. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of any Construction Certificate.
- The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.
- Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.*
- Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.*
20. Prior to issue of a Construction Certificate for the new two (2) storey accommodation building, suitable privacy screens are to be detailed on the plans for all Level 1 windows on the northern and western elevations. The screens may consist of louvers or similar devices with a maximum visual permeability of 20 per cent and install to a minimum height of 1.6m from finished floor level of the upper storey to prevent direct overlooking from rooms to adjacent private open space areas. Alternatively, obscured glazing may also be incorporated to a minimum height of 1.6m for each window. Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of any Construction Certificate.
21. The acoustic treatment required by the Acoustic Report prepared by NDY Group Details shall be included on all plans submitted with the Construction Certificate application. The plans including acoustic treatments must be certified by the

acoustic consultant and written evidence submitted to the Principal Certifier prior to the issue of any Construction Certificate for the hotel accommodation and bottle-shop. Where mechanical plant or condensers are to be included on the western elevations of the buildings, this plant must be suitably enclosed with acoustic treatment or relocated away from the western elevation of the development, prior to issue of any Construction Certificate.

22. Prior to issue of any Construction Certificate for the hotel accommodation or bottle shop buildings, the western boundary fence proposed as a timber fence between the subject land and 44 Inglis Street is to be increased from 1.8m to 2m in height to match the height of the existing boundary fence.
23. A Schedule of Conservation Works, prepared by a suitably qualified conservation architect, including but not limited to the matters listed in the Statement of Heritage Impact, be submitted to and approved by Council's Heritage Adviser before the issue of a Construction Certificate.
24. Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).
25. A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.
26. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
 - a) C1P2 – Spread of Fire b) D1P4 – Exits
 - b) D1P6 – Paths of Travel to Exits
 - c) E1P1 – Fire Hose Reels
 - d) E1P2 – Fire Extinguishers
 - e) E1P3 - Fire Hydrants
 - f) E4P1 – Visibility in an emergency
 - g) E4P2 – Identification of exits
 - h) E4P3 – Emergency warning and intercom systems.

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

27. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

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

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
- b) Food Act 2003 and Food Regulation 2015;
- c) Australian Standard 4647:2004 (Design, Construction and Fit-out of Food Premises);
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

29. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A S138 Roads Act Approval is required for but not limited to the following civil works:

- a) Commercial vehicular crossings / driveways in Inglis Street in accordance with Council's Access to Properties Policy.
- b) Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.
- c) Relocation of any affected services.
- d) Reinstatement and turfing of all disturbed footway areas.
- e) Construction of Lyons Lane to the following standard from Lewis Street to Church Street (a distance of approximately 205m):
 - A 5.5m wide bitumen sealed formation.
 - A flexible gravel pavement designed by an appropriately qualified Geotechnical Engineer.
 - One-way cross fall to a concrete dish drain.
 - Sub-soil and piped drainage as required.
 - Modification and reinstatement of any existing private property accesses within Lyons Lane.
 - Relocation / adjustment of any affected public utilities / services within Lyons Lane.
 - Reinstatement of all disturbed areas within Lyons Lane.

Note - no works can commence prior to the issue of the S138 Roads Act Approval.

30. Prior to the issue of any Construction Certificate for the development, application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Stormwater Drainage Works. A detailed engineering design

is to be submitted to and approved by Council prior to the issue of a Section 68 approval. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

The work required for but not limited to the following civil works:

- a) Full details of the proposed relocation of the sewer main within the subject site.
- b) Details of any required connection points to serve the proposed development.
- c) Details of any capping to existing mains / connection points.
- d) Details of an appropriately sized connection and water meter serving the subject site.
- e) Details of an appropriately sized fire service main for the subject site.
- f) Confirmation sufficient pressure exists within the existing water mains to adequately serve the proposed development.

The Section 68 application shall be considered and approved by Council prior to the release of the first Construction Certificate for the development.

31. A Drainage Report prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off* shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:

- a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
- b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
- c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100-year event.
- d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.

32. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage;

- c) **Rehabilitating disturbed areas quickly; and**
- d) **Maintenance of erosion and sediment control structures.**

33. Details of the internal circulating driveway, car parking spaces and waiting bays are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

- **A total of 38 off-street car parking spaces, including 3 accessible car parking spaces.**
- **Details of the required signage, physical barriers and pavement markings to delineate the customer car parking area from the service vehicle entry off Lyons Lane.**
- **This consent does not constitute approval for the use of Lyons Lane by any vehicle other than those delivery vehicles required to serve the proposed development. Conflict between customer and service delivery vehicles is also to be appropriately managed through the provision of the above-mentioned physical means as well as a Plan of Management for the site.**

34. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.

35. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.

36. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The insurance cover shall include the following:

- a) **Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
- b) **Public Liability Insurance is to include Mid-Western Regional Council as an interested party.**
- c) **The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.**

37. The registered proprietor of the land shall prepare a Plan of Management for the car parking area, drive thru bottle shop facilities and service delivery vehicles within the development.

The Plan of Management shall set out all required operational parameters for these facilities including the following:

- Details of the on-site management of all deliveries and waste collection services associated with the development.
- Deliveries and waste collection must ideally occur outside normal operating hours and must not occur during the typical peak periods of midday to 1pm and 5pm to 7pm daily. Deliveries and waste collection services occurring during business hours shall be managed by appropriately trained staff to ensure no conflict with other vehicles occurs.
- Details of the management of the service delivery areas and entry off Lyons Lane to ensure inappropriate use by private vehicles does not occur.
- Queued vehicles must under no circumstances be allowed to affect the driveway entry to the site or impact upon the circulating carriageway of the car parking areas. Detailed management methods for the operation of the drive thru including queue length management are to be provided.

The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

38. The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

39. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:

- a) A plan view of the entire site and frontage roadways indicating:
- b) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- c) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- d) The locations of proposed work zones in the frontage roadways.
- e) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
- f) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- g) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

- h) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- i) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- j) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- k) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- l) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- m) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- n) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- o) All traffic control plans must be in accordance with the RMS publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

- 40. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.
- 41. Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.
- 42. Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install a domestic oil or solid fuel heating appliance (other than a portable appliance). The application shall contain details demonstrating compliance with the Building Code of Australia and the manufacturers details/specifications. The Section 68 application shall be considered and approved by Council prior to the installation of the appliance or release of any Construction Certificate for the development.
- 43. Prior to issue of any Construction Certificate, the requirements of Essential Energy, including the following, shall be achieved:
 - a) The Applicant must meet the minimum safety clearance requirements for the development in accordance with AS/NZS 7000.

- b) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 *Distribution Underground Design Construction Manual* and the latest industry guideline currently known as ISSC 20 *Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
- c) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
- d) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).
- e) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

44. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
 - b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
 - c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
 - d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
45. Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.
- Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:
- a) The proposed demolition methods
 - b) The materials for and location of protective fencing and any hoardings to the perimeter of the site

- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
 - d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
 - e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) including in accordance with AS 4970-2009 Protection of trees on development sites
 - f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
 - g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
 - h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
 - i) Details of any bulk earthworks to be carried out
 - j) Location of any reusable demolition waste materials to be stored on-site (pending future use)
 - k) Location and type of temporary toilets onsite
 - l) A garbage container with a tight-fitting lid.
46. Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
47. Prior to the commencement of construction work impacting upon tree canopies located along the common boundary of the subject site and 44 Inglis Street, the adjoining land owner must be formally notified and consulted prior to any tree trimming commencing. Any trees that have not been considered under the Arborist Report dated 5 October 2023 and that require trimming are to be reinspected in consultation with the adjoining land owner to ensure there are no adverse impacts to adjoining land as a result of the approved development.
48. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.

49. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
- NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**
50. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
51. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
52. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) involves the enclosure of a public place, then
- a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
53. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
54. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council

and other service authorities should be contacted for specific requirements prior to commencement of any works.

55. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
56. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

57. Demolition or Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
58. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
59. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
60. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
61. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
62. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council.
- A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.
63. The civil works associated with the S68 and S138 approvals are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;

- b) **Water and sewer mains installation prior to backfilling;**
 - c) **Inspection and proof rolling of subgrade and each subsequent pavement layer;**
 - d) **Prior to poring of any kerb or concrete dish drain;**
 - e) **All sub-soil and piped drainage prior to backfill;**
 - f) **Formwork and steel in place, prior to pouring of any concrete and**
 - g) **Practical Completion.**
64. **Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.**
65. **In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.**
66. **The development site is to be managed for the entirety of work in the following manner:**
- a) **Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
 - b) **Appropriate dust control measures;**
 - c) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
 - d) **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**
67. **The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.**
68. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.**
69. **Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of *Australian Dangerous Goods Code* and *Australian Standard 4452 Storage and Handling of Toxic Substances*. This must include relevant incident management strategies for transportation on public roads.**

70. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
71. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Water Supply Code of Australia. *Note: Council does not permit other bodies to insert new junctions into ‘live’ water and/or sewer mains. Please contact Council’s Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).*
72. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia. *Note: Council does not permit other bodies to insert new junctions into ‘live’ water and/or sewer mains. Please contact Council’s Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).*

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

73. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
74. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
75. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (*Local Government Act 1993*) approval/s.
76. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.
77. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

78. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
79. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the illuminated signage to certify that the signage is installed in accordance with AS4282-2019.
80. Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Council under the Food Act 2003, to determine compliance with the *Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises*.
81. Before the issue of an Occupation Certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the *NSW Food Act 2003* and the *Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements*.
82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.
83. The Schedule of Conservation Works are to be executed to the satisfaction of Council’s Heritage Adviser before the issue of an Occupation Certificate.
84. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant Section 138 Roads Act approval/s.
85. Prior to the issue of an Occupation Certificate, 3m wide easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed sewer mains located within the subject property.
86. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
87. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
 - a) PDF; and
 - b) Dwg format or “AutoCAD Compatible”
 - c) MapInfo tab files with individual layers, supplied in individual tables

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

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.

88. Prior to issue of the Occupation Certificate, all acoustic measures required by the Acoustic Report and the conditions of this consent shall be completed in full.

OPERATIONAL / ONGOING

89. The development shall only operate in accordance with the following hours:

Bottle Shop:

- 10am to 10pm, seven days.

Hotel Accommodation:

- A check-in desk operated in accordance with the Federal Hotel liquor licence with any after hour check-in prearranged with Federal Hotel staff only.

Federal Hotel:

- In accordance with the existing Federal Hotel liquor licence, only.

90. The development must comply with the requirements of the *Liquor Act 2007* and all requirements imposed by Liquor and Gaming NSW at all times.
91. All windows and retractable portion of the roof within the beer garden addition to the hotel must not be open during the night time periods of operation (after 10pm).
92. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.
93. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
94. All loading and unloading in connection with the premises shall be carried out wholly within the site.
95. All car parking spaces, loading and unloading areas, vehicle manoeuvring, and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
96. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
97. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
98. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

99. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
100. No display or sale of goods is to take place from public areas fronting the premises.
101. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
102. Garbage areas and mechanical plant are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.
103. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
104. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
105. The development is to be maintained in a clean and tidy manner, at all times.
106. All approved signage is to be maintained in good condition at all times.
107. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
108. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.

COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of any Construction Certificate. A person is to apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

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

- a) A monetary contribution, as to be formally confirmed by Councils Water and Sewer Department following supply of further information must be paid to Council in full (including indexation, where applicable). A current estimation based on the DA plans is provided as follows:
 - water contributions – 14.88 ET = \$144,607.14
 - sewer contributions – 16.90 ET = \$74,947.90
- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500:

National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

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

- 2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".**
- 3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.**
- 4. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.**
- 5. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made and determined within 6 months after the date on which you receive this notice.**
- 6. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court pursuant to section 8.10(1)(b).**
- 7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.**

ESSENTIAL ENERGY ADVISORY NOTES

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.**
- 2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.**
- 3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.**

4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - Conditions have been imposed to manage fencing, acoustic treatment for mechanical plant and condensers, along with tree trimming of trees along the western boundary.

Executive summary

OWNER/S:	Investment Management Group Hotels Pty Limited
APPLICANT:	Mr Andrew Connor The Trustee for Investment Management Group Hotels Unit Trust
PROPERTY DESCRIPTION:	34 to 36, 38 and 40-42 Inglis Street MUDGEE NSW 2850 Lots 16 – 18 Sec 43 DP 758721 and Lot 10 DP 1275386
PROPOSED DEVELOPMENT:	Alterations and additions to the Federal Hotel including new drive-thru bottle shop, new 38 room hotel accommodation, new signage, ancillary demolition and civil works and consolidation of land (4 into 1 Lot).
ESTIMATED COST OF DEVELOPMENT:	\$14,164,366 Million
REASON FOR REPORTING TO COUNCIL:	Cost of development exceeds \$3M
PUBLIC SUBMISSIONS:	1 submission – comments only

Council is in receipt of Development Application DA0140/2024 that seeks approval for the consolidation of four (4) lots into one (1) lot, demolition of outbuildings and former Bottleshop, alterations and additions to the existing heritage listed Federal Hotel, new drive-thru bottle shop, new signage and the construction of a new two (2) storey hotel accommodation building comprising of 38 rooms with supporting parking to be located at 34 to 36, 38 and 40-42 Inglis Street MUDGEE NSW 2850, legally described as Lots 16 – 18 Sec 43 DP 758721 and Lot 10 DP 1275386.

The subject land has a total site area of 5,065m² and contains a number of storage sheds and former warehouse that have historically been used by various businesses including Cudgegong Plumbing, along with the existing heritage listed Federal Hotel and Bottlemart located on the corner of Inglis and Lewis Streets.

The site is located with frontage to Inglis and Lewis Streets and also benefits from rear lane access to Lyons Lane. The site is immediately bound by residential dwellings and a church to the north and west, with the existing railway and railway depot located to the south, opposite the site on Inglis Street. The subject site is also located in the Heritage Conservation Area of Mudgee.

The application was advertised, and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 8 November 2023. One (1) submission has been received providing comments for Council consideration during the assessment and determination of the application.

In summary, the proposed development has been assessed in accordance with Council's DCP and the LEP and has considered all referral responses and community submissions. A merits-based assessment finds that the proposed development is generally consistent with Council's current planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the value of the development exceeds \$3 Million.

As a result of a full merits-based assessment of the proposal, the application is recommended for approval, subject to conditions.

Disclosure of Interest

Nil

Detailed report

Development Application DA0140/2024 that seeks approval for the consolidation of four (4) lots, demolition of outbuildings, alterations and additions to the existing heritage listed Federal Hotel, new drive-thru bottle shop, new signage and the construction of a new two (2) storey Hotel Accommodation building comprising of 38 rooms with supporting parking, to be located at 34 to 36, 38 and 40-42 Inglis Street MUDGEES NSW 2850, legally described as Lots 16 – 18 Sec 43 DP 758721 and Lot 10 DP 1275386.

Subject Site

The subject land has a total site area of 5,065m² and contains a number of storage sheds and former warehouse that have historically been used by various businesses including Cudgegong Plumbing, along with the existing heritage listed Federal Hotel and Bottlemart located on the corner of Inglis and Lewis Streets, Mudgee.

The site is located with frontage to Inglis and Lewis Streets and also benefits from rear lane access to Lyons Lane. The site is immediately bound by residential dwellings and a church to the north and west, with the existing railway and railway depot located to the south, opposite the site on Inglis Street. The subject site is also located in the Heritage Conservation Area of Mudgee.

Limited vegetation exists over the subject land, with one (1) mature tree located on the boundary of 38 and 40-42 Inglis Street and two (2) smaller trees / shrubs located within the frontage of 40-42 Inglis Street. There are however a number of mature trees located along the boundary of 40-42 and 44 Inglis Street, which provides a buffer for the residence located at 44 Inglis Street. Minor

branch trimming of overhanging vegetation is stated to be required to support the development in this location. New landscaping is also proposed along the boundary with 44 Inglis Street.

All services are currently connected to the subject land including, water, sewer, telecommunications and electricity with kerb and gutter in both streets, and a number of driveways currently providing access to the subject site.

A Council sewer main also runs through the subject site (shown to be located within Lot 16 Sec 43 DP 758721) and this sewer main is proposed to be relocated to enable the development to proceed. Further, Essential Energy has noted that there are overhead power lines within Lewis Street and Lyons Lane that need to be considered by the developer and Council in respect of the additions to the rear of the Federal Hotel - This is further discussed later in the report.

Figure 1 provides the site location below:



Figure 1: Site Locality Plan

Proposed Development

The proposed development involves the following:

1. Consolidation of the titles from four (4) lots into one (1) lot.
2. Demolition of all outbuildings/ sheds, the former Bottleshop building, redundant driveways and three (3) trees located within the confines of the site.
3. Relocation of the Council sewer main through the proposed new car park within the site.
4. Alterations and additions to the existing Federal Hotel, including:
 - a) a northern / rear extension towards Lyons Lane comprising of an underground keg room / staff room with lift, a new ground floor kitchen, bar, bistro, beer garden with supporting amenities and children's play area (all single storey); and
 - b) in addition to the western elevation of the Hotel to include an outdoor gaming area and supporting facilities connecting to the new bistro area (all single storey); and

- c) internal refurbishment / heritage conservation works to the first floor and second floor areas of the Federal Hotel featuring an updated bar / sports bar, lounge areas, private dining rooms, staff room and storage rooms along with updated bathroom facilities (noting that no upper storey rooms are proposed to be used for hotel accommodation).
5. Construction of a new single storey drive-thru Bottleshop with access and egress via Inglis Street.
6. Construction of a new two (2) storey hotel building comprising of 38 rooms (1 bedroom with ensuite) and associated facilities.
7. New driveways (total of 3) created within Inglis Street and one (1) in Lyons Lane (for restricted vehicle access only) and new landscaping throughout the site.
8. 38 onsite parking spaces (including 2 accessible spaces) to be provided within the central area of the consolidated site.

It is noted that the following hours of operation are proposed (generally, in keeping with existing operations):

Bottle Shop

- 10am to 10pm, seven days.

Hotel Accommodation

- A check-in desk proposed to operate as per current Federal Hotel liquor license.
- After hours check-in to accommodation will be prearranged with Federal Hotel staff and run internally as part of the hotel building entry.

Federal Hotel

- Current liquor license allows trading to 10am till 12am (midnight) Monday to Saturday, and Sunday trading 10am to 10pm. There is no current change proposed to these arrangements.

Figures provided below demonstrate the proposed site layout and elevations of the proposed works when viewed from Inglis and Lewis Streets.

Attachment 1 also includes a full copy of the submitted development plans and supporting specialised reports.

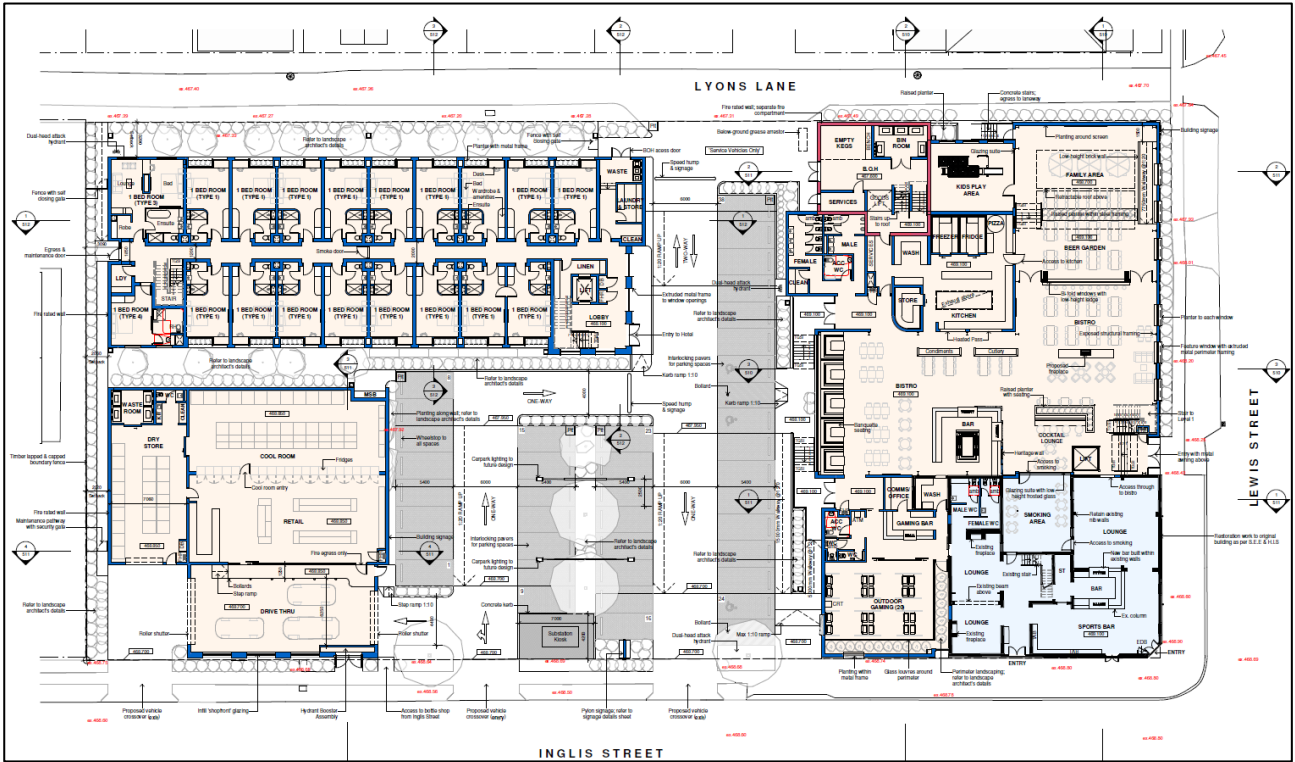


Figure 2: Proposed Ground Floor and Site Layout Plan

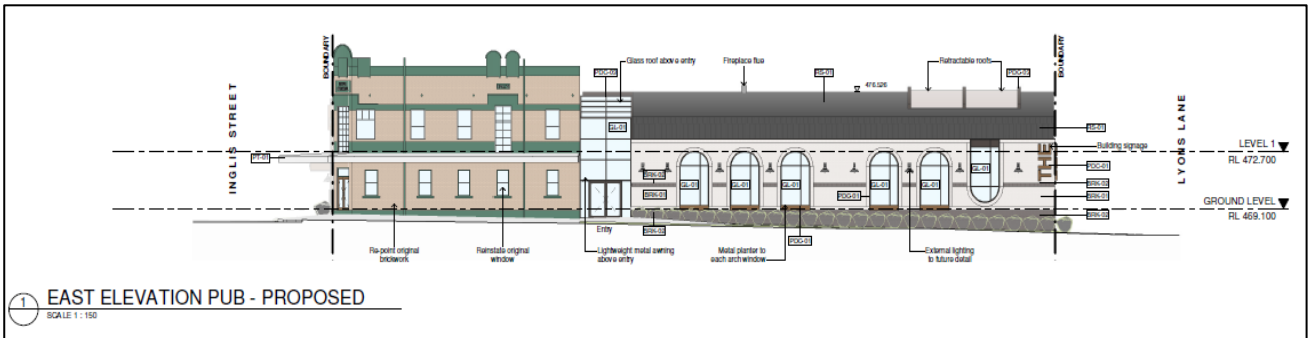


Figure 3: Elevation Plan - Federal Additions (Lewis Street Elevation)

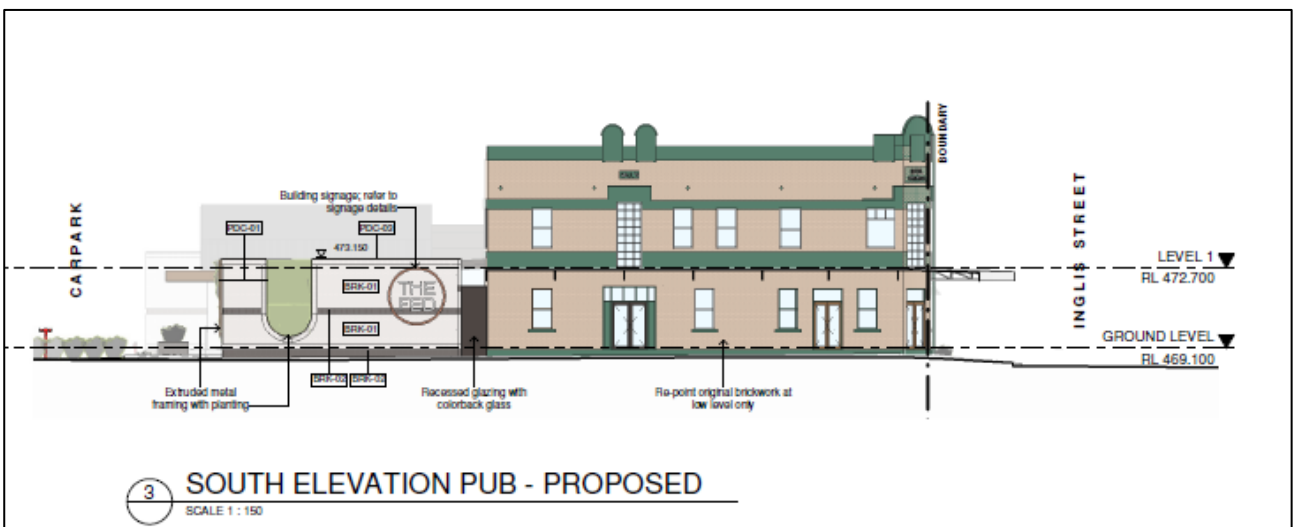


Figure 4: Elevation Plan - Federal Additions (Inglis Street Elevation)

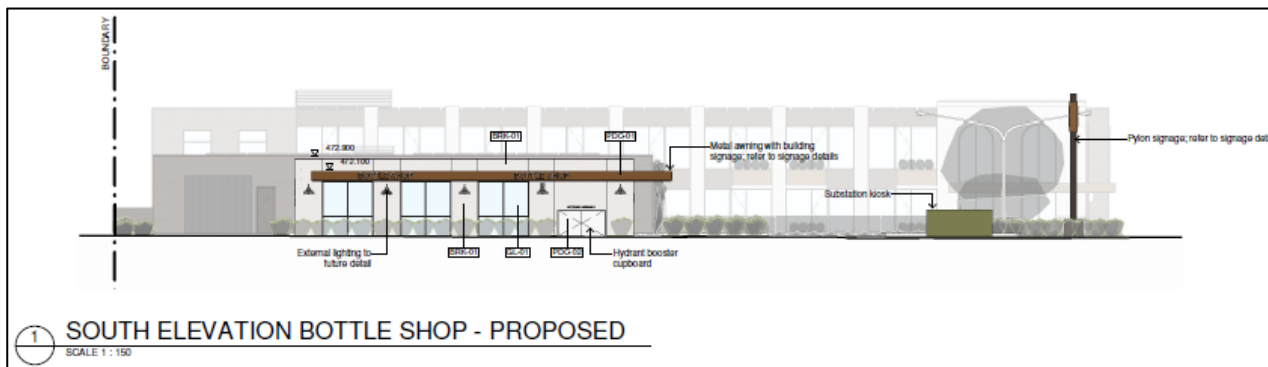


Figure 5: Elevation Plan – Bottleshop with new two storey hotel to the rear of the site (Inglis Street Elevation)



Figure 6: 3D Perspective – Federal Hotel Addition (Lewis Street Elevation)



Figure 7: 3D Perspective – Federal Hotel Addition, New Hotel and Bottleshop (Inglis Street Elevation)

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

ASSESSMENT

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development will not require removal of native vegetation or koala habitat under this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 Pursuant to section 4.6 of the Policy, a site inspection and a search of council's records did not reveal any potentially contaminating activities historically occurring upon the site. Accordingly, no further consideration is necessary. A condition is recommended to be imposed in relation to removal and disposal of waste material (including potential asbestos material) associated with the demolition

works required and ensure that the site is appropriately cleared prior to commencing new building work.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposed development involves new Signage associated with the proposed development including wall signage on the new buildings, along with a new freestanding pylon sign within the Inglis Street entry to the carpark. A full merits-based assessment of the design criteria of the policy confirms there are no matters which warrant refusal of the proposed signage, noting it is adequately separated from existing residents of Inglis and Lewis Streets. Standard conditions are recommended however to ensure that the signage is maintained for the life of the development.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

This policy establishes a state-wide planning approach to Sustainable Building design and construction and the provisions applicable to non-residential development commenced on 1 October 2023.

Chapter 3: Standards for non-residential development applies to the proposal. It is considered that the requirements of this policy have been adequately addressed with the provision of sustainable forms of building materials selected, waste reduction and reuse opportunities proposed, a passive design outcome is achieved, inclusion of solar panels on all buildings, water saving devices are to be installed. As a result, it is considered that the provisions of section 3.2 of this policy have been achieved by the development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Essential Energy

Pursuant to Section 2.48, the development will be located in close proximity to overhead electricity power lines within the side and rear setbacks of the site, adjacent to the new additions to the Federal Hotel in Lewis Street and Lyons Lane. A new substation is also proposed to be established within the Inglis Street frontage of the site.

A referral to Essential Energy was therefore undertaken and the following initial comments were provided, noting that there were safety concerns raised due to setbacks / clearance requirements from the overhead powerlines. As a result, the applicant provided further information from their appointed consultant to enable the concerns to be addressed at a later stage. As a result, conditions have been imposed, prior to issue of any Construction Certificate.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as demolition works, alterations and additions to the existing pub, hotel or motel accommodation and a new retail premises (bottle shop), as defined below:

***Pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.*

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned SP3 Tourist and MU1 Mixed Use and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned SP3 Tourist and MU1 Mixed Use pursuant to MWRLEP 2012. The proposal, being alterations and additions to the existing pub (an existing use within the SP3 zone), new retail premises (drive-thru bottle shop) and new hotel or motel accommodation within the MU1 zone is permissible with consent in the zone and complies with the relevant objectives of the zones which is to:

- provide for a variety of tourist-oriented development and related uses.

Comment: The proposal seeks to retain the existing hotel use whilst providing additional tourist related facilities, with supporting accommodation for the Region which is generally consistent with the SP3 zone objective.

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*

Comment: The proposal seeks to provide additional employment opportunities, including for retail sales, kitchen/ bistro and bar and hotel accommodation staff.

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

Comment: The proposal seeks to provide improvements and refurbishments to the existing heritage building whilst providing a complementary addition to the Lewis Street frontage. New pedestrian pathways and landscaping also ensures that the streetscape is attractive and useable for the community.

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

Comment: The proposal is considered to adequately minimise land use conflict in the zone, and seeks to maintain appropriate buffers to residents in the layout proposed. Conditions are however recommended to maintain privacy with the Level 1 hotel room windows, with inclusion of privacy screening on the upper level northern and western windows only.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment: The proposal seeks to maintain a mixed-use business on the site including retention of the historic pub and hotel accommodation land use along with the bottle shop development.

- *To ensure development is consistent with the character of adjoining residential neighbourhoods.*

Comment: The proposal is considered to be consistent with the character of the area, providing a positive streetscape outcome for the heritage listed hotel and the Mudgee Heritage Conservation Area.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of outbuildings, removal of vegetation, the former bottle shop and internal arrangements of the hotel. Standard conditions are able to be provided to address this requirement.

Clause 4.3 Height of buildings

Part of the subject site (zoned SP3 containing the Federal Hotel and the additions) is not mapped for a maximum building height limit however, the remaining portion of the subject site (zoned MU1) is mapped with a maximum height limit of 8.5m. As a result, the proposed single storey bottle shop and the hotel, will be located within the mapped area of the site containing the building height limit of 8.5m.

As the proposed bottle shop is single storey with a height of 5m - this proposed building will therefore not exceed 8.5m. The proposed hotel building is 2 storey and is to be located to the rear of the land containing a current natural ground level of 468m AHD. The maximum overall height of the hotel is shown within the plans to be at 475.75m AHD, therefore, the proposed new building will be constructed at a maximum overall height of 7.75m (excluding rooftop services which would increase the overall height to 8.1m) and therefore complies with this clause.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

The proposal includes works involving a Local Heritage Listed item (Federal Hotel), adjoins the Heritage Listed Wallerawang Gwabegar Railway and is also a site located within the Heritage Conservation Area under schedule 5 of the LEP. As a result, consideration must be given to the relevant objectives and heritage significance, in accordance with Clause 5.10(4).

The provision of Clause 5.10(4) states:

*(4) **Effect of proposed development on heritage significance.** 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).*

The applicant has submitted a professionally prepared Heritage Impact Statement which confirms that the building is a 'landmark corner public hotel in the Federation Free Style' and 'makes a strong contribution to the streetscape of the Mudgee Heritage Conservation Area'. The report however highlights a number of building related issues with the historic hotel, and subsequently has provided a number of conservation measures (section 6 of the report) for the building to preserve its significance.

The report has reached the following conclusions and recommendations:

- *The proposed works will retain significant fabric, form and detailing at the Federal Hotel, reconstruct missing fabric and undertake essential conservation works. Where change conflicts with original or early fabric, the proposal has made efforts to mitigate impact by partially retaining and incorporating fabric/layout into the new concept so that an interpretable vestige remains. There will be a visual improvement to the principal building facades of the Federal following the removal of detracting elements such as aluminium frames windows and doors, the rear 1930s mezzanine addition, and repointing of sections of the hotel's 1880s brick façade.*
- *The bistro addition, new accommodation hotel and bottle shop allow the Federal to cater to a larger demographic of potential patrons, improving its commercial viability and ensuring its continued function as a public hotel and ability to fund ongoing essential maintenance of the building.*
- *The Federal Hotel will continue to be a dominant landmark in the streetscape. There is considered to be minimal adverse impact on items in the immediate vicinity and the Mudgee Heritage Conservation Area.*
- *Overall, the outcome of the proposal will be the revitalisation of a landmark venue and activation of a less-frequented section of the Mudgee Heritage Conservation Area. It has potential to also improve engagement with the historic Mudgee Railway Station buildings across the road.*

The following general recommendations are made:

1. *Traditional lime mortar in a matching colour is used to repoint the required sections of the Federal's 1880s sandstock brick façade. Refer to David Young's technical guide to repointing mortar joints in older buildings: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/heritage-maintenance-mortars-materials-mixes-methods-guide.pdf>*
2. *Exterior walls having infill work done should be in matching type and colour brick to the surrounding area. At ground floor the sandstock brick is typically in in English bond pattern, though some walls (NW wing and Store lean-to) look to be Flemish bond. Stretcher bond is used at first floor.*

3. *In the case that the first floor of the Federal is no longer used for accommodation, remove paint from the glazing of the original transom windows on the first floor and refurbish transoms to original condition.*
4. *If compliance with the NCC requires that the Federal's timber staircase have a higher balustrade, that a free-standing slimline brass railing be installed inside of the existing balustrade if it can maintain stair width compliance (preferred). Otherwise install a slim brass railing between the newel posts to achieve height compliance.*
5. *If original ceilings/cornicing or other original fabric/detailing are discovered during works in the public bar and proposed lounge area, that they are made good and incorporated into the new fit-out of the area.*
6. *Salvage pressed metal wall lining from the former WC on verandah and re-use as an interpretative installation in the Hotel.*
7. *In the case that earthworks across the site discover suspected archaeological heritage:*

All contractors involved in the construction works should be briefed on the possibility of relics being present and advised of their legal responsibilities:

o Historical archaeological features and deposits are afforded statutory protection by the 'relics provision'. Section 4(1) of the Heritage Act 1977 defines 'relic' as any deposit, artefact, object or material that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or Local heritage significance.

The 'relics provision' requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW; and

o The National Parks and Wildlife Act 1974 protects Aboriginal cultural heritage in NSW. It is an offence to knowingly (or otherwise) harm or desecrate an Aboriginal object or Aboriginal place. Harm is defined to mean destroying, defacing, damaging or moving an object from the land. An Aboriginal object is legally protected irrespective of land tenure, the significance of the object and whether or not it has been recorded. The penalties for harming or desecrating Aboriginal objects and or places in NSW include significant monetary fines and the potential for imprisonment.

The development application was also referred to Council's Heritage Advisor with the following comments noted:

- *The buildings and structures to be demolished include the modern bottle shop, sheds of various ages, and site works. These are generally modern, and make no contribution to the significance of the hotel or the conservation area. One timber-clad shed is older, but is in poor condition and makes little contribution. Various unsympathetic accretions to the hotel itself are to be demolished. There is no objection to these proposals.*
- *Some internal alterations are proposed but little original fabric will be affected. Where internal fabric is affected, the impact will be minor.*
- *Sympathetic external alterations and additions to the rear of the hotel are proposed, together with comprehensive conservation work.*
- *The proposal provides for the extensive redevelopment of the site including a new bottle shop, and a new accommodation building, together with landscaping.*
- *The hotel is a two-storey building on a prominent corner, but the site is quite large, so the major impact will come from the new development. The new buildings will be essentially modern. Rather than imitating the forms, colours and details of the item, they make subtle references: in particular, the arched (negative) windows refer to the prominent arched elements in the parapet, the one inverted window at the end of the Lewis Street façade providing a visual stop. Face brickwork is used for the walls, but in a different tone. The new buildings complement the original hotel, rather than imitate or compete with it.*

- *The building is not in poor condition. The SOHI lists extensive conservation work, including repointing of salt-damaged brickwork. However, most of the work is not repair or maintenance, but what the Burra Charter terms reconstruction: returning a place to a known earlier state, e.g. replacing later aluminium windows with timber to the original design. Council cannot compel owners to undertake conservation work. Regardless of the owner's financial means, it is fair to say that they would have little motivation to undertake this type of work without the incentive available under the DCP and/or LEP, and it is this work which will have an important impact in conserving the item.*
- *In my opinion, conservation to the level which the item requires and deserves can be achieved if consent is granted. The SOHI includes a summary of proposed conservation work on p.4 and recommendations on p. 103. A note on the drawings makes a general cross-reference to the SOHI. It is recommended that any consent include conditions that:*
- *A Schedule of Conservation Works, prepared by a suitably qualified conservation architect, including but not limited to the matters listed in the Statement of Heritage Impact, be submitted to and approved by Council's Heritage Adviser before the issue of a Construction Certificate; and*
- *The work be executed to the satisfaction of Council's Heritage Adviser before the issue of an Occupation Certificate.*
- *The proposal is supported subject to the above conditions being imposed.*

As a result of the above findings, it is considered that there are no heritage-based grounds for refusal of the application.

The proposed conservation works to the Heritage Listed Item (Federal Hotel) will not have any significant adverse impacts on the heritage significance of the heritage item or the Mudgee Conservation Area, subject to compliance with the recommended conditions of consent.

The proposal will also seek to achieve the objectives of Clause 5.10(1) of the LEP by conserving the building and its associated fabric, setting and views.

Clause 5.21 Flood planning

The subject site is identified as being partly affected by the Probable Maximum Flood (PMF) under the Mudgee Flood Study 2021, however the site itself is not affected by flooding during the 1% AEP flood event. Inglis and Lewis Street both have minor flood affectation, likely due to overland flow within the surrounding road network. As a result, the proposal is not located within the flood planning area and therefore no further consideration is necessary.

Clause 6.1 Salinity

The proposal generally involves minimal earthworks throughout the site; however, a small 'basement' is to be created for the purposes of a keg room and staff area, requiring a small area of cut and retaining wall up to 1.9m (from natural ground level) within the site. As the proposal involves concrete slab construction, a condition of consent has been included requiring the slab to be designed appropriately to minimise the impacts of salts in the ground on the building.

Clause 6.3 Earthworks

The proposal involves earthworks including excavation for the purposes of the basement keg room and staff area with a retaining wall up to 1.9m from natural ground level. The provisions under Clause 6.3(3) have been considered and there are no significant adverse impacts expected as a result of the proposed earthworks to prepare the site for the development, subject to compliance with the recommended conditions of consent.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. Excavation is needed to facilitate the proposal (of up to 1.9m for a small area of the basement keg room within the site) and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development. Importantly, Council's sewer main that bisects the site will be relocated to the proposed carpark, thus will ensure that no building works are located within 1.5m of the centreline of the pipe.

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

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

Part 4.4 Signs

The proposed development seeks to provide building wall signage displaying the business names of 'The Fed', 'The Federal Hotel', 'Bottleshop', 'Hotel Fed', and a new freestanding pylon sign within the Inglis Street frontage of the site. The pylon sign is proposed at a maximum height of 7.5m high and will be 2.2m wide, with internal illumination of the text within the sign. As there is only one (1) pylon sign, with each building wall sign proposed reflecting each use within the 'business area' (as described under the DCP), the proposed signage is considered to be compliant with the DCP controls. Further, the signage has been designed to remain sympathetic to the character of the area and heritage listed building being of neutral tones and materials and conservatively placed through the development to ensure the signage does not dominate the streetscape.

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
Building setback from the street – no minimum	Yes – the proposed new building works will retain the zero setback from Inglis and Lewis Street, remaining consistent with the existing Federal Hotel.
Side and rear setbacks must comply with BCA	Yes – all setbacks comply. Northern (rear) setback = zero line setback for the Federal hotel and 3.2m for the Hotel Accommodation. Western setback = minimum of 2.02m (bottle shop) and 2.06m for the Hotel Accommodation.
Signage	
Signage complies with relevant provisions in section 4.4 DCP 2013	Yes. Refer to Part 4.4 assessment of report. Conditions recommended.
Design	
Buildings interact with the street	Yes. Various windows, materials and design features are incorporated into the design which is considered to provide a positive contribution to the streetscape whilst conserving the heritage item onsite and the character of the heritage conservation area of Mudgee.
On active street frontages, ground level of building used for business or retail premises	Not applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes – the overall design and layout is supported. As the site is located in the Mudgee Heritage Conservation area and a heritage item is also being conserved onsite, the overall finishes proposed have also been reviewed by Councils Heritage Advisor and there is no objection to the general built form of the development as proposed.
Heritage inclusions	Yes. Heritage impact assessment provided and addressed within section 5.10 of this report against the provisions of the LEP 2012.
External plant to be screened from public	External plant is shown to be within dedicated service areas within the site, or appropriately screened. Condition recommended.
Development on a corner – includes architectural features to address both streets	Complies – the sites existing hotel will be retained on the corner of Lewis and Inglis Street with additions proposed to both the north and west of the site. The design of the development has been architecturally designed and provides suitable materials and finishes, remaining sympathetic to the heritage building and conservation area.
Landscape buffers to other zones	Landscaping provided which is considered to be appropriate for the site and softens the overall commercial development. It is noted that the landscape plan includes street trees under the existing powerlines in Lewis Street and this must

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	<p>comply with Essential Energy requirements.</p> <p>Condition is sought to be imposed to manage the landscaping onsite in perpetuity.</p>
Scale form and height	
<p>Complies with LEP height controls – 8.5m maximum height</p>	<p>The site is partly mapped with a maximum building height of 8.5m and has been assessed to comply. It is also noted that the existing Federal hotel building is located within an area where no building height limit applies, and the additions proposed by this application still remain less than 8.5m and are proposed to be at an overall lower height than the hotel building.</p>
<p>Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone</p>	<p>The development is considered to be consistent with the existing heritage character of the Mudgee Heritage Conservation area. The development has been reviewed by Council’s Heritage Advisor and as noted within the above assessment under Clause 5.10 of the LEP, there is no objection to the proposal on heritage grounds and subject to conditions of consent as recommended.</p>
Mortimer and Church Street, Mudgee	
<p>Maintain the streetscape established in Church Street between Market and Mortimer Streets:</p> <ul style="list-style-type: none"> – Zero front and side setbacks – Double storey pattern 	<p>Not applicable</p>
<p>Provides variance particularly on upper floor levels, every 20-25m</p>	<p>Not applicable</p>
Articulation and Façade Composition	
<p>Breaks visual bulk with fenestration or change in materials etc.</p>	<p>Yes. Varying materials and colours provided.</p>
<p>No excessive blank walls in front façade</p>	<p>Yes. Visual bulk is reduced with the inclusion of various colours and materials.</p>
<p>Where blank walls are proposed (side or rear), minimise impacts with landscaping, patterning of façade, signage, public art</p>	<p>Yes. Minimal blank walls are proposed to side or rear boundaries and additional landscaping provided as part of the proposal minimises impacts in this regard.</p>
Residential–Commercial interface	
<p>Landscape buffer to residential boundaries</p>	<p>Yes. Landscaping of boundaries provided to all immediate residential buildings and landscaping also provided throughout the site to soften the car parking / hard standing areas.</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Ground and first floor do not overlook residential properties	The proposed hotel accommodation is two (2) storey and will have upper-level windows on the western and northern elevations. It is recommended that a condition be imposed to require privacy screening at a minimum 1.6m from the FFL for all level 1 windows on the northern and western elevations of the hotel accommodation to reduce direct overlooking into the private open space areas of the existing residential properties in this location.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	The proposed development includes a timber lapped fence along the western boundary, adjoining the residential property along with new landscaping of the site along with boundary fencing. An acoustic report has to be provided and ensures that acoustic privacy is maintained by the development.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Yes. Sufficient separation is provided to the adjacent resident with landscaping treatments throughout and setbacks of over 2m provided to the western boundary when the DCP permits commercial buildings to be constructed up to the boundary of the site.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Yes. Owing to the setbacks to the western (side) and northern (rear) boundaries, the development does not reduce sunlight to less than 3 hours between 9am and 3pm on residential properties.
Utilities and Services	
Building and structures located clear of infrastructure	Yes. Compliance is achieved, subject to relocation of the sewer main through the site and away from new buildings. A condition is imposed accordingly.
Able to be serviced by water, sewer and waste disposal	Yes. Compliance is able to be achieved.
Trade waste application required?	Yes. Condition imposed.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes. Noting that dual driveways are proposed to service the development.
All vehicle movement paths are sealed	Yes. Shown on plan and conditioned.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes. Condition imposed.
All loading facilities located within the site	Yes. Condition imposed.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
All loading facilities designed to comply with Australian Standards	Yes. A condition will also be required to ensure compliance is achieved.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes. The application was supported by a Traffic Impact Assessment and this has been referred Council's Development Engineers. No objection to the proposal has been provide by Council's Development Engineers.
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Not applicable
Convenient and safe access through parking areas	Yes. Internal footpath connections provided onsite.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Yes. Links to other sites not altered by the proposal.
Parking	
Discussed elsewhere in report	The applicant has sought to utilise the 'heritage incentive' clause of the DCP as discussed under the Part 5.1 Car parking assessment in this report. The site has a historic deficit of onsite parking; however, the proposal seeks to rectify this by provision of greater onsite parking and therefore the variation sought is supported by staff in the circumstances of the case.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Yes – the landscaping plan provided details extensive landscaping within the car park and throughout the boundaries of the site.
Landscaping to comprise low maintenance, drought and frost resistant species	The landscape plan includes a number of trees, shrubs and grass species that are suitable for the local climate.

Part 5.1 Car Parking

In accordance with Council's DCP, Section 5.1 – Car Parking, the following car parking is required to support the development:

Pub	Within the Commercial Core B3 zone, car parking study required. All other areas, 1 space per 5m2 of public/licensed area plus 2 spaces per 3 guest rooms plus 2 spaces per 3 employees.
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The following details the existing parking requirements generated by the development and the required parking under the DCP:

EXISTING USE	Area / number	Car Parking Required
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Licensed floor area	340m ²	68
Employees	7	4.7
Accommodation	15	15
Drive Through Bottle shop	3 currently provided	3
Total		91
Current Variation to DCP		80.2%

PROPOSED USE	Area / number	Car Parking Required
Licensed floor area	791m ²	158.2
Employees	10	6.7
Accommodation	38	38
Drive Through Bottle shop	8 proposed	8
Total		211
Proposed Variation to DCP		78.2%

The site currently only provides a total of 18 off street car parking spaces (including 3 spaces within the drive through bottle shop), with the remainder of the car parking presumably occurring on street. It is therefore concluded that the site has a significant historical deficiency in car parking, approximately 73 spaces. This represents a current variation of 80.2% to the car parking required by the DCP.

The proposed development also represents a very significant increase in GFA and requires the provision of 211 car parking spaces, whilst only providing a total of 46 spaces (38 marked spaces and 8 spaces within the drive through bottle shop). This represents a variation of approximately 78.2% to the DCP.

Based upon the above, it can be clearly seen that the Federal Hotel is currently operating successfully (and has been for some time) whilst only providing car parking for the accommodation and bottle shop components of the existing development at a variation of over 80% to current DCP requirements given the historical use of the site.

As such, the remaining car parking has been historically occurring on the surrounding road frontages of the site. The proposed development seeks to continue with this same model in that car parking for the proposed accommodation and bottle shop are compliant, whilst the remaining car parking for the development is to continue to occur on street.

The applicant is seeking to continue to rely upon the use of on-street car parking and to claim a concession in the form of a “Heritage Incentive” prescribed by Council’s Car Parking DCP as shown below.

Heritage Incentive

The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application.

The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.

The applicants Heritage Impact Statement included the following comments to support the use of the DCP exemption:

<p>Part 5 Development Standards</p> <p>5.1 Car Parking</p> <p>Heritage Incentive</p> <p>The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application.</p> <p>The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.</p>	<p>The proposal complies with the conditions of the application of this incentive.</p> <p>Conservation works proposed to the Item are listed in Section 6, above.</p> <p>The proposal includes an increase in the number of accommodation rooms and a bistro addition; currently the Hotel does not have a proper kitchen and the food options at the site are limited. The conservation and ongoing essential maintenance of the Item is dependent on the proposed alterations and additions to improve the Hotel's commercial viability to generate funds for the same.</p>
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Advice was also sought from Council's Heritage Advisor as to the value of the conservation works proposed. Council's Heritage Consultant has confirmed the works are considered significant enough to warrant the support of such a variation to Council's DCP parking requirement.

Based upon the assessment above, the extent of the historical deficiency of car parking and the heritage incentives granted by Council's Car Parking DCP, on balance, it is considered that the applicants' proposal and DCP variation is worthy of support by Council.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing a commercial development that has a proposed cost greater than \$200,000. Therefore, a levy of 1% applies in accordance with the Plan. A condition has been applied accordingly.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges. A condition has been imposed accordingly for payment of the contributions.

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

No Planning Agreements are applicable.

Regulations – 4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Additional matters that consent authority must consider:

The Regulations requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 will be required and included as a condition of consent.

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

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

(A) CONTEXT AND SETTING

The proposal is appropriate with regards to the surrounding context and setting and is considered to be a suitable form of development for the site. The overall design of the new building works, along with the conservation measures proposed by plans and the Heritage Impact Statement to the Federal Hotel will ensure that the established character of the area is also preserved on a prominent corner of the area.

(B) ACCESS, TRANSPORT AND TRAFFIC

The proposed development has been considered in respect of the sites new access from Inglis Street, new onsite parking arrangements (as detailed within the Part 5.1 DCP assessment) and traffic demand generated by the proposal.

The RMS Guide to Traffic Generating Developments does not prescribe a trip generation rate for a Hotel, the closest land use being a Motel and Restaurant. The following trip generation rates for a Motel and Restaurant are specified by the guide:

Motel

- Evening peak hour vehicle trips = 0.4 per unit

Restaurant

- Evening peak hour vehicle trips = 5 per 100m² GFA

The proposed development will therefore generate the following vehicle trips:

EXISTING USE	Evening peak hour trips
Motel – 15 rooms	6
Current ground floor GFA 340m ²	17
Total	23

PROPOSED USE	Evening peak hour trips
Motel – 38 rooms	15.2
Current ground floor GFA 791m ²	39.55
Total	54.75

The drive through bottle shop has not been included in the traffic volumes above as it is considered to be like for like, that is, no increased vehicle movements as a result of the proposed development.

Based upon the trip generation rates and tables above, the development once complete has the potential to increase traffic by approximately 32 vehicle trips per hour beyond that currently occurring. However, these figures do not take into account factors such as cross-use within the various facilities provided by the hotel, multi destination tripping within the Mudgee CBD and modern driver behaviour in terms of drink driving. Many modern studies have shown that the use of

taxis, courtesy buses, ride sharing and walking will lower the trip generation rates associated with a CBD hotel.

The hotels central location and the current high standard of the surrounding road network will ensure that any additional traffic generated by the development is able to be absorbed without impacting on current levels of service. Therefore, no additional or upgrading works are considered to be required from a traffic perspective.

The plans submitted demonstrate access to the site will be via Inglis Street to service the bottleshop and hotel accommodation with onsite parking provided.

Limited-service vehicle access may occur via Lyons Lane however conditions are recommended to ensure that restrictions to this, along with the upgrade of the lane would be required to ensure suitable access is provided.

Further, any additional parking for the hotel is proposed to continue the status quo, with on-street parking being retained.

(C) PUBLIC DOMAIN

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces. Footpath upgrades will however be undertaken by the developer, as shown on the plans, within the frontages of the site.

(D) UTILITIES

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

(E) HERITAGE

As outlined within the assessment of the proposal under Clause 5.10 of the LEP, there are no adverse heritage impacts associated with the proposal with the development seeking to 'preserve' and conserve the existing heritage listed building satisfying the objectives of Clause 5.10 Heritage Conservation of the LEP 2012.

(F) OTHER LAND RESOURCES

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

(G) WATER

No significant impact expected with water conservation measures required under the new Building Sustainability policy requirements introduced in October 2023.

(H) SOILS

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

(I) AIR AND MICROCLIMATE

The development is not expected to impact air quality or microclimatic conditions. Localised odours may be limited to cooking from the new commercial kitchen; however, conditions of consent are recommended to ensure that all mechanical exhausts comply with the applicable Australian Standards.

(J) FLORA AND FAUNA

The limited amount of vegetation proposed to be removed has been discussed throughout this report. No negative impacts are expected by removal of the vegetation within the site to facilitate the proposal.

(K) WASTE

Waste service is currently available however, separate commercial arrangements will be required in relation to demolition wastes and ongoing operational wastes generated by the development.

(L) ENERGY

As noted under the newly introduced Building Sustainability SEPP, the proposal seeks to implement energy saving devices along with rooftop solar to assist in reducing energy outputs generated by the proposed development.

(M) NOISE AND VIBRATION

An acoustic report has been prepared to support the application prepared by NDY Group and identifies surrounding sensitive receivers whilst assessing all aspects of the proposed development.

The identified closest sensitive receivers are located within Lewis Street and Inglis Street, with the following conclusions made with respect to each aspect of the development.

OPERATIONAL NOISE

- *Operational noise criteria were set using a modified approach to the NSW NPfl where the project amenity noise level is adopted as the project trigger noise levels.*
- *The main contributors of operational noise emission are expected to be building services equipment, the waste collection area and car park.*
- *Outdoor condensers are predicted to comply with the PTNL based on distance propagation and acoustic treatment.*
- *Waste collection activities will comply with project trigger noise levels assuming sound power level of 89 dBA and an acoustic barrier at the northern boundary.*
- *Car park noise is predicted to comply with the PTNL with an acoustic barrier at the northern boundary.*
- *Noise from outdoor gaming area will also meet the project criteria, administrative control measures are recommended for evening and nighttime.*

CONSTRUCTION NOISE

- *Construction noise criteria have been set in general accordance with NSW Interim Construction Noise Guideline, again adopting the project amenity noise level as the noise affected level.*
- *Construction noise is predicted to exceed the noise affected level, indicating reasonable steps to reduce noise should be taken.*
- *Construction noise is not, however, predicted to exceed the highly noise affected level (75 dBA) when site hoarding is implemented, indicating a construction noise and vibration management plan is not required.*
- *Construction noise will be controlled using time management per phase and a perimeter hoarding as indicated.*

CONSTRUCTION VIBRATION

- *Construction vibration has been assessed against British Standard BS 7385:1993 Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from ground-borne vibration “Assessing Vibration: a technical guideline” issued by the Department of*

Environment and Conservation NSW for measurement and assessment of vibration, and German Standard DIN 4150-3 Structural Vibration Part 3: Effects on building and structures.

- *The main sources of construction vibration emission from the site are expected to be vibratory rollers and piling works.*

Based on the above conclusions noise and vibration impacts on the surrounding community from the proposed Federal Hotel Mudgee will be compliant with noise and vibration regulations. As such NDY supports the applicable planning pathway for the proposed hotel.

Based on the above acoustic modelling and the content of the submission received, it is recommended that specific conditions be imposed to ensure compliance with the report along with the following to address adjoining resident concerns:

1. increase the new timber fence along the western boundary to the established fence height of 2m (from 1.8m as shown on the plans); and
2. ensure that any mechanical plant or condensers proposed along the western boundary be located within a soundproof / insulated acoustic enclosure, or relocated away from the western elevation of the buildings.

(N) NATURAL HAZARDS

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

(O) TECHNOLOGICAL HAZARDS

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

(P) SAFETY, SECURITY AND CRIME PREVENTION

The proposal is considered to increase passive surveillance and has been designed with crime prevention through environmental design principals including car park lighting, open sight-lines, with limited opportunities within the site for concealment of people, therefore reducing the risk of antisocial behaviour and crime activities.

(Q) SOCIAL IMPACT IN THE LOCALITY

The proposal is considered to generate generally positive social impacts whilst creating an improved accommodation outcome for the site, supporting conservation of the historic Federal Hotel.

(R) ECONOMIC IMPACT IN THE LOCALITY

The proposal is considered to generate positive economic impacts with employment opportunities, use of local trades and suppliers and providing an improved venue for the local community.

(S) SITE DESIGN AND INTERNAL DESIGN

The layout and design of the proposal has been well considered, whilst also seeking to conserve the heritage listed hotel. As a result, the layout and design of the proposal is considered to be adequate as discussed throughout this report.

(T) CONSTRUCTION

To comply with the BCA where relevant.

(U) CUMULATIVE IMPACTS

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

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

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

Whilst there are no hazardous land uses or activities nearby, it is considered that the development has been designed to ensure there is minimal impact on the locality and surrounding land.

(B) ARE THE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT?

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

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

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 8 November 2023. During the notification and advertising period, 1 unique submission was received providing comments for Council consideration.

The submission received by Council is included as Attachment 2 raised the following with comments provided in the table below:

Key Concern Raised:	Comment:
Increase the new timber boundary fence to the existing fence height of 2m and remain unpainted.	Supported – condition imposed accordingly.
Arborist report provided missing trees and tree trimming along the boundary – wishing to be consulted.	Supported – a revised report is to be prepared considering all trees in consultation with the adjoining owner (condition imposed accordingly).
Noise from motor noise of air conditioners / coolroom from the Bottleshop – seeks to have the located away from this boundary.	An acoustic report has been prepared and confirms that acoustic louvers are required on the rooftop condensers located on the hotel building. A condition is imposed accordingly to ensure compliance with the Report.
Dust from demolition and potential asbestos	A standard condition has been imposed to ensure that all demolition impacts, including dust suppression and works to remove asbestos material occurs in accordance with the applicable Australian Standards.
Power supply for this site runs underground in front of the proposed Bottleshop.	Noted. This would be a consideration for works to be approved by Essential Energy.

The applicant has also responded to the submission, which has been included as **Attachment 2** to this report.

As noted above and as a result of a full merits-based assessment of the proposal, conditions are considered to be able to be imposed for the development in order to address the relevant concerns raised. A redacted copy of the public submission received by Council during the notification period is included as **Attachment 2** to this report.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

The application was referred to Essential Energy with comments provided, noting that there were safety concerns raised due to setbacks / clearance requirements from the overhead powerlines. As a result, the applicant provided further information from their appointed consultant to enable the concerns to be addressed at a later stage. As a result, conditions have been imposed, prior to issue of any Construction Certificate.

The Public Interest – 4.15(1)(e)

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

The proposed development has resulted in significant community interest however, the majority of the key areas for concern have been addressed by the applicant and may be restricted via conditions of consent to mitigate impacts during operations.

CONSULTATIONS

(A) HEALTH AND BUILDING

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

(B) TECHNICAL SERVICES

Council's Development Engineer has provided a final referral response with the recommendation of a number of conditions of consent.

(C) HERITAGE ADVISOR

Council's Heritage Advisor has not raised any objections to the proposal, subject to conditions of consent as noted within the Clause 5.10 LEP assessment of the application.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

- Mid-Western Local Environmental Plan 2012

Mid-Western Development Control Plan 2013
Community Participation Plan 2019

Legislation

Local Government Act 1993

Public Health Act 2010

Environmental Planning and Assessment Act 1979 (as amended)

Environmental Planning and Assessment Regulation 2021

Roads Act 1993

Financial implications

Development Contributions will be collected by Council in accordance with the Developer Contributions Plan and Developer Services Plans (Water and Sewer).

Should Council refuse the application however, the costs associate with an appeal through the Land & Environment Court will be required to be funded by Council.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

1 March 2024

- Attachments:*
1. Development Plans and Reports. (separately attached)
 2. Submission and Applicants Response. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon

REPORT BY THE TOWN PLANNER
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, DA0052/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon;**
- B. that DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon be approved subject to the following conditions and statement of reasons:**

APPROVED PLANS

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

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Stage_13 SUBDIVISION PLAN	Stg_13-01	7	06/03/2024	Bathla
Temporary Basin Layout Plan	MKRV0036-113-C1200	4	18.01.24	Maker Eng.
Temporary Basin Sections	MKRV0036-113-C1210	4	18.01.24	Maker Eng.
Swept Path Analysis Layout Plan	MKRV0036-113-C1706	4	18.01.24	Maker Eng.
Biodiversity Development Assessment Report Stage 13 Caerleon Estate Mudgee	ENS5848	1.0	07.08.23	Biodiversity Australia Pty Ltd

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

GENERAL

- 2. In accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979, the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.**
- 3. All lots not fully located within "Area C" identified under Clause 4.1C of the Mid-Western Regional Local Environmental Plan 2012 must have a minimum lot size of at least 450m².**

BUSHFIRE REQUIREMENTS

- 4. The approved development shall comply with the following bushfire requirements:**

Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

- a) **At the issue of a subdivision certificate, and in perpetuity the entirety of the proposed residential lots must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.**

When establishing and maintaining an inner protection area, the following requirements apply:

- **tree canopy cover should be less than 15% at maturity;**
 - **trees at maturity should not touch or overhang the building;**
 - **lower limbs should be removed up to a height of 2 m above the ground;**
 - **tree canopies should be separated by 2 to 5 m;**
 - **preference should be given to smooth-barked and evergreen trees;**
 - **large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;**
 - **shrubs should not be located under trees;**
 - **shrubs should not form more than 10% ground cover;**
 - **clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;**
 - **grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and**
 - **leaves and vegetation debris should be removed regularly.**
- b) **At the issue of subdivision certificate, a section 88B easement under the *Conveyancing Act 1919* is to be created. The easement is to restrict the construction of any habitable part of a building within 10 metres from the western boundaries of lots 1 - 10. The easement is to ensure the lot accommodates the required Asset Protection Zones (APZs) for the future dwelling located on the lot. The name of authority empowered to release, vary, or modify any instrument must be Council.**
- c) **At the issue of a subdivision certificate, a suitably worded instrument(s) must be created pursuant to section 88B of the *Conveyancing Act 1919* over Lot 1108 DP1280482 for a distance of 50m to the south of Lots 10, 12-29 to ensure its management as an inner protection area in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*.**

The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary, or modify the instrument must be Mid-Western Regional Council.

- d) Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
 - Planting is limited in the immediate vicinity of the building;
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
 - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - Low flammability vegetation species are used.

Access – Public Roads

The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- e) Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- subdivisions of three or more allotments have more than one access in and out of the development;
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - dead end road no. 3 must incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;

- temporary dead end road no. 1 and Hone Creek Drive must comply with Figure A3.3 of PBP 2019
 - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
 - hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2021 - *Fire hydrant installations System design*, installation and commissioning; and
 - there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.
- f) Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- minimum 5.5m carriageway width kerb to kerb;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas;
 - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - curves of roads have a minimum inner radius of 6m;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- g) The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
- reticulated water is to be provided to the development where available;
 - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2021;
 - hydrants are not located within any road carriageway;
 - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;

- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

If General Terms of Approval are received by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and differ from the requirements stipulated above, the development shall be carried out in accordance with those General Terms of Approval.

5. The development is to be undertaken at all times in accordance with the mitigation measures and environmental controls set out in Section 5.4 “Measures to Minimise Impact” of the Biodiversity Development Assessment Report, prepared by Biodiversity Australia.
6. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
7. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
8. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

9. A temporary bus turning area is to be provided off/at the end of Hone Creek Drive, in accordance with one of the options shown on the approved plans. All costs associated with the construction and ongoing maintenance of the temporary turning area is to be borne by the developer until such time as it is no longer required.

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

10. Prior to issue of the Subdivision Works Certificate, the lot layout of the subdivision is to be updated on all civil plans provided with the application and prepared by Maker Eng. so that the layout is in accordance with the approved Subdivision Plan prepared by Bathla (identified as “Stage_13 Subdivision Plan” Revision 7 and dated 06/03/2024).
11. Prior to issue of the Subdivision Works Certificate the class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to Subdivision Works Certificate.

Table: Ecosystem credits required to be retired – like for like:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region
<p>PCT266 – White Box Grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion</p> <p>(Like for Like offset trading groups include: White Box - Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highla This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710, 711,</p>	<p>18</p>	<p>Inland Slopes, Bogan-Macquarie, Bondo, Capertee Uplands, Capertee Valley, Crookwell, Hill End, Kerrabee, Lower Slopes, Murray Fans, Murrumbateman, Orange, Pilliga, Talbragar Valley and Wollemi. or</p> <p>Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.</p>

796, 797, 799, 847, 851, 921, 1099, 1303, 1304, 1307, 1324, 1329, 1330, 1332, 1383, 1606, 1608, 1611, 1691, 1693, 1695, 1698, 3314, 3359, 3363, 3373, 3376, 3387, 3388, 3394, 3395, 3396, 3397, 3398, 3399, 3406, 3415, 3533, 4147, 4149, 4150)		
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12. Prior to issue of the Subdivision Works Certificate the class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the requirements in the following table must be provided to Council prior to Subdivision Works Certificate.

Table: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Anthochaera phrygia</i> / Regent Honeyeater	4	Anywhere in NSW

13. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in .dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with current AUS-SPEC specifications (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate.
14. All finished surface levels shall be shown on the plans submitted for the Subdivision Works Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798- 2007 Guidelines on Earthworks for Commercial and residential Developments.
15. A site supervisor is to be nominated by the applicant prior to the issue of the Subdivision Works Certificate.
16. Existing and proposed contours are to be shown on detailed engineering plans.
17. Prior to the issue of a Subdivision Works Certificate, all details relating to the decommissioning of any farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

Stormwater Drainage

18. Prior to the issue of a Subdivision Works Certificate the applicant is to submit a Drainage Report and civil design plans prepared in accordance with the current published version of Australian Rainfall and Runoff for approval prior to the release of the Subdivision Works Certificate. The report must demonstrate that

stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report. The Drainage Report shall include:

- Catchment plans;
- Hydrological calculations;
- Hydraulic calculations;
- Pit, pipe and headwall locations shown on plans;
- Gutter flow does not exceed 80 litres/sec or 2.5m in width;
- Pit bypass less than 15% of flow;
- Pit spacing less than 75m;
- Pipe class is appropriate given cover or depth;
- Pipe grade allows for self-cleansing at low flow velocities;
- Longitudinal sections of all pipelines showing pipe grades and classes, pit names/numbers and type, hydraulic grade etc.
- Plan and sectional views of non-standard drainage structures.
- Downstream owners consent to discharge of stormwater.

19. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets
<ul style="list-style-type: none">• Total Suspended Solids (TSS) – 85% reduction of the typical annual load• Total Phosphorus (TP) – 65% reduction of the typical annual load• Total Nitrogen (TN) – 45% reduction of the typical annual load• 90% of gross pollutant loads, oil and grease retained on-site

Note: Results from MUSIC modelling or equivalent shall be supplied with Subdivision Works Certificate Issue plans demonstrating that the design meets the above criteria.

20. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.

21. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any inter-allotment drainage.

22. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.

23. An Erosion and Sediment Control Plan or the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as

outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:

- drainage reserves are to be turfed;
- single strip of turf to be laid behind kerb and gutter;
- saving available topsoil for reuse in the revegetation phase of subdivision;
- using erosion control measure to prevent on-site damage;
- rehabilitating disturbed areas quickly;
- maintenance of erosion and sediment control structures; and
- a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

24. All stormwater runoff is to be piped into Detention Basins. No outfall using open channel will be permitted except between the lowest detention basin to the culvert under the rail corridor. The use of grassed swales with batter slopes no greater than 1:6 to provide for an overland flow path in the event of very large storms (< 1:100 year ARI) will be permitted.

Road Works

25. Internal road pavements shall be designed by a suitably qualified engineer in accordance with AustRoads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).

26. Internal road reserve and pavement widths for Stage 13 are to conform with the following requirements:

Road	Classification	Road Reserve	Carriageway	Verge	Footpath	Kerb Type
Road No. 1	Local Residential	15.5m	7.5m	2 x 4m	1 x 1.5m	Roll top
Road No. 2	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 3	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 4	Residential Road	18.0m	9.0m	2 x 4.5m	1 x 1.5m	Roll top
Hone Creek Drive (Neighbourhood Centre)	Neighbourhood Centre	23.6m	3m median with landscaping and pedestrian refuge; 2 x 3.5m travel lanes; and 2 x 2.3m parking lanes	2 x 4.5m	2 x 1.5m	Upright

27. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.
28. Internal cross road intersections are to be designed to have:
 - Give Way signs, and
 - Line marking
29. On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.
30. Prior to the issue of the Subdivision Works Certificate, plans are to be provided showing the following works relating to Hone Creek Drive:
 - a. A suitably designed transition from the existing road formation, footways and footpaths within Hone Creek Drive from the intersection of Shearman Street to the Stage 13 boundary.
 - b. The plans shall show the works required within the existing Hone Creek Drive road reserve to achieve the transition described above including the reconstruction and widening of Hone Creek Drive, relocation of all affected services to their correct allocations, relocation of and transition to the new footpath allocations and widths and the provision at no cost to Council of the dedication of the additional road widening required to achieve the above.
 - c. Such details shall be clearly shown on a set of engineering drawings to be approved in conjunction with an application for approval under S138 of the Roads Act 1993.
 - d. No works can commence within Hone Creek Drive until a S138 Road Act approval is issued by Mid-Western Regional Council.

Water and Sewer

31. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.

Note: Council does not permit other bodies to connect into 'live' water mains.
32. Water services are to be located on alternate property boundaries to Telstra / Electricity. The Developer will construct water service to the water meter and prior to the issue of a Subdivision certificate pay for the Water Meter Assembly fee as specified in the current Schedule of Council Fees and Charges for Council to supply and install a meter only for each Lot in the Subdivision.
33. Water supply for Stage 13 is to be obtained by extension of mains constructed within Stage 9 of Neighbourhood 1.

34. Direct connection to the Trunk Main that generally follows proposed spine road alignment is NOT permitted except at existing connection points or as advised by Council's Water and Waste Water directorate.

Footpaths and Cycle Ways

35. Footpaths no less than 1.5 metres wide are to be provided on at least one side of Road No. 1, 2, 3 and 4, and on both sides of Hone Creek Drive (neighbourhood centre).

Street Trees

36. Prior to issue of subdivision works certificate a landscape plan is to be prepared by a qualified landscape architect and approved by Council. Street trees of a species approved by Council are to be provided to all streets with an average of one tree per lot frontage. Corner lots are to have a minimum of two street trees on the secondary frontage. The location of street trees must complement proposed driveway locations and other elements in the public domain (i.e. light poles); maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners; provide appropriate shade; and provide an attractive and interesting landscape character.
37. Street trees are to be approximately 1.5m - 2m in height when planted.

PRIOR TO COMMENCEMENT OF WORK

38. No construction is to commence before a Subdivision Works Certificate is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the Subdivision Works Certificate.
Note: The Subdivision Works Certificate may be issued by Council. Council's fee for this service is set out in Council's fees and charges.
39. A Traffic Guidance Scheme (TGS) completed by the "Certified Person" for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
40. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.

DURING WORKS

41. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
42. All construction works shall be undertaken in accordance with the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012 as approved under DA0428/2013 (and subsequently modified).
43. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base-course.
44. Street signs necessitated by the subdivision are to be installed in accordance with AUS- SPEC Specification and Council's requirements.
45. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- installation of sediment and erosion control measures;
- water and sewer line installation prior to backfilling;
- stormwater pipes installation prior to backfilling;
- water and sewer lines pressure testing;
- sewer manholes vacuum testing;
- establishment of line and level for kerb and gutter replacement;
- road pavement construction;
- road pavement compaction testing;
- road pavement surfacing;
- practical completion

46. Upon completion of each stage of construction, the Developer is also required to ensure that adequate provisions are made for the following:

- Sediment and erosion control measures;
- Traffic control measures; and
- Maintenance of public areas free from unauthorised materials, waste or other obstructions.

47. The applicant shall repair, in accordance with AUS-SPEC Specification and Council Standard Drawings, any part of Council's property damaged during the course of the development.

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

COVERSHEET

- Project Address
- Client/Developer
- DA Number
- Lot Numbers
- Subdivision Stage Number (If Applicable)

INDEX

- Section Numbers

CONTRACTOR DETAILS

- Contractor Representative
- Contractor Contact Details

SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable:

- **Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc. for supplied materials)**
- **Concrete mix Details (Concrete Register/ Concrete Test Results required) Bitumen Sealing Reports/Records**
- **Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a .dwg)**
- **Dimensional and Tolerance Records (Survey Conformance Reports)**
- **Inspection Documentation (Development Engineer Inspections, ITP's, Lot Identification) Non-conformance reports (Major non-conformances not detailed on council inspections) Work As Executed Drawings must be received and approved by Council. Documents to be submitted to be as follows:**
 - **One set of Work As Executed Drawings in PDF soft and hard copy.**
 - **AutoCAD compatible files in .dwg format of WAE constructions.**
 - **MapInfo files (MGA GDA94 Zone 55/56) of WAE constructions.**
 - **Asset Data Spreadsheets with all the asset details in Excel format. (Council will provide the template Excel sheet).**
 - **MapInfo files (MGA GDA94 Zone 55/56) Note: Ensure all WAE assets data in Excel**
 - **sheets correlate with WAE Drawings, AutoCAD and MapInfo files.**
 - **Copy of final inspection report from Council's Development Engineer.**

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

49. **Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.**
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.
50. **This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.**
Please refer to the Advisory Notes for the contribution to be made to Council in accordance with the Voluntary Planning Agreement for Caerleon.
51. **The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local**

Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

- 52. Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**
- 53. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.**
- 54. Prior to issue of the Subdivision Certificate**
- **All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or**
 - **An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:**
 - **As to the security to be given to Council that the works will be completed or the contribution paid and**
 - **As to when the work will be completed or the contribution paid.**
- 55. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer. The bond shall be lodged with Council, prior to issue of the Subdivision Certificate.**
- 56. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.**
- Note: Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.***
- 57. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.**
- 58. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:**
- a) **A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
 - b) **A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.**

59. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.
60. The developer must provide Council and land purchasers with a site classification for each lots within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.
61. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
62. The developer shall contact Council’s Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819, prior to issue of the Subdivision Certificate.

ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:
 - a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable) which has been calculated in accordance with the VPA endorsed by Council:

Section 64 Contributions					
Total of 62 residential lots (61 x small and 1 x medium)					
		ET/U nit	Per Lot	No. lots	Total
Water Head works	Residential allotment (small) <650m ²	0.75	\$6,802.33	61	\$414,942.13
	Residential allotment (medium) 650m ² - 1200m ²	1	\$9,069.77	1	\$9,069.77
	Water Headworks Subtotal				\$424,011.90
Sewer Head works	Residential allotment (small) <650m ²	0.75	\$3,088.26	61	\$188,383.86
	Residential allotment (medium) 650m ² - 1200m ²	1	\$4,117.68	1	\$4,117.68
	Sewer Headworks Subtotal				\$192,501.54

TOTAL HEADWORKS	\$616,513.44
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Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. No submissions were received during the public notification period.

Executive summary

OWNER/S	Caerleon Mudgee Pty Ltd ATF Caerleon Mudgee Trust
APPLICANT:	Universal Property Group Pty Ltd
PROPERTY DESCRIPTION	Lot 930 DP1274170 Caerleon Estate Development Block 40 Hone Creek Drive, CAERLEON NSW 2850
PROPOSED DEVELOPMENT	Subdivision of land (62 residential lots)
ESTIMATED COST OF DEVELOPMENT:	\$1,703,668.00
REASON FOR REPORTING TO COUNCIL:	The application exceeds staff's <i>Delegation of Authority</i> , in that it is for a subdivision creating

	more than 20 allotments.
PUBLIC SUBMISSIONS:	Nil

At the February 2024 Council Meeting, Councillors considered a Council report in relation to Subdivision of land DA0052/2024 – Subdivision (70 Residential lots) Stage 13 – Caerleon Estate – 40 Hone Creek Drive, Caerleon. The subdivision proposed to create 70 residential lots as shown in Figure 1.

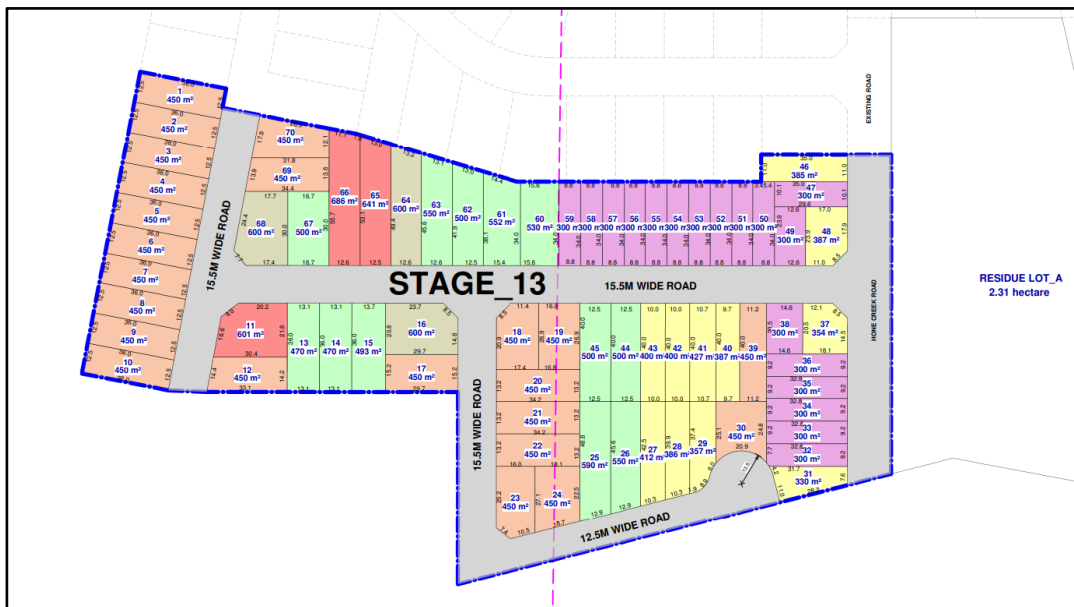


Figure 1: Subdivision plan presented at February Council meeting

Councillors considered the report and a motion was carried that the matter be deferred to the next Ordinary Meeting of Council with staff to liaise with the applicant to ensure compliant road widths are achieved with consideration of appropriate lot sizes for the area.

Since the February Council meeting, Council officers have liaised with the applicant who has now submitted an amended proposal (*Attachment 1*). The amended proposal includes the following:

- Reduction in lot yield from 70 lots to 62 lots
- All lots with a minimum lot width of 12.5m
- Lot sizes ranging from 330m² to 684m².
- Widening of roads as follows:
 - Road 1 – no change proposed. The road is to be retained at 15.5m to match the existing adjacent constructed road within completed Stage 9.
 - Road 2 – increased from 15.5m to 16.0m
 - Road 3 – increased from 12.5m to 16.0m
 - Road 4 – increased from 15.5m to 18.0m
 - Road 5 (Hone Creek Drive) – increase to 22.0m

The amended proposal is shown in Figure 2 below:

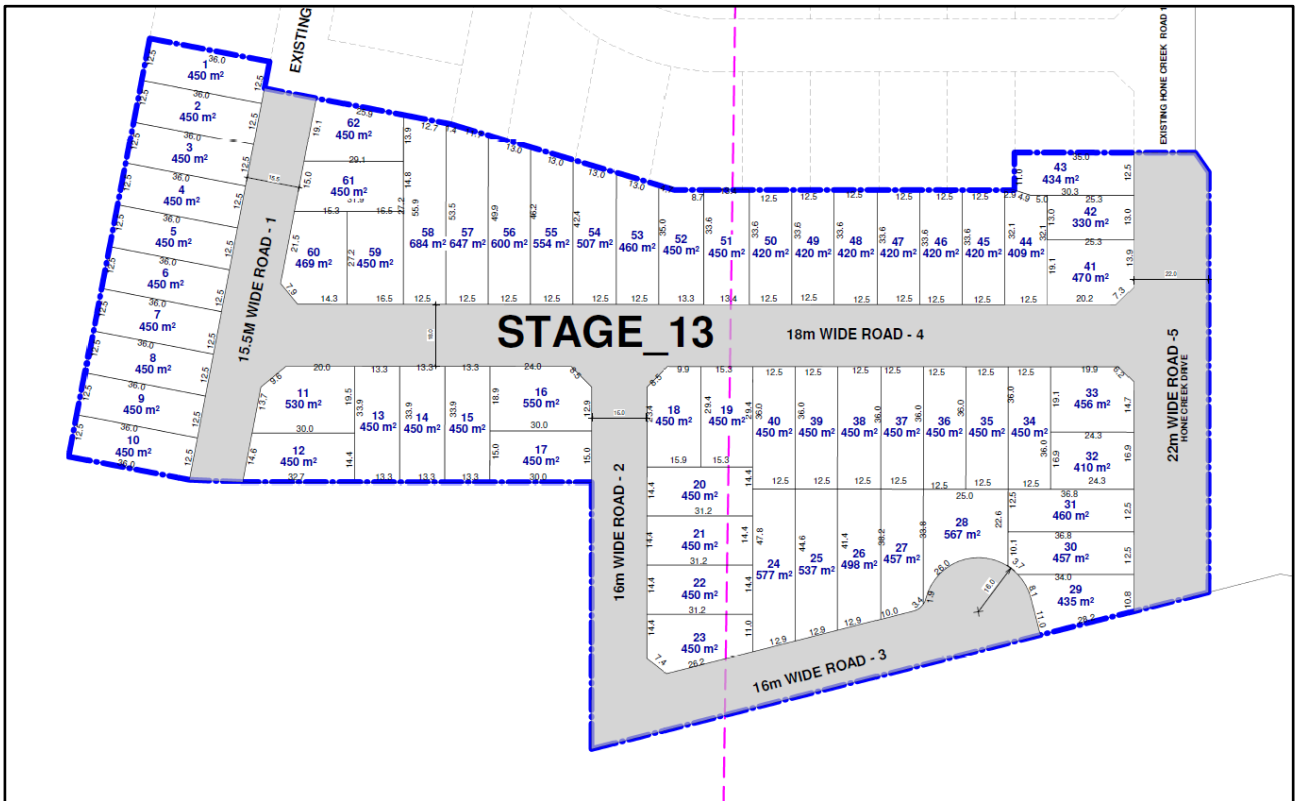


Figure 2: Amended subdivision plan

The original application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 October 2023. During the notification period, no submission/s were received. Re-notification of the amended plans/application was not considered necessary as the proposed changes were not considered significant enough with regards to implications on adjoining neighbours.

The proposed development has been assessed in accordance with Council’s Development Control Plan, 2013 (DCP 2013) and the Mid-Western Regional Local Environmental Plan 2012 (MWLEP). The proposed development is considered generally consistent with Council’s planning controls. Recommended conditions of approval have been updated in accordance with the amended plans. Council’s Development Engineers have recommended that Hone Creek Drive is widened to 23.6m from the 22.0m shown on the amended plans in accordance with the Caerleon Development Control Plan. Relevant conditions have been included in the recommended conditions provided.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

ASSESSMENT OF AMENDMENTS

The proposed development is generally in accordance with the original assessment of the application report to the February Council meeting (*Attachment 2*).

An assessment is made below of the relevant sections impacted by the submitted amended plan. Re-consideration of any section not listed below was not considered necessary.

Environmental Planning and Assessment Act 1979

Integrated Development

The development proposal is considered to be Integrated Development, in accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The subject land is partially mapped as being bushfire prone, as such the development is integrated pursuant to Section 100B of the Rural Fires Act requiring a Bushfire Safety Authority. The application was referred to the Rural Fire Services who issued General Terms of Approval (GTA) on 20 October 2023.

Following submission of the amended plan, it was referred to the Rural Fire Service (RFS) in accordance with Section 38(3) of the Environmental Planning and Assessment Regulation 2021. A response from RFS had not been provided at the time of writing. It should be noted that it is a requirement under the Regulations that the amended application is referred to the RFS for comment, providing them with an opportunity to issue amended General Terms of Approval to be incorporated into the determination of the application.

In regards to the above, it should be noted that the amended plans propose a reduction in the number of lots (70 to 62) and increase the width of the majority of new roads. Given the nature of the amendments – and lower bushfire risk, it is considered that the risk that the RFS would not support the changes is very low. In the absence of updated referral comments or updated GTAs from RFS, the General Terms of Approval previously provided for the application have been included as conditions of consent. This is to ensure the subdivision is developed in accordance with the requirements of Planning for Bushfire Protection 2019. Condition 5(c) has been modified to correct the Lot numbers as a result of the amended plans. Condition 5 relating to the bushfire requirements also allows some flexibility so that they can be superseded by any updated GTAs that may be issued by the RFS.

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

Clause 4.1 Minimum subdivision lot size

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

The minimum lot size pursuant to the mapping is 450m² where the land is zoned R1 General Residential. There is no minimum lot size where the land is zoned MU1 Mixed Use.

The proposed lots are able to meet the minimum lot size, except for those lots utilising Clause 4.1C:

- Lots 1-28 and Lots 51-62 are all 450sqm or greater and meet the minimum lot size of 450sqm
- Lots 29-33 and Lots 41, 42 and 43 do not have a minimum lot size (located within the Mixed Use Zone) and range from 330m² to 460m².
- Lots 44-50 range in size from 409sqm to 420sqm and are less than the minimum of 450sqm and will utilise the provisions of Clause 4.1C – further discussed below.

Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1

The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.

This clause allows for no minimum subdivision lot size for the subdivision of land identified as “Area C” on the Lot Size Map and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation.

A total of 7 lots (identified as Lots 44-50) are located within Area C will utilise the provisions of Clause 4.1C requiring no minimum lot size. The lots range in size from 409m² to 420m² and are able to accommodate a dwelling in accordance with the Caerleon DCP requirements.

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 (DCP 2013)

PART 8.3 CAERLEON RESIDENTIAL AREA

APPENDIX C: CAERLEON DEVELOPMENT CONTROL PLAN

Part 5.1 Subdivision

Minimum Lot Width	
Residential lots within the R1 General Residential Zone have a minimum lot width of 12.5m at the building line (except land in the shaded area surrounding the B4 Mixed Use, as illustrated in the Indicative Density Allocation Plan), and are generally rectangular in shape.	Complies – all lots will have a minimum frontage width of 12.5m

Part 3.1 Street Network and Design

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Street Network and Design	
Neighbourhood Centre Road is specially designed to create a comfortable and safe pedestrian environment.	The applicant has proposed a width of 22.0m. This does not comply with new widths recently amended under the Caerleon DCP which require a minimum width of 23.6m. Conditions will be included to comply with DCP requirements as well as a condition to enable the transition of the wider road from the existing road formation.
Laneway	
8.0m Road Reserve	Not applicable
6.0m Carriageway	
2x 1.0m Nature Strip	
No Parking Permitted	
Barrier Kerb Type	
Minor Access Street – Cul-de-sac – serves < 10 Dwellings	
16.0m Road Reserve	Roads 2 and 3 have been widened on the submitted amended plans and will meet the requirements of this standard.
8.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
Minor Access Street – Cul-de-sac (including longer than 100m)	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
17.0m Road Reserve	
9.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
Residential Road – serves 31-120 dwellings	Road 4 has been widened to 18.0m on the submitted amended plans and will meet the requirements of this standard.
<p>18.0m Road Reserve 9.0m Carriageway 2 x 4.5m Nature Strip 1 x 1.5 Footpath Carriageway Parking Roll Kerb Type</p>	<p>Road 1 at the western side of the development running in a north-west direction has not been widened on the amended subdivision plans. The applicant has advised that this road has been maintained at 15.5m to match the existing adjacent constructed road within completed Stage 9.</p> <p>Council’s Development Engineers have reviewed the information and support retaining the reduced width of this road, however, will require the footpath to be increased to 1.5m. The reduced width is supported as transitioning the road reserve width on the ground with an already constructed stage is considered to be awkward and potentially problematic with pavement, kerb and services. It is noted that this condition of the continuation of the road into the next stage occurs with Stage 14, however as this stage is in planning the transition of the road reserve will be less problematic.</p>
Major Residential Road (Collector Road) – serves >120 dwellings	Not applicable
Sub-arterial Road (Collector Road)	Not applicable
Sub-arterial Road (Collector Road) with Median	Not applicable
Neighbourhood Centre Road Sub-arterial Road with Median	
23.6m Road Reserve	Amended plans show Hone Creek Drive to have a width of 22m. In order to meet Council’s DCP requirements the road reserve will be required to have a minimum width of 23.6m, this has been included as a condition of approval.
5.8m Carriageway for both directions	
The Neighbourhood Centre Road carriageway incorporates parallel car parking bays + 3.5m travel lanes in both directions.	A condition has also been included to allow for the transition of the existing Hone Creek Drive road formation to the wider formation set out within the DCP.
2 x 4.5m Nature Strip	
2 x 1.5 Footpath	
3.0m with landscaping and pedestrian refuge median	
Barrier Kerb Type	
Minor Rural Access Street – Cul-de-sac	Not applicable
Rural Road	Not applicable

Section 64 - Water/Sewer Developer Services Charges

Pursuant to the Caerleon Voluntary Planning Agreement in place and endorsed by Council, the proposed development is liable for water and sewer headworks charges in accordance with Schedule 5 of the VPA. A condition of consent has been imposed accordingly based on the following calculated charge including CPI to today's date:

Section 64 Contributions					
Total of 62 residential lots (61 x small and 1 x medium)					
		<i>ET/Unit</i>	<i>Per Lot</i>	<i>Number of lots</i>	<i>Total</i>
Water Headworks	Residential allotment (small) <650m ²	0.75	\$6,802.33	61	\$414,942.13
	Residential allotment (medium) 650m ² - 1200m ²	1	\$9,069.77	1	\$9,069.77
Sewer Headworks	Residential allotment (small) <650m ²	0.75	\$3,088.26	61	\$188,383.86
	Residential allotment (medium) 650m ² - 1200m ²	1	\$4,117.68	1	\$4,117.68
Total Headworks					\$616,513.44

CONSULTATIONS

Development Engineer

Council's Development Engineer has reviewed the amended plans and raised no objections to the proposal, subject to conditions requiring the width of Hone Creek Drive to be increased to 23.6m as per the Development Control Plan and the inclusion of a condition relating to the transition of the existing Hone Creek Drive formation and the wider formation of 23.6m.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2021
- Mid-Western Regional Local Environmental Plan 2012

Other Documents / Agreements

Planning Agreement between Mid-Western Regional Council and Caerleon Mudgee Pty Limited and Caerleon Mudgee Trust dated 2013.

Financial implications

Not Applicable

Associated Risks

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

Council's decision may be challenged through the Land & Environment Court as the correct legislative process for integrated development has not been undertaken, in that referral comments or updated GTAs have not been issued by the RFS – on the amended plans.

SARAH HOPKINS
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

12 March 2024

- Attachments:*
1. Amended application. (separately attached)
 2. February 2024 Council report - Item 8.3 - DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 DA0078/2024 - Proposed Shed - 13 Harvey Street, Bombira

REPORT BY THE TOWN PLANNER AND BUILDING AND DEVELOPMENT CO-ORDINATOR
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, DA0078/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner and Building and Development Co-Ordinator on the Development Application (DA0078/2024 - Proposed Shed - 13 Harvey Street, Bombira;**
- B. decline/refuse the lifting of the restriction of use sixthly referred to in the s88B Instrument for DP1259753; and**
- C. refuse Development Application (DA0078/2024) for a proposed shed based on the following statement of reasons:**

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

- 1. The proposed development does not achieve compliance with the Mid-Western Regional Development Control Plan 2013 in terms of Part 3.1 'Outbuildings'**
- 2. The proposed development is not considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979 in terms of the likely impacts of the development on the natural and built environment.**
- 3. The proposed development does not achieve compliance with the Restriction on the Use of Land sixthly referred on the Section 88b Instrument, and will consequently have a negative impact on the rural amenity on approach to the town centre.**
- 4. The close proximity of the shed to Ulan Road will negatively impact on the rural vistas surrounding the Mudgee Township.**

Executive summary

OWNER/S	Ms Nicole L Rodda & Mr George Joubert
APPLICANT:	Fernleigh Drafting
PROPERTY DESCRIPTION	13 Harvey Street, Bombira – Lot 503 DP 1259753
PROPOSED DEVELOPMENT	Construction of a shed
ESTIMATED COST OF DEVELOPMENT:	\$60,000.00
REASON FOR REPORTING TO COUNCIL:	Public Interest Decision
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0078/2024 that seeks approval for the construction of a detached shed to be located, in the backyard of 13 Harvey Street, BOMBIRA NSW 2850. The subject land is legally described as Lot 503 DP1259753.

The subject site is a 2020m² parcel of land located within the Bombira Residential Estate. The lot has frontage to Harvey Street and backs onto a public reserve before adjoining Ulan Road (See **Figure 1**). Currently existing on site is a dwelling house. The locality is characterised by recently constructed or emerging residential dwellings on large lot sites. Extending beyond the residential estate to the east and south is rural zoned land and vistas of Mudgee's vineyards and mountain ranges.

The application was not required to be notified or advertised in accordance with the Mid-Western Regional Community Participation Plan 2019. No submissions were received during the assessment period.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP) and the Local Environmental Plan (LEP). The assessment concludes that the proposed development is not consistent with Council's planning controls in relation to Part 3.1 'Outbuildings' of the Mid-Western Regional Council DCP 2013. The key concerns relate to the size of the shed, which does not comply with Council's requirements.

Additionally, the proposed development has been assessed having regard to a Section 88b Instrument restriction on the title of land. The restriction on title specifies that *no above ground structures are to be erected on any lot within an area designated "C"*. It shall be noted that area "C" includes the rear 15m portion of the lot. The proposed shed is located entirely within the 15m area, directly contravening the restriction, and will consequently have a negative impact on the rural amenity on approach to the town centre.

When the application was originally received, the shed was located entirely within the 15m restricted area, and the shed was 168m² (12m x 14m) in size. The applicant was requested to address these matters on 4 September 2023 and a follow up correspondence was sent 25 October 2023. A meeting was later held with the landowner on the 14 November 2023 to discuss and resolve the issues raised. After no response was received, a final e-mail was sent 12 December 2023 advising that the application was not supported in its current form and would be refused.

Amended plans and an amended statement of environmental effects was received 20 December 2023 which reduced the size of the shed from 168m² to 126m². The location of the shed within the 15m restricted area remained unchanged. While the shed size has been reduced, the amendments have not gone far enough to satisfactorily address Council's concerns, given the shed's location within the restricted area.

Having regard to the aforementioned matters, the application has not been supported by Council staff. The application has been referred to Council for consideration, in that it is a public interest decision and the recommendation is refusal.

Disclosure of Interest

Nil

Detailed report

Proposed Development:

Council is in receipt of Development Application DA0078/2024 that seeks approval for the following:

- Construction of a detached steel famed shed at the rear of the lot;
- The shed is to be 12m x 10.5m and have a pitched roof proposed to a height of 4.4m;
- The shed is 126m²;
- The shed is to be constructed with colorbond corrugated wall cladding in the colour 'Off White' and colorbond corrugated roofing in colour 'Monolith';
- One (1) awning is proposed to the north east as well as two (2) single roller doors and two (2) 5000L rainwater tanks;
- The shed is open plan but contains and an internal bathroom with a toilet, shower and sink; and
- The owner has advised that the shed is proposed to be used for storage purposes only. Specifically, for the storage of garden tools, a camping trailer, camping equipment and other household tools etc.

The proposed plans and supporting information for the development is included in **Attachment 1** and layouts shown in **Figures 1, 2, 3** and **4**, below:



Figure 1: Aerial Locality Map

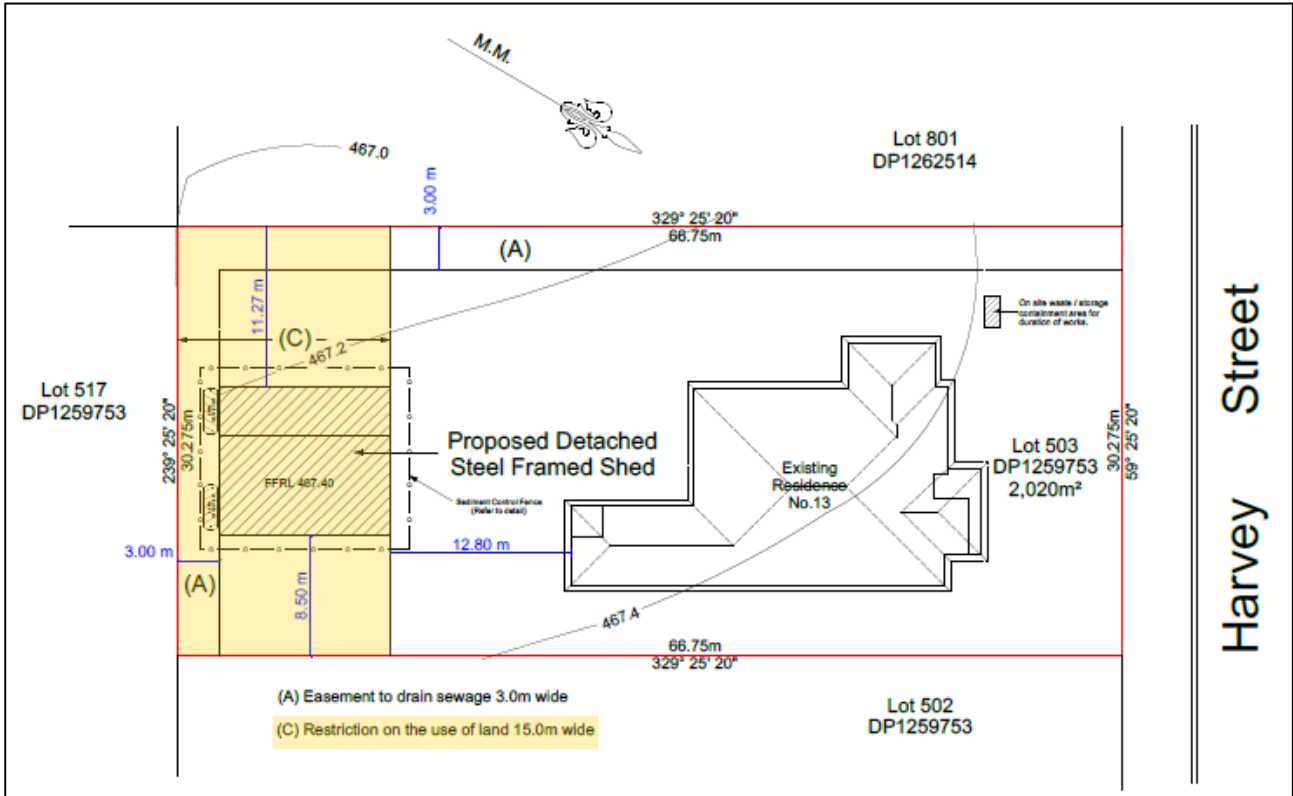


Figure 2: Site Plan (Area "C" highlighted in yellow)

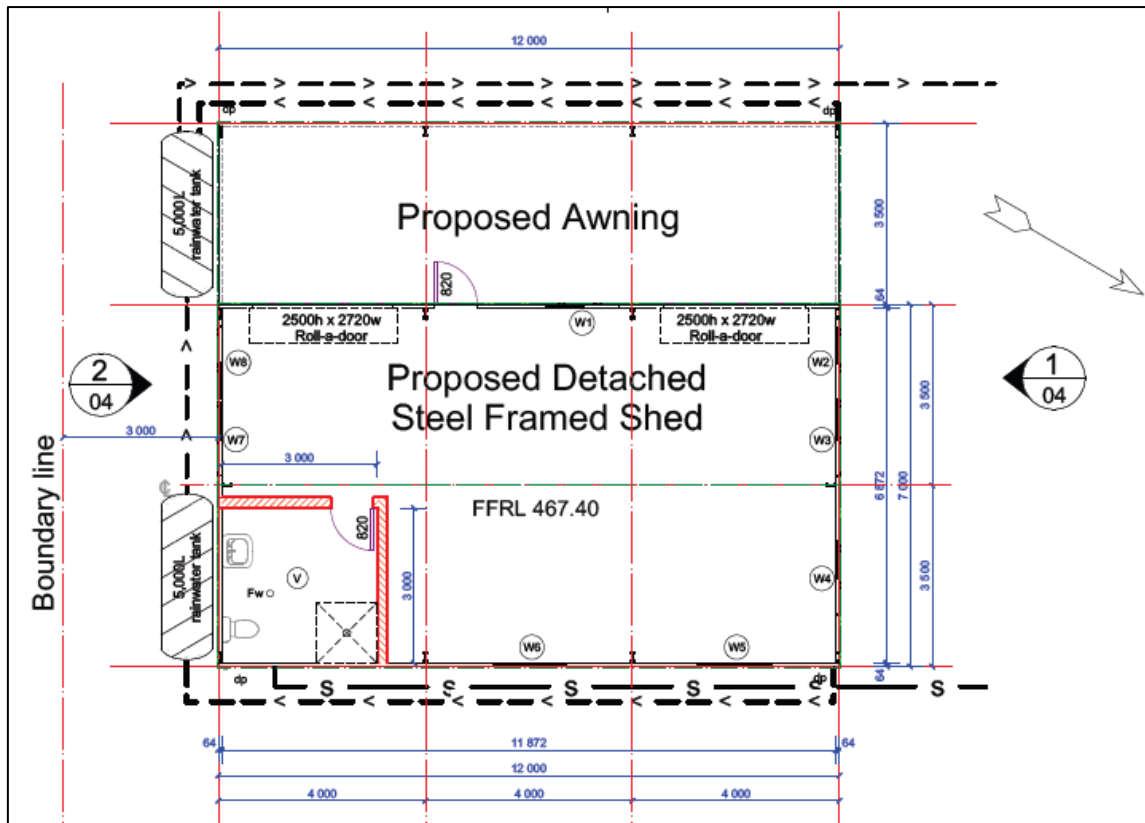


Figure 3: Floor Plan

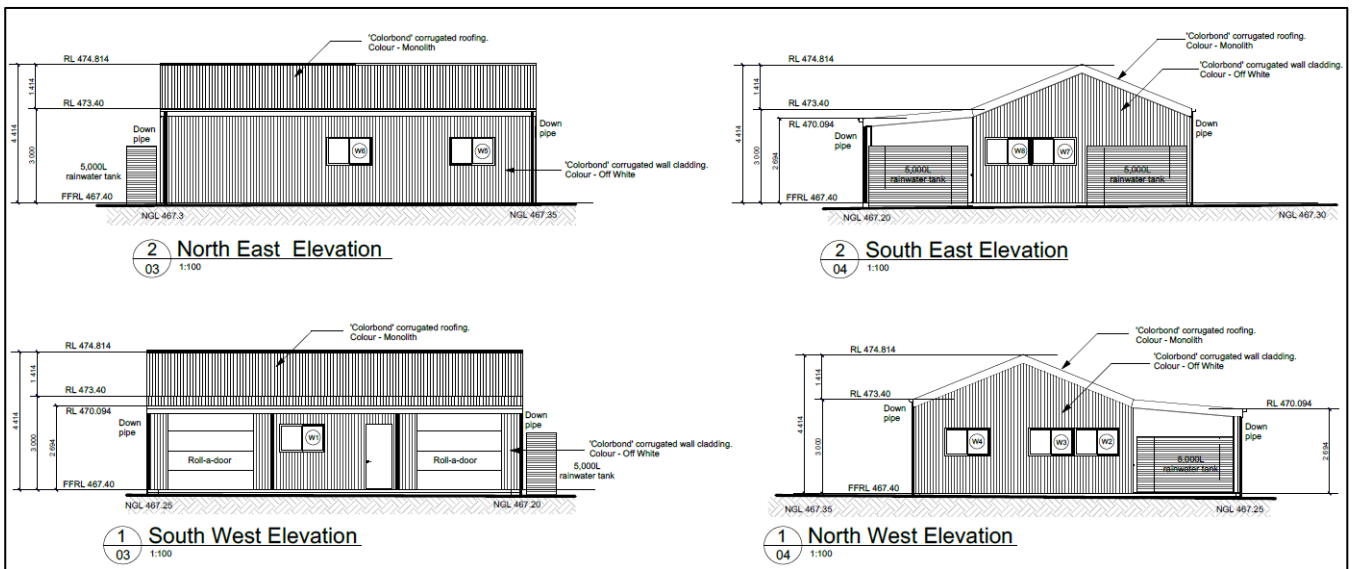


Figure 4: Elevations

DCP Variation:

The proposed development seeks a variation to Part 3.1 'Outbuildings' of the Mid-Western DCP 2013. The DCP prescribes the following standards:

Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for urban areas

Lot size m ²	Shed size m ²
2001 - 3000	120

The applicant has proposed a shed size of 126m² which is a numerical non-compliance of 5%.

Formal justification was submitted in the Statement of Environmental Effects (**Attachment 2**) which states:

- The shed is appropriately sited and will not impact on neighbouring property views despite its size.
- The structure will not cause overshadowing.
- The shed size is necessary to perform its intended use for storage purposes. A reduction in size would invalidate the intended use.
- The structure will be partially obscured from the primary road from the existing dwelling. This will ensure that the structure does not create an adverse precedent in the locality or negatively impact on the visual consistency of the street front from the primary road.
- The variation is minor and is exceeded due to the open awning which has been included in the area calculation.

The above justification submitted by the applicant has been considered by Council staff and the proposal remains unsupported. The size of the shed, coupled with its proposed location – adjoining Ulan Road, is considered to have an undesirable visual impact. The development will differ substantially to the established pattern of development in the street and the exceedance to the shed size will only worsen the visual impact concerns – negative impact on the rural amenity on approach to the town centre.

It is noted that the exceedance is minor and in the instance the shed were proposed in an alternate location, this variation would have less of an impact and may have been supported.

Restriction on the Use of Land:

The subject site is burdened by a Restriction on the Use of Land 15m wide (C) which specifies the following:

3. Terms of Restrictions on the Use of Land fifthly referred to in the plan:

No above ground structures to be erected on any lot within an area designated "C".

The architectural plans submitted have proposed the shed entirely within the 15m area. The proposed shed also exceeds the minimum size limits and is proposing a variation. The Statement of Environmental Effects does not discuss the 15m restriction and proposes no planning justification for locating it within this area. As Council is the benefiting party, the power to vary release or modify this restriction lies with Council.

As part of the assessment process, the applicant was given the opportunity to re-design the proposed shed outside the restricted area and to a size that was compliant with the DCP. However, no changes to the design were received, the shed remains oversized, and positioned within the restricted area. Consequently, the proposed location is not supported and the application is recommended for refusal.

Background History – Restriction on the Use of Land

The original Development Application for the Bombira Estate subdivision was approved at a Council meeting – DA0152/2015 – Approved – 17 December 2014. A number of modifications have been approved, excepting MA0029/2017, which was refused on 16 August 2017.

MA0029/2017 sought to increase the number of lots which adjoin Ulan Road. The modification was refused by Council with the reason being:

“That Council has concerns regarding the protection of the rural amenity on approach to the town centre.”

Council’s determination of the modification application MA0029/2017 was subsequently appealed by the applicant via the Land and Environment Court. During the Section 34 (S34) conciliation conference an offer without prejudice was made including the provision of a Section 88b Restriction for a 15m no-building zone adjacent to the rear boundary adjoining Ulan Road. The offer was put forth and agreed to by Council in the confidential session at the Council meeting held 15 November 2017. Orders were then made on 1 December 2017 by the Court.

This specifically included amendment to Condition 60 of the consent to include reference to a 15m restriction as follows.

60. A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 60 and 70 1, 3, 5, 12, 13, 16, 55, 56, 57, 58, 60, 60 stating that no direct access to Ulan Road is permitted.

(AMENDED MA0033/2016)

A Restriction as to User benefitting Council and on terms satisfactory to Council is to be registered on the title to all lots with a boundary to the Ulan Road public reserve (being lots 22-34 shown on plan 23949 P01 Revision E) to the effect that:

- there is to be no direct access to the Ulan Road public reserve from the lot;
- no above ground structures shall be erected on the lot within 15m of the boundary of the lot with the Ulan Road public reserve; and
- all fencing along the boundary to the Ulan Road public reserve is to be post and wire construction only.

(AMENDED MA0029/2017)

Figure 5 – LEC condition

Given, the original application was refused on rural amenity grounds, it is clear that the intention of this restriction was to prevent buildings from having an unfavourable visual impact, on the rural approach to town.

This restriction has been strictly applied to date for development on Harvey street and the proposed developments location undermines the intention of this restriction, especially given the size of the shed which also does not comply with the DCP. See Figure 5 below, showing adherence to 15m restricted area.



Figure 5: Adherence to 15m Restricted Area

While Council as the benefiting authority holds the power to vary release or modify this restriction, in doing so it would contradict the intention of the restriction and would likely result in an unfavourable precedent. That is, if the sheds location is approved, contrary to the 15m restriction, the power of the restriction would be eroded, and likely could not be enforced for future applications of outbuildings.

Legislative Requirements

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

Assessment

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

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

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

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

The proposed shed does not involve exempt or complying development and is therefore not impacted by the requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to section 4.6 of the Policy, a site inspection and a search of council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development is located in close proximity to Ulan Road which is a classified road. However, pursuant to clause 2.119 it does not have direct frontage as the allotment is separated by a public reserve at the rear. Accordingly, no further consideration was considered necessary.

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

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

Clause 1.2 Aims of Plan

The application is considered generally consistent with the aims of the plan.

Clause 1.4 Definitions

The proposal is considered under the MWRLEP 2012 as an outbuilding (shed).

The outbuilding (shed) is not explicitly listed as a permitted land use under the Mid-Western LEP. Outbuildings are only permitted where it is ancillary to a **dwelling** that has been approved or has been constructed on the land. As there is an existing dwelling, the shed is permissible.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R2 Low Density Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use Table

The land is zoned R2 Low Density Residential pursuant to the MWRLEP 2012. The proposal, being an outbuilding (shed) ancillary to a dwelling is permissible with consent and complies with the objective of the zone as it will support residential accommodation in the Mudgee Region.

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

R2 Low Density Residential

1. *To provide for the housing needs of the community within a low density residential environment.*

Comment The proposal will support to the housing needs of the community as expected in the R2 zone.

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

Comment The proposal is not expected to hinder other possible permissible land uses within the immediate area.

Clause 2.7 Demolition requires development consent

Not applicable.

Clause 4.3 Height of buildings

The subject site is not mapped to contain a maximum building height.

Clause 5.10 Heritage Conservation

Not applicable.

Clause 5.21 Flood planning

Council's Mapping system indicates the site is not affected by flooding.

Clause 6.1 Salinity

The proposal involves minimal earthworks which is not expected to significantly affect the process of salinisation and is a conditional matter.

Clause 6.3 Earthworks

The proposed development involves minor earthworks as the site is relatively flat land. The works are not expected to generate any significant impacts as listed in Clause 6.3(3) and is a conditional matter.

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

All essential services are existing or can be extended to service the development.

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

Mid-Western Regional DCP 2013

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

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Building Setback from the street	
Zone R2 where 2000m ² to 1ha: 10m	Complies
Building Side/Rear setback	
Zone R2 where 2000m ² to 1ha: 2.5m	Complies – Proposed rear setback 3m proposed side setbacks 8.5m
Slope and cut and fill	
The slope of the site does not exceed 15%	Complies. The site is relatively flat.
Cut is limited to 1m	Complies – Not cut proposed
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Complies – Proposed 200mm
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Note applicable. No retaining walls are required.
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Complies
Cut / fill is clear of any water or sewer easements.	Complies
Utilities	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement for the purpose of utility infrastructure	Complies
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies
Details of water supply and sewer reticulation have been provided:	
If available within 500m applicant has proposed connection to reticulated network	Not applicable
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not applicable
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not applicable
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Not applicable
Garages, Outbuildings	

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties	The proposed development does not comply with this requirement. The size and location of the shed is likely to have a negative impact on the “ <i>rural amenity on approach to the town centre.</i> ” By proposing the shed in close proximity to Ulan Road there is likely to be an impact on the rural vistas surrounding the Mudgee Township. The intention of the restriction on title was to have a greater buffer to Ulan Road to promote a high level of visual interest and rural appeal when entering town.
Urban areas where 2001-3000m ² : 120m ² maximum shed size	The proposal does not comply. The applicant is proposing a shed size of 126m ² which is a numerical non-compliance of 5%. The applicant has sought a variation to this development control which has been discussed in the preceding sections of this report.
Max building height of 4.5m from natural ground level to the ridge applies in urban areas where the lot is under 2000m ²	Not applicable the lot is over 2000m ²

Part 4.7 Tree Preservation Order

Not applicable. No trees are proposed to be removed.

Part 5.1 Car Parking

Not applicable. The proposed shed is not proposed to achieve a car parking requirement. This has already been addressed under the dwelling application.

Part 5.3 Stormwater Management

The proposed shed has installed rainwater tanks to manager stormwater. Any overflow can connect to the existing system.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report.

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

Environmental Planning and Assessment Regulation 2021

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

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

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

Context and Setting

The proposal is not considered appropriate with regards to the surrounding context and setting. The development directly contravenes the restriction on title which prevents structures from being located in the rear portion of the lot. In this regard, the siting and location of the development has not been supported by staff.

Access, transport and traffic

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate.

Public domain

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

Utilities

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

Heritage

Not applicable.

Other land resources

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

Water

No significant impact expected.

Soils

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

Air and Microclimate

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

Flora & fauna

Not applicable.

Waste

Not applicable.

Energy

Not applicable.

Noise & vibration

Not applicable.

Natural Hazards

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

Technological hazards

Not applicable.

Safety, security and crime prevention

Not applicable.

Social impact in the locality

Not applicable.

Economic impact in the locality

Not applicable.

Site design and internal design

The proposal is sited in an area of the lot which does not permit buildings. The design further has exceeded the minimum size requirements under the DCP. The result of this will be a negative impact to the rural amenity of the area. The proposal has failed to be designed having regard to the restriction on title and the minimum shed size requirements under the DCP. For this reason, staff do not support the design.

Construction

To comply with the BCA where relevant.

Cumulative Impacts

Nil. There are no known impacts

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

Does the proposal fit in the locality?

The proposed development is a large shed which has been sited in the rear 15m of the allotment. The design directly contravenes the restriction on title which prohibits development in that location as well as Councils DCP which limits the size of sheds. For this reason, there will be an impact to the streetscape and an impact on the rural amenity of the area. Further, the proposed development is out of place in the street. All other development on Harvey Street has been required to strictly comply with this restriction and as such, the development would look out of place. As a result, the current design is not considered to satisfactory fit in the locality.

The applicant has been given the opportunity to re-design, however, has not responded to Councils information request. As such, Council staff have not supported the development and have recommended refusal.

Are the Site Attributes conducive to Development?

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

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

Public Submissions

The application was not required to be notified or advertised in accordance with the Mid-Western Regional Community Participation Plan 2019. No submissions were received during the assessment period.

Submissions from Public Authorities

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

Federal, State and Local Government interests and Community interests

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

Consultations

PLANNING

The application was referred to the planning department for comment, the planning's recommendations were as follows:

Strict compliance with the restriction with no variation. The application is not supported in its current form. It is recommended that the shed be relocated outside of the restricted area, or the application be refused. This restriction was imposed as part of the Section 34 court agreement,

and it has been strictly applied to date. The proposed development undermines the intention of this restriction, especially given the size of the shed and the likely visual impacts. Any variation would further set an unfavourable precedent.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Regional Development Control Plan 2013

Legislation

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

Mid-Western Regional Local Environmental Plan 2012

Financial implications

As a result of the recommendation of refusal, there is no direct financial implications. However, there may be a future financial implications in the event the decision of refusal is appealed.

Associated Risks

As a result of the recommendation of refusal, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

HANNAH DRAPER
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

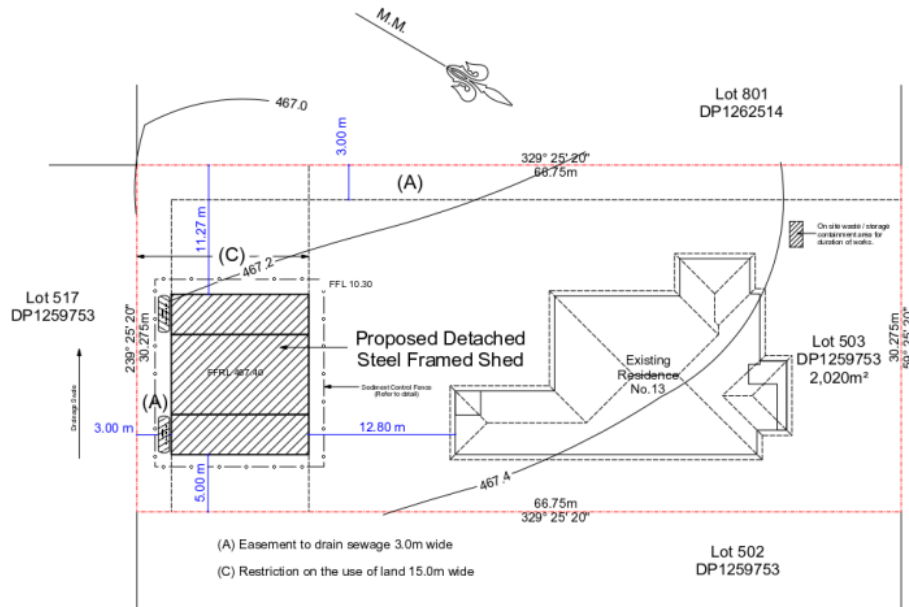
4 March 2024

Attachments:

1. Attachment 1 - Architectural Plans.
2. Attachment 2 - Statement of Environmental Effects.
3. Attachment 3 - s88B INSTRUMENT.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



1 Site Plan
 01 1:400

Harvey Street

Sediment Control Notes

- All erosion and sediment control measures, including revegetation and storage of soil and topsoil, shall be implemented to the standards of the Soil Conservation of N.S.W. and inspected daily by the site manager.
- All drainage works shall be constructed and stabilized as early as possible during development.
- Sediment traps shall be constructed around all inlet pits, consisting of a 300mm wide x 300mm deep trench.
- All sediment basins and traps shall be cleaned when the structures are a maximum of 60% full of soil materials, including the maintenance period.
- All disturbed areas shall be revegetated as soon as the relevant works are completed.
- Soil and top soil stockpiles shall be located away from drainage lines and areas where water may concentrate. All roads and footpaths are to be swept daily.
- Filter shall be constructed by stretching a filter fabric ('Pio pex' or approved equivalent), between posts at 2.0m centres. Fabric shall be buried 200mm along its lower edge.
- Dust prevention measures are to be maintained at all times.

Provide sediment control fencing on all down hill slopes - unless noted otherwise.



2 Locality Map
 01 N.T.S

Site Calculations

Area Summary	m ²
Existing dwelling	= 318.62
Proposed Shed.....	= 168.00
Total Site Coverage.....	= 486.62
Site Area.....	= 2,020.00
% Total Site Coverage.....	= 24.09%
Landscaped Area.....	= 1,533.38
% Landscaped Area.....	= 75.91%

ISSUED FOR DEVELOPMENT /
 CONSTRUCTION CERTIFICATE PURPOSES



Fernleigh
 DRAFTING | COUNCIL SERVICES
 fernleighdrafting.com.au hello@fernleighdrafting.com.au

Proposed: Detached Steel Framed Shed
Client: George Joubert
Address: 13 Harvey Street, Mudgee, NSW 2850 Lot 503 / DP 125973
Council: MID-WESTERN REGIONAL COUNCIL

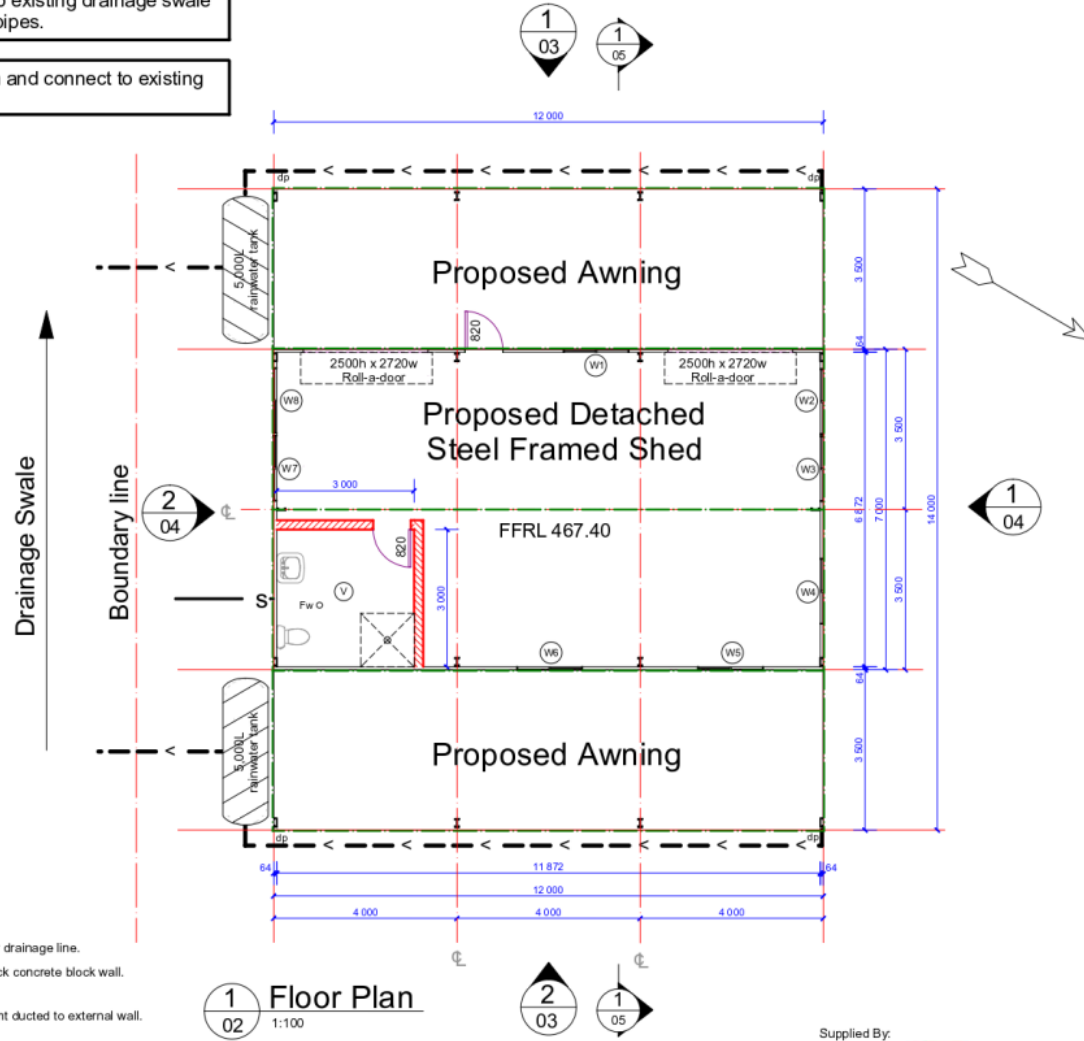
Plan: Site Plan

Revision	Date	Drawn:	WR	Sheet:
		Date:	July 2023	1 Of: 6
		Scale:	1:400 @ A3	
		Job No:	230713	

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions and natural ground heights to be checked and verified on site.

Provide down pipes as shown and connect to 2 x 5,000L rainwater tanks via 90mm dia. PVC drainage pipes. Tank overflow to be directed to existing drainage swale via 90mm dia. PVC drainage pipes.

Provide sewer pipes as shown and connect to existing septic system.



Window Schedule

Window	Type	Size
W1	Aluminium Sliding	900h x 1430w
W2	Aluminium Sliding	900h x 1430w
W3	Aluminium Sliding	900h x 1430w
W4	Aluminium Sliding	900h x 1430w
W5	Aluminium Sliding	900h x 1430w
W6	Aluminium Sliding	900h x 1430w
W7	Aluminium Sliding	900h x 1430w
W8	Aluminium Sliding	900h x 1430w

- Legend**
- Proposed roof line.
 - Proposed sewer line.
 - Proposed stormwater drainage line.
 - Proposed 200mm thick concrete block wall.
 - Fw ○ Install floor waste.
 - ⊙ Install mechanical vent ducted to external wall.

1 Floor Plan
1:100

ISSUED FOR DEVELOPMENT /
 CONSTRUCTION CERTIFICATE PURPOSES



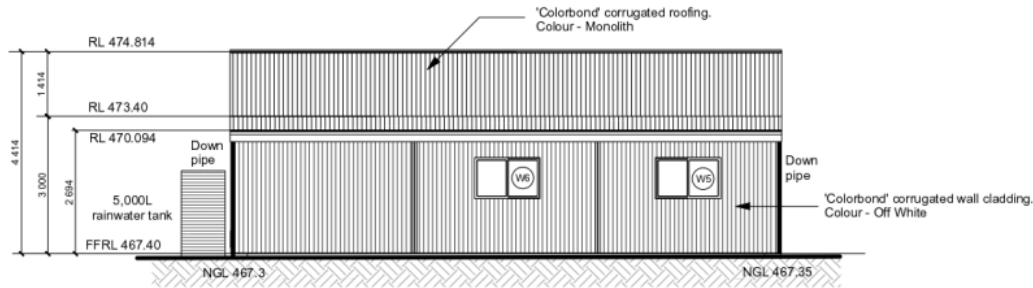
Fernleigh
 DRAFTING | COUNCIL SERVICES
 fernleighdrafting.com.au hello@fernleighdrafting.com.au

Proposed: Detached Steel Framed Shed
Client: George Joubert
Address: 13 Harvey Street, Mudgee, NSW 2850, Lot 503 / DP 125973
Council: MID-WESTERN REGIONAL COUNCIL

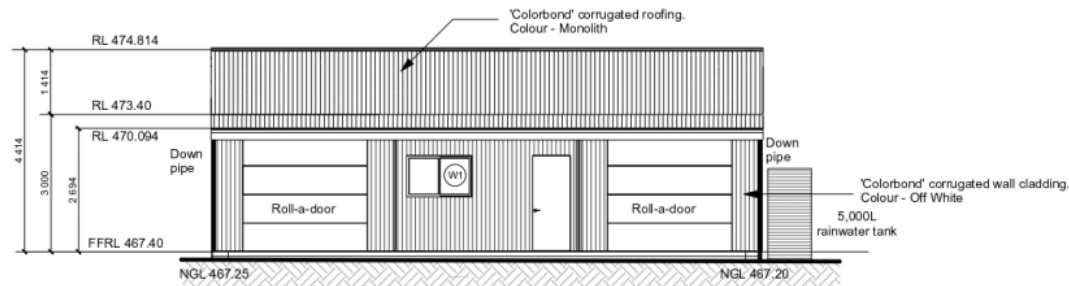
Plan: Floor Plan

Revision	Date	Drawn:	WR	Sheet:
		Date:	July 2023	2 of 6
		Scale:	1:100 @ A3	
		Job No:	230713	

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions and natural ground heights to be checked and verified on site.



2 North East Elevation
 03 1:100



1 South West Elevation
 03 1:100

Window Schedule

Window	Type	Size
W1	Aluminium Sliding	900h x 1430w
W2	Aluminium Sliding	900h x 1430w
W3	Aluminium Sliding	900h x 1430w
W4	Aluminium Sliding	900h x 1430w
W5	Aluminium Sliding	900h x 1430w
W6	Aluminium Sliding	900h x 1430w
W7	Aluminium Sliding	900h x 1430w
W8	Aluminium Sliding	900h x 1430w

ISSUED FOR DEVELOPMENT /
 CONSTRUCTION CERTIFICATE PURPOSES

Supplied By:





Fernleigh
 DRAFTING | COUNCIL SERVICES

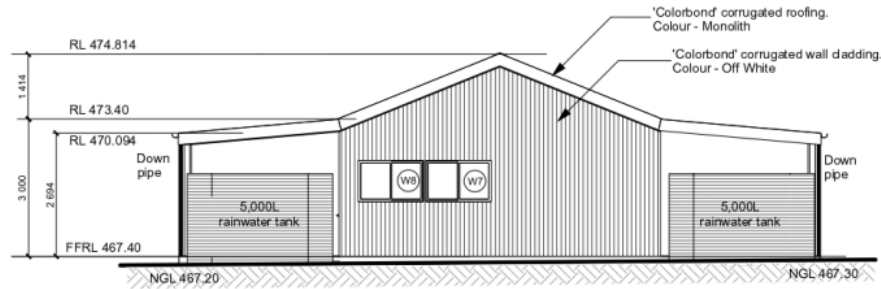
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Proposed: Detached Steel Framed Shed
Client: George Joubert
Address: 13 Harvey Street, Mudgee, NSW 2850, Lot 503 / DP 125973
Council: MID-WESTERN REGIONAL COUNCIL

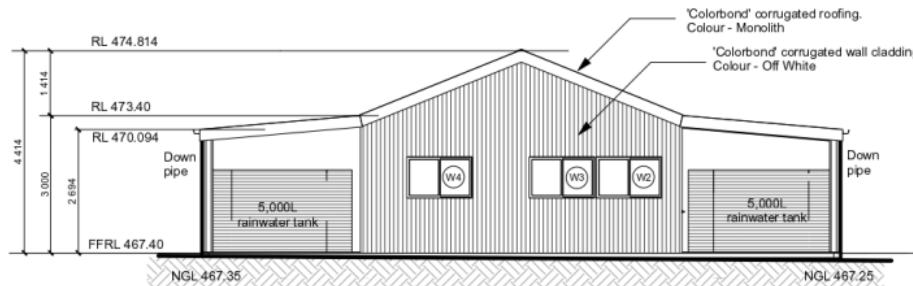
Plan: Elevations

Revision	Date	Drawn:	WR	Sheet:
				3 of 6

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions and natural ground heights to be checked and verified on site.



2 South East Elevation
 04 1:100



1 North West Elevation
 04 1:100

Window Schedule

Window	Type	Size
W1	Aluminium Sliding	900h x 1430w
W2	Aluminium Sliding	900h x 1430w
W3	Aluminium Sliding	900h x 1430w
W4	Aluminium Sliding	900h x 1430w
W5	Aluminium Sliding	900h x 1430w
W6	Aluminium Sliding	900h x 1430w
W7	Aluminium Sliding	900h x 1430w
W8	Aluminium Sliding	900h x 1430w

ISSUED FOR DEVELOPMENT /
 CONSTRUCTION CERTIFICATE PURPOSES

Supplied By:



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Proposed: Detached Steel Framed Shed

Client: George Joubert

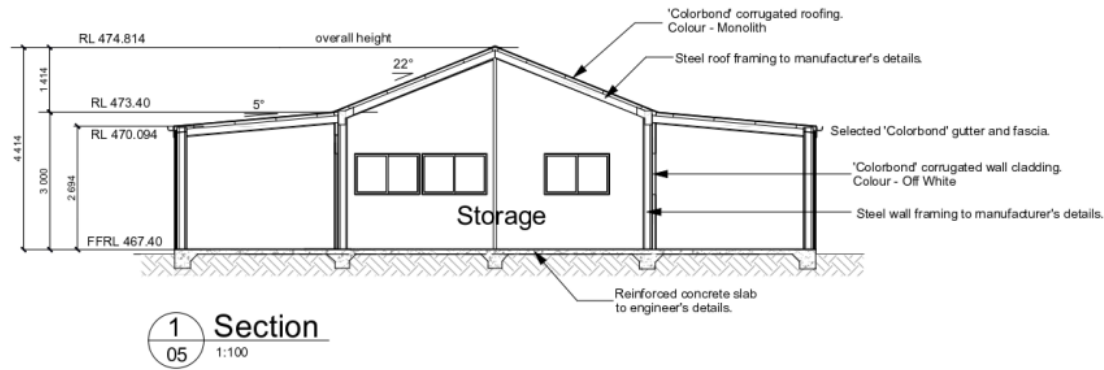
Address: 13 Harvey Street, Mudgee,
 NSW 2850
 Lot 503 / DP 125973

Council: MID-WESTERN REGIONAL COUNCIL

Plan: Elevations

Revision	Date	Drawn:	WR	Sheet:
		Date:	July 2023	4 Of: 6
		Scale:	1:100 @ A3	
		Job No:	230713	

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions and natural ground heights to be checked and verified on site.



All works to be completed in accordance with the performance requirements of the National Construction Code (NCC) 2022 Volume 2

Detached Portal Frame Sheds

Part H1 Structure (dealt with in Engineering)

- H1P1 Structural reliability and resistance
- H1P2 Buildings in flood areas
- H1D2 Structural provisions
- H1D3 Site preparation
- H1D4 Footings and slabs
- H1D6 Framing
- H1D7 Roof and wall cladding
- H1D8 Glazing
- H1D9 Earthquake areas
- H1D10 Flood hazard areas
- H1D11 Attachment of framed decks and balconies to external walls of buildings using a waling plate
- H1D12 Piled footings

Part H2 Damp and weatherproofing (dealt with in Engineering)

- H2P1 Rainwater management
- H2P2 Weatherproofing
- H2P4 Drainage from swimming pools
- H2D2 Drainage

Part H3 Fire safety (dealt with in Engineering)

- H3D1 Deemed-to-Satisfy Provisions
- H3D2 Fire hazard properties and non-combustible building elements
- H3D3 Fire separation of external walls

Part H4 Health and amenity

- H4P1 Wet areas
- H4P2 Room heights

Part H5 Safe movement and access

- H5P1 Movement to and within a building

Part H7 Ancillary provisions and additional construction requirements (dealt with in Engineering)

- H7P1 Swimming pool access
- H7P2 Swimming pool reticulation systems
- H7P5 Buildings in bushfire prone areas

*If any fill is required on site, Class 'P' is applicable.

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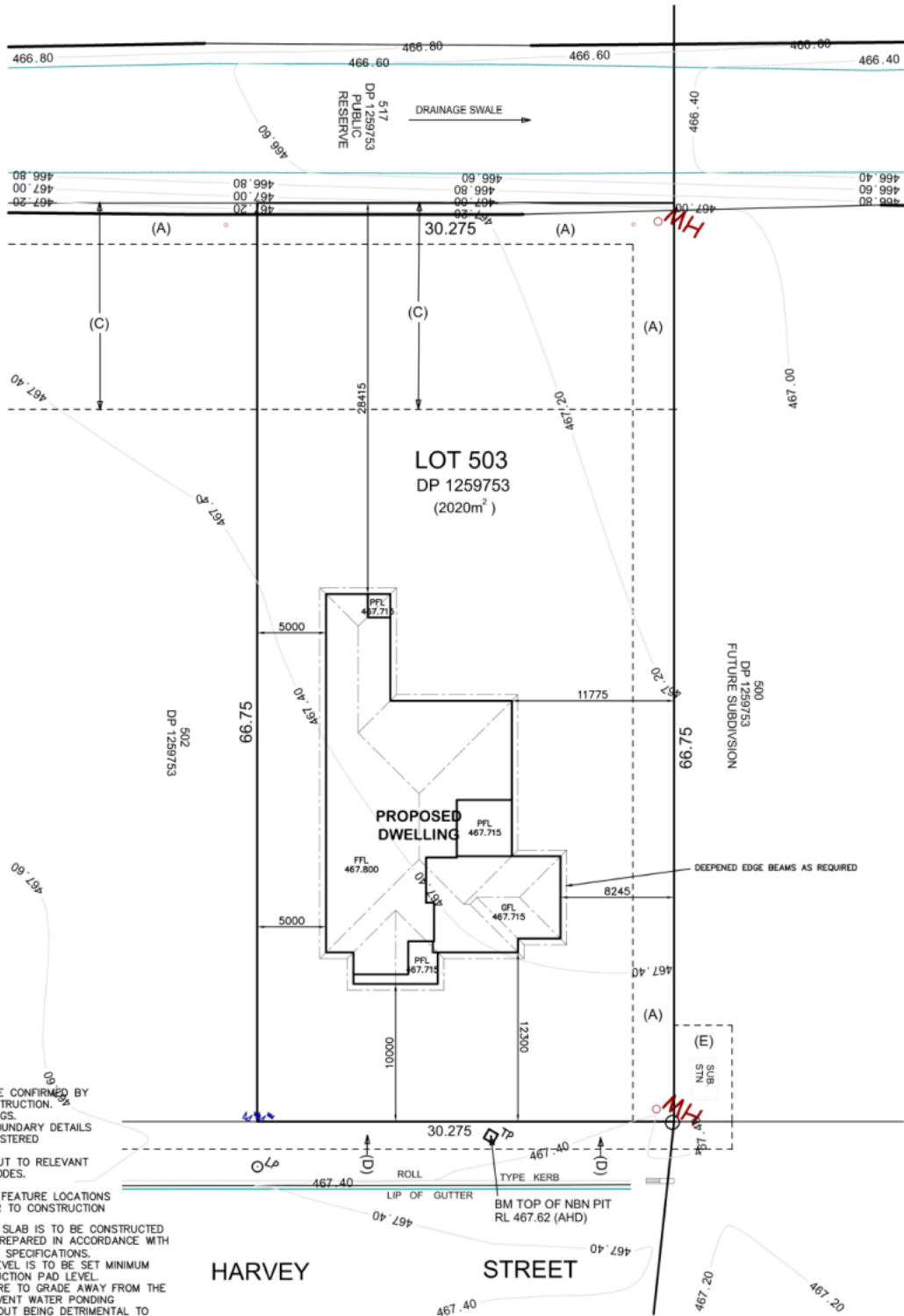
Proposed: Detached Steel Framed Shed
Client: George Joubert
Address: 13 Harvey Street, Mudgee, NSW 2850, Lot 503 / DP 125973
Council: MID-WESTERN REGIONAL COUNCIL

Plan: Section

Revision	Date	Drawn:	WR	Sheet:
		Date:	July 2023	5 Of: 6
		Scale:	1:100 @ A3	
		Job No:	230713	

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions and natural ground heights to be checked and verified on site.

- (A) - EASEMENT TO DRAIN SEWAGE 3m WIDE
- (C) - RESTRICTION ON THE USE OF LAND 15m WIDE
- (D) - EASEMENT FOR UNDERGROUND POWERLINES 1m WIDE
- (E) - EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2m WIDE



- ALL DIMENSIONS ARE TO BE CONFIRMED BY THE BUILDER PRIOR TO CONSTRUCTION. DO NOT SCALE FROM DRAWINGS. BUILDING SET OUT & SITE BOUNDARY DETAILS TO BE CONFIRMED BY A REGISTERED SURVEYOR. ALL WORK TO BE CARRIED OUT TO RELEVANT STANDARDS AND BUILDING CODES.
- ALL SURFACE LEVELS AND FEATURE LOCATIONS ARE TO BE CONFIRMED PRIOR TO CONSTRUCTION
- THE PROPOSED RESIDENCE SLAB IS TO BE CONSTRUCTED ON A LEVEL BUILDING PAD PREPARED IN ACCORDANCE WITH THE STRUCTURAL ENGINEER'S SPECIFICATIONS. THE MAIN FINISHED FLOOR LEVEL IS TO BE SET MINIMUM 300mm ABOVE THE CONSTRUCTION PAD LEVEL. FINISHED SURFACE LEVELS ARE TO GRADE AWAY FROM THE BUILDING PERIMETER TO PREVENT WATER PONDING NEAR EXTERNAL WALLS WITHOUT BEING DETRIMENTAL TO NEIGHBOURING PROPERTIES. THE BUILDER IS TO CONFIRM AVAILABLE FALLS TO SEWER CONNECTION POINTS & STORMWATER DISCHARGE POINTS PRIOR TO ESTABLISHING THE BUILDING FINISHED FLOOR LEVEL.



DATE: 05.11.21	SCALE: 1:300 (A3)	DRAWN: WP
SHEET: 5 / 8	JOB No: 21138	ISSUE: F

DRAWING:
 SITE PLAN
 LOT 503 HARVEY STREET, MUDGEE
 MAAS GROUP PROPERTIES



STATEMENT OF ENVIRONMENTAL EFFECTS



DATE: 01/08/2023

Applicant: George Joubert

Address: 13 Harvey Street Bombira Estate Mudgee 2850 (503/-/DP1259753)

Proposed Structure(s) and Size(s): Detached Steel Framed Shed (168m²)



Image 1: Current Site Image

Current Use

1. **Zoning:** R2 Low Density Residential
2. **Land Size:** 2,020m²
3. **Land Use:** Residential
4. **Existing Structures:**
 - a. Dwelling (318.62m²)

Building details

1. The development will involve the construction of Steel Portal Frame Shed **168 m²** in size (Total Roof).
2. The floor system will be a **Concrete Slab**.
3. The design of the Structure will be an American Barn with roof pitch of **22 and 5** degrees.
4. Stormwater from the roof will connect to **the two proposed 5,000 Litre Rainwater Tanks**.
5. The discharge point **will be to the existing drainage swale**.
6. The lowest eave height will be **2.694** m from the finished floor level.
7. The apex height of the garage building (from finished floor level) will be **4.414** m.
8. The roof will be cladded in **Corrugated** roof cladding.
9. The walls will be cladded in **Corrugated** wall cladding.
10. The building will not be dominant in visual appearance.

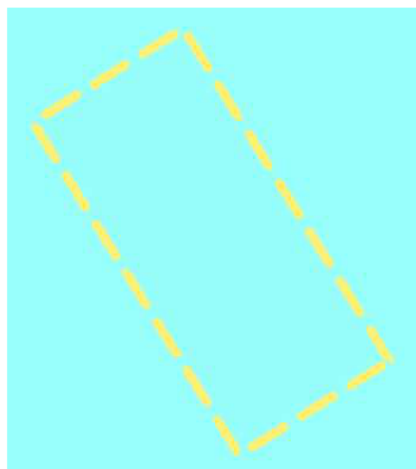
Site disturbance and placement

1. **Minor** Earthworks will be required to cut and fill site.
 - a. **No** cut is required.
 - b. **0.2m** fill is required.
 - c. An on site waste storage area will be used and will remain in place until the construction is completed.
 - d. A silt/sediment fence will be constructed on the low side of the disturbed earth and maintained for the duration of works.
 - e. All surfaces disturbed are to be returned to a state that will prevent ongoing erosion and sediment.
2. No native flora or fauna shall be disturbed.
3. **No** trees are required to be removed.
4. No Industrial or commercial activities have been conducted on the site in recent years.
5. Proposed ancillary building is not a shipping container.
6. Proposed is setback **12.8** m behind primary dwelling.
7. Proposed is setback **5** m from nearest side boundary.
8. Proposed is setback **3** m from rear boundary.
9. Placement of the shed will not cast adverse shadows on neighbouring properties and is designed to maintain neighbouring privacy.
10. No sewer or stormwater will be affected. All sewer and stormwater will be connecting to existing services and all plumbing will be conducted in accordance with AS AS 3500.
11. The proposed structure is NOT a waterfront property or encroaching on crown land.
12. The development shall be carried out in accordance with the Building Code of Australia.
13. The proposed development will in no way have impact regarding special design features.
14. There will be no disturbance to traffic flow, noise pollution, and historical or archaeological aspects or on soil erosion.
15. There will be no excessive waste or wastewater created during construction.

Planning layers

a. Protection

- I. The proposed development **IS** within **Groundwater Vulnerability** defined area. (see below *Groundwater Vulnerability map*):
 - a. The proposal does not represent a high risk for potential ground water contamination.



- II. The proposed development is **NOT** within a **Riparian Water course**.
- III. The proposed development is **NOT** affected by **Terrestrial Biodiversity** defined land and is not near a **Terrestrial Biodiversity** defined area.
- IV. The proposed development is **NOT** within a **Conservation area**
- V. The proposed development is **NOT** within a **Acid Sulphate soils** affected area
- VI. The proposed development is **NOT** within **Drinking Water Catchment** area.

b. Mines Subsidence

- I. The proposed development is **NOT** within a Mines Subsidence affected area

c. Hazard

- I. **Bushfire** The property is **NOT** within a bush fire prone zone.
- II. **Flood.** The proposed development is **NOT** in a Flood prone land.

Development Control Plan Compliance and Variations

DCP Item	Compliant	Non-Compliant
Total Building Size/Floor Space DCP: 120m2. Proposed: 168m2.		X
Maximum Wall Height DCP: 4.5m. Proposed: 4.414m.	✓	
Minimum Front Boundary/Primary Building Line Setback DCP: 10m. Proposed: 12.8m Behind Dwelling.	✓	
Minimum Side Boundary Setback DCP: 2.5m. Proposed: 5m.	✓	
Minimum Rear Boundary Setback DCP: 2.5m. Proposed: 3m.	✓	
Cut Required DCP: 1m. Proposed: No Cut Proposed.	✓	
Fill Requirement DCP: 0.6m. Proposed: 0.2m.	✓	
Variation:		
<p>Item: Total Building Size/Floor Space DCP: 120m2. Proposed: 168m2. Justification:</p> <ul style="list-style-type: none"> • The shed is appropriately sited and will not impact on neighbour’s views of prominent ridgeline despite it’s size. This will ensure that the structure does not impact on any neighbouring properties if approved. 		

- The structure will not cast any adverse shadows on neighbouring properties despite it's size on account of it's setback to neighbouring properties.
- The size of the proposed shed is necessary for it to perform it's intended use. The shed will be used for the storage of trailers and camping gear, as well as household tools and other household overflow items. A reduction in the floor space of the proposed would invalidate this use which is undesirable.
- The structure will be partially obscured from the primary road on account of the placement of the existing dwelling on the site. This will ensure that the structure does not create an adverse precedent in the locality or negatively impact on the visual consistency of the street front from the primary road.

Prepared by Fernleigh Drafting

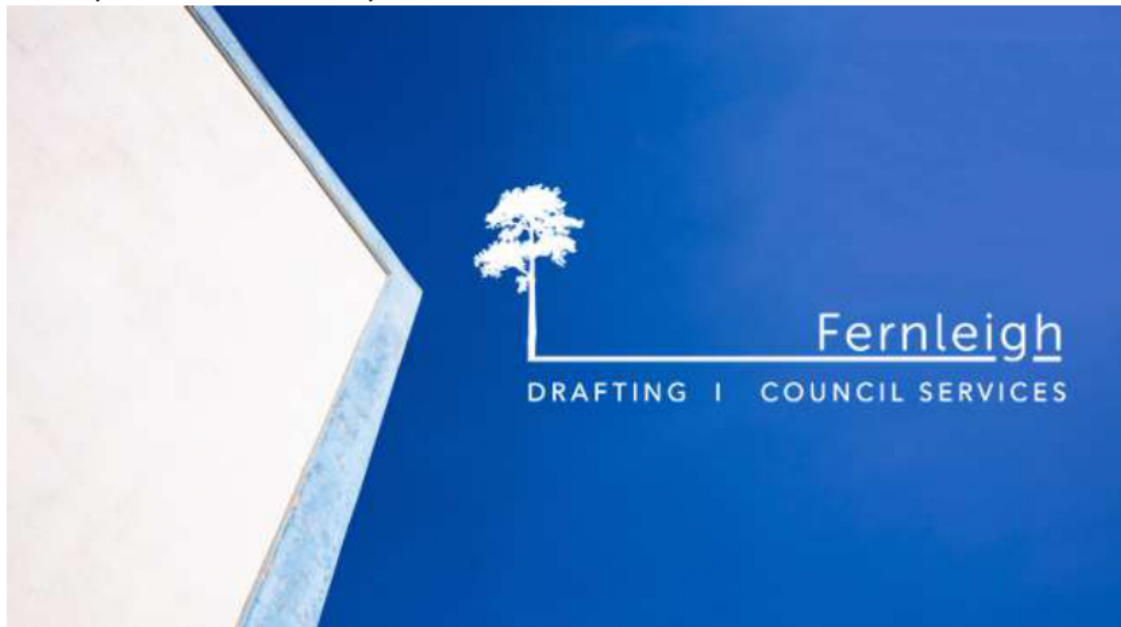
admin@fernleighbuilding.com.au

(02) 7902 5111

www.fernleighbuilding.com.au

P.O. BOX 57 Camden, 2570 NSW

Unit 3G, 49 The Northern Road, Narellan



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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 1 of 8)

Plan **DP1259753**

Plan of subdivision of Lot 216 in DP 1259749 and Lot 400 in DP 1259751 covered by Subdivision Certificate No. SC036/2021

Full name and address of the owner of the land

Maas Group Properties Bombira Pty Limited
 ACN 60 632 462 581
 3/148 Brisbane Street
 DUBBO NSW 2830

Part 1 (Creation)

Number of item shown in the intention panel on the plan.	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Easement to Drain Sewage 3 Wide and Variable Width (A)	Lot 501 to Lot 516 Inclusive	Mid-Western Regional Council
2	Easement to Drain Water 3 Wide and Variable Width (B)	Lots 504 to 507 Inclusive Lots 514 to 516 inclusive	Mid-Western Regional Council
3	Easement for Water Supply 3 and 3.75 Wide (S)	Lots 501, 506, 512	Mid-Western Regional Council
4	Restrictions on the use of Land	Lots 501 to 516 inclusive	Every Lot in the Plan other than Lot 517
5	Restrictions on the use of Land	Lots 501 to 516 inclusive	Mid-Western Regional Council
6	Restrictions on the use of Land (C)	Lots 501 to 503 inclusive	Mid-Western Regional Council

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 2 of 8)

Plan **DP1259753**

Plan of subdivision of Lot 216 in DP 1259749
 and Lot 400 in DP 1259751 covered by
 Subdivision Certificate No SC 236/2021

Part 1A (Release)

Number of item shown in the intention panel on the plan.	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Right of Carriage Way 20 Wide (DP 1237183)	Lot 211 in DP 1237183	Lot 400 in DP 1259751
2	Right of Carriage Way 22 Wide (DP 1259749)	Lot 400 in DP 1259751	Lot 216 in DP 1259749

Part 2 (Terms)

1. Terms of the Restrictions fourthly referred to in the plan:

Building Requirements

- (a) No building or buildings shall be erected or be permitted to remain erected on the lot burdened other than with external walls of new materials, being of brick, brick veneer, stone concrete, glass, cement render or cellulose fibre reinforced cement building sheets externally coated with a seamless textured trowel on acrylic material to a minimum of 2mm thickness ("Specified Materials"). This restriction shall not apply to infill panels and gable ends in a building having external walls of any of the Specified Materials or combination of the Specified Materials where the total area of the infill panels and gable ends does not exceed 10% of all the external walls of the building, unless approved in writing by Maas Group Properties Bombira Pty Limited.
- (b) No building or buildings shall be erected or be permitted to remain erected on the lot burdened that
 - (i) Is a transportable or demountable building;
 - (ii) Is an attached dwelling; and
 - (iii) Has a living area of less than 200 square meters (including garages, carports and veranda's) under the one roof.
- (c) No more than one main building may be erected or permitted to remain on the lot burdened.
- (d) No building shall be erected or permitted to remain on the lot burdened having a roof of fibre cement or asbestos cement or fibre glass or any other material of a similar nature or aluminium or steel decking of any nature other than steel treated with a non-reflective surface.
- (e) No garage or outbuilding shall be erected or permitted to remain on the lot burdened except until after or concurrently with the erection of the main building on the lot burdened, and no garage, shed or outbuilding shall be more than a single storey.

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 3 of 8)

Plan **DP1259753**

Plan of subdivision of Lot 216 in DP 1259749
and Lot 400 in DP 1259751 covered by
Subdivision Certificate No SC036/2021

Residential Use

- (f) No main building erected on the lot burdened shall be used for any purpose other than as a single dwelling house which does not include a residential flat building.
- (g) The lot burdened may not be used for temporary accommodation or the storage of mobile homes or caravans.
- (h) No dairy, brick yard, tannery, poultry farm, piggery, kennels, quarry or other noxious, noisome or offensive occupation, trade or business can be carried out on the lot burdened.

Rubbish, Machines and Vehicles

- (i) No materials (except as required in the course of building) rubbish or excess soil can be kept or stored on the lot burdened.
- (j) No plant, machinery or vehicles having a tare weight in excess of 5 tonnes or unused, out of order or not functional can be parked or stored on the lot burdened.
- (k) No truck yards, earth moving business or welding shops or operations of a similar nature shall be carried out on the lot burdened.

Fencing

- (l) No fences shall be erected or permitted to be erected on the street frontage unless approved in writing by Maas Group Properties Bombira Pty Limited.
- (m) In the case of a corner lot, no fence is to be constructed between the front street alignment and the house building line unless approved in writing by Maas Group Properties Bombira Pty Limited.
- (n) No fence shall be erected on the lot burdened other than of materials and colours as approved in writing by Maas Group Properties Bombira Pty Limited.
- (o) No fence shall be erected on the lot burdened to divide it from any adjoining land without prior consent in writing of Maas Group Properties Bombira Pty Limited (its successors and assigns other than purchasers on sale) provided that such consent shall not be refused if:
 - (i) The fence is erected without expense to Maas Group Properties Bombira Pty Limited its successors and assigns; and
 - (ii) The fence is: 1.2 metres in height, with rabbit proof wire mesh 900 mm high on the bottom section, with a single strand of plain wire above the rabbit proof mesh, star post supports every three (3) metres; and constructed at the commencement of each boundary will be two hard wood posts set 3 metres apart with rabbit proof mesh 900 mm high on the bottom section with a single wire strand above the rabbit proof mesh in between the two posts; or as otherwise approved by Maas Group Properties Bombira Pty Limited;

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 4 of 8)

Plan **DP1259753**

Plan of subdivision of 1 of 216 in DP 1259749
and Lot 400 in DP 1259751 covered by
Subdivision Certificate No SC036/2021

Advertising

- (p) No advertisement hoarding or sign of any description other than a "for sale" real estate sign shall be erected or displayed on the lot burdened.

Carport

- (q) No carport may be erected or permitted to remain on the lot burdened unless the roof has a pitch and character consistent with the existing dwelling.
- (r) No carport or garage on the lot burdened is to be enclosed or converted to habitable areas unless the external walls and windows have a character consistent with the existing dwelling and are constructed from the same materials.
- (s) No additions shall be erected or permitted to remain on the lot burdened unless any street facing façade of the addition is constructed with the same material and in a character consistent with the existing dwelling.

Landscaping

- (t) The owner of the lot burdened must not and must not authorise or permit any removal, damage or harm to the landscaping on the lot burdened including any plants or trees.

Satellite Dish

- (u) No satellite dish may be placed or allowed to remain on any building or structure on the lot burdened unless the satellite dish is placed to minimise the public view of the satellite dish.

Animals

- (v) No pigs, bees, roosters, pigeons, greyhounds, livestock, horses, poultry or other animals apart from domestic pets, including cats, dogs, caged birds and fish may be kept on the lot burdened.

Subdivision

- (w) The lot burdened may not be subject to further subdivision, boundary adjustment or be changed from the original lot size unless authorised in writing by Maas Group Properties Bombira Pty Limited.

Miscellaneous

- (x) No Driveways or paths shall be constructed or permitted to remain on the lot burdened forward of any building erected on the lot burdened unless they are constructed of coloured concrete pavers, clay pavers, coloured stamped concrete or gravel (edged with pavers).
- (y) No rainwater tank constructed from silver or uncoloured galvanised iron may remain on the lot burdened.

Display Home

- (z) The lot burdened must not be used for the purpose of the building a display or exhibition house other

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 5 of 8)

Plan **DP1259753**

Plan of subdivision of Lot 216 in DP 1259749
and Lot 400 in DP 1259751 covered by
Subdivision Certificate No. SC036/2021

than by Maas Group Properties Bombira Pty Limited or with the consent of Maas Group Properties Bombira Pty Limited.

Release or Modification

- (aa) No release, variation or modification of any restriction set out in this covenant is permissible unless Maas Group Properties Bombira Pty Limited has approved such action and in the case of substantial variations (as determined by Maas Group Properties Bombira Pty Limited) unless all adjoining property owners have also been consulted.
- (bb) Approval or refusal shall not be deemed to be unreasonable if a Certified Planner nominated by Maas Group Properties Bombira Pty Limited has certified that the proposal does or does not conform with the general standards of design and planning of the development and the proposal is desirable or undesirable by reason of the effect that it would have upon the development, appearance, health or amenity of the neighbourhood or any part of it.
- (cc) Maas Group Properties Bombira Pty Limited can consent to any exception of the restrictions set out in this covenant where the consent is set out in writing signed by a director of Maas Group Properties Bombira Pty Limited.

Name of person empowered to release, vary or modify restriction fourthly referred to in the plan:

Maas Group Properties Bombira Pty Limited while it is the registered proprietor of any lot in the plan, thereafter the registered proprietors of the lots benefited.

2. Terms of the Restrictions fifthly referred to in the plan:

Requirements for the Control of Stormwater Runoff

- (a) A Stormwater Drainage System must ensure that 75% of all roof stormwater runoff from a dwelling erected on each lot burdened must be directed to stormwater tanks configured to provide no less than 2,000 litres of detention storage capacity in excess of any other Basix requirements.
- (b) The requirement for detention storage is as generally detailed in the Stormwater Management Report Bombira Estate 82018276-01 dated 15 January 2020 prepared by Cardno (NSW/ACT) Pty Ltd.
- (c) The outlet from the tank's detention storage is to be limited by an orifice plate with no greater than a 25 mm opening.
- (d) The effective detention storage capacity of the tank is determined as being the volume between the invert level of the detention outlet pipe and the level of the tank overflow pipe and must not include any other water storage for re-use that may be required under a BASIX Certificate.



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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Sections 88B and 88E Conveyancing Act 1919

(Sheet 6 of 8)

Plan **DP1259753**

Plan of subdivision of Lot 216 in DP 1259749
and Lot 400 in DP 1259751 covered by
Subdivision Certificate No. SC036/2021

- (e) After appropriate detention all runoff from roof or other developed impervious surfaces is to be directed to the Legal Point of Discharge for the Lot which may be either a kerb outlet or inter-allotment drain.
- (f) No modifications to the detention tank or outlets are to be made without prior consent of Mid-Western Regional Council
- (g) Council reserves the right to undertake inspection at any time, subject to notice of no less than 48 hours being provided, of all tanks, pipes and any other drainage infrastructure to confirm effective operation of the detention devices and to require the owner to repair or re-instate to Council satisfaction the effective operation of the detention tanks

3. Terms of Restrictions on the Use of Land sixthly referred to in the plan:

- (a) There is no direct access permitted from the lot to Ulan Road public reserve from the burdened lot;
- (b) no above ground structures shall be erected on the burdened lot within 15m of the boundary of the burdened lot with the Ulan Road public reserve; and
- (c) all fencing along the boundary to the Ulan Road public reserve is to be post and rail construction only.

Name of person empowered to release, vary or modify restriction fifthly and sixthly referred to in the plan:

Mid-Western Regional Council.

8.5 DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW

REPORT BY THE TOWN PLANNER AND MANAGER PLANNING
 TO 20 MARCH 2024 ORDINARY MEETING
 GOV400105, DA0069/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner and Manager Planning on the DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW;**
- B. that DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW be approved subject to the following conditions and statement of reasons:**

APPROVED PLANS

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

Title / Name:	Drawing No.	Rev	Date	Prepared by:
Site Plan – Proposed	A02	E	15/08/2023	EJE
Ground Floor Existing / Demolition Plan	A04	E	15/08/2023	EJE
Ground Floor Plan	A05	H	06/03/2024	EJE
First Floor Existing / Demolition Plan	A06	E	15/08/2023	EJE
First Floor Plan	A07	F	15/08/2023	EJE
Roof Existing / Demolition Plan	A08	E	15/08/2023	EJE
Roof Plan	A09	E	15/08/2023	EJE
North & East Elevations	A10	E	15/08/2023	EJE
South & West Elevations	A11	E	15/08/2023	EJE
Section A-A & B-B	A12	E	15/08/2023	EJE
Signage Details	A13	D	15/08/2023	EJE
3D Perspectives 01	A17	E	15/08/2023	EJE
3D Perspectives 02	A18	E	15/08/2023	EJE
Schedule of Materials	A19	D	15/08/2023	EJE

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

GENERAL

- 2. This development consent provides approval for partial demolition, alterations and additions to the existing pub and associated signage, only.**
- 3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.**
- 4. All building work must be carried out in accordance with the Building Code of Australia.**
- 5. The maximum height of the additions must not exceed 8.5 metres above existing ground level.**
- 6. The only waste derived fill material that may be received at the development site must be:**
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
- 7. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
- 8. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**

There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line
- 9. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.**
- 10. 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.**
 - 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—**
 - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and**

- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3. This section does not apply if—

- a) the person having the benefit of the development consent owns the adjoining land, or
- b) the owner of the adjoining land gives written consent to the condition not applying.

11. 1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

3. The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

4. This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

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

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

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

14. **Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).**
15. **A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.**
16. **Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.**
 - a) **C1P2 – Spread of Fire**
 - b) **D1P4 – Exits**
 - c) **D1P6 – Paths of Travel to Exits**
 - d) **E1P1 – Fire Hose Reels**
 - e) **E1P2 – Fire Extinguishers**
 - f) **E1P3 - Fire Hydrants**
 - g) **E4P1 – Visibility in an emergency**
 - h) **E4P2 – Identification of exits**
 - i) **E4P3 – Emergency warning and intercom systems.**

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

17. **Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.**
18. **Trade Waste Application will be required to be submitted and approved by Council for the proposed development prior to issue of a construction certificate.**
19. **In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.**

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

Note: Based on the proposed cost of works being \$1,654,000 it is estimated the contribution amount will be \$16,540.

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

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

20. Prior to the issue of a construction certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

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

21. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Subdivision Works Certificate. The insurance cover shall include the following:

Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

Public Liability Insurance is to include Mid-Western Regional Council as an interested party.

The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.

22. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage;
- c) Rehabilitating disturbed areas quickly; and
- d) Maintenance of erosion and sediment control structures.

23. Details of the internal circulating driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

- A total of 10 off-street car parking spaces, including 1 accessible car parking space.
- The provision of a retractable bollard within the accessible car parking space.

24. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a

Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.

- 25. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.**
- 26. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.**

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.

- 27. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:**
 - a) A plan view of the entire site and frontage roadways indicating:**
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.**
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.**
 - iii) The locations of proposed work zones in the frontage roadways.**
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.**
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.**
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.**
 - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.**
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.**
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.**
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.**

- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

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

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

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 Food Premises and Equipment;
- b) Food Act 2003 and Food Regulation 2015;
- c) Food Premises Design, construction and fit-out guide;
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

29. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

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

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

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

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

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

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

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

34. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

35. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

DURING CONSTRUCTION

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

37. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

38. Fill material shall not raise the existing surface level within the dedicated easement/s.
39. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
40. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
41. Site work must only be carried out between the following times –
- 8am to 5pm Monday to Saturday
- No site work is permitted on Sundays or Public Holidays.
- Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
42. While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
43. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
44. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Water Supply Code of Australia.

Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

45. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia.

Note - Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

46. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
- a) Lot 111 DP 1136686
 - b) Lot 112 DP 1136686
47. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
48. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
49. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
50. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
51. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

52. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
53. Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Mid-Western Regional Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.
54. Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

ONGOING / OPERATIONAL

55. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
56. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
57. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
58. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
59. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”*.

COUNCIL ADVISORY NOTES:

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

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

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions	
	Value
Water Headworks	\$63,115.07
Sewer Headworks	\$29,477.23
Total Headworks	\$92,592.30

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8.7 of the *EP&A Act* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *EP&A Act*.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

- 1) The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
 - 2) The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
 - 3) No submissions were received during the public exhibition period.
-

Executive summary

OWNER/S	Woolpack Mudgee Hotel Pty Ltd
APPLICANT:	Mr Jamie Fitzgerald
PROPERTY DESCRIPTION	67 Market Street MUDGEE NSW 2850 and 15-17 Byron Place MUDGEE NSW 2850 Lots 111 and 112 DP 1136686
PROPOSED DEVELOPMENT	Demolition of existing building and alterations and additions to pub (including signage)
ESTIMATED COST OF DEVELOPMENT:	\$1,654,00.00 (including GST)
REASON FOR REPORTING TO COUNCIL:	A Councillor is part owner of the subject land.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0069/2024 that seeks approval for demolition of existing building and alterations and additions to pub (including signage) located at The Woolpack Hotel 67 Market Street MUDGEE NSW 2850 & 15-17 Byron Place MUDGEE NSW 2850, Lots 111 and 112 DP1136686, received by Council on 15 August 2023.

The site is comprised of two allotments with frontage to Market Street and Byron Place containing the Woolpack Hotel facing Market Street (a heritage listed building) and a double storey commercial building fronting Byron Place.

The applicant is proposing the demolition of the existing building facing Byron Place and to undertake internal alterations to the Woolpack Hotel as well as construction of a new double storey addition to the rear of the Hotel.

The ground floor additions are proposed to extend to the Byron Place frontage, primarily accommodating a new gaming area. The upper floor which contains accommodation rooms will be altered so that all accommodation rooms have ensuites, resulting in the loss of two rooms in the existing building. This shortfall of two rooms will be accommodated in the new upper storey addition. The overall number of accommodation rooms will not change from existing.

As a result of the proposed alterations and additions, changes to the car parking number and layout and additional wall signage to the additions facing Byron Place is also proposed.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 September 2023. During the notification period, 0 submission/s were received.

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

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the applicant or owner of the land application to which the development relates is a Senior Staff member of Council, or Councillor.

The application is recommended for Approval.

Disclosure of Interest

Mayor Des Kennedy is a part owner in the property / development.

Detailed report

Proposed development

Council is in receipt of Development Application DA0069/2024 that seeks approval for demolition of existing building and alterations and additions to pub (including signage), located at The Woolpack Hotel 67 Market Street MUDGEE NSW 2850 & 15-17 Byron Place MUDGEE NSW 2850, Lots 111 and 112 DP1136686.

The applicant is proposing to demolish the existing two-storey commercial building on Lot 111 DP1136686 at 15-17 Byron Place, Mudgee and to undertake internal alterations and a new addition to the rear of the Woolpack Hotel on Lot 112 DP1136686 at 67 Market Street, Mudgee.

The ground floor alterations include the relocation of the TAB area, dining area and gaming area. The number of poker machines in the gaming area is proposed to increase from 22 to 30. The upper floor alterations include the provision of ensuites in each room. The number of existing rooms will reduce by two.

Construction of a ground floor extension of the Woolpack Hotel from the existing rear façade though to Byron Place. The ground floor extension will predominantly cater for a new larger gaming area.

Construction of a first floor extension of the Woolpack Hotel to provide two additional rooms with ensuites. With the loss of two rooms in the existing building, the total number of rooms will not change.

The proposal also includes the provision of wall signage at the rear entries to the Woolpack Hotel facing Byron Place.

Figures 1 and 2 show the ground floor and upper floor layout of the proposed development. 3D perspectives of the development as viewed from Byron Place is provided in **Figures 3 and 4**. Please refer to **Attachment 1** for a full set of the proposed development plans.

The application also proposes to consolidate Lots 111 and 112 into one lot, rearrangement of the car parking area and the provision of new signage visible from Byron Place.

No changes are proposed to the façade of the building facing Market Street. The Woolpack Hotel is identified as a Heritage Item

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 September 2023. During the notification period, 0 submission/s were received.

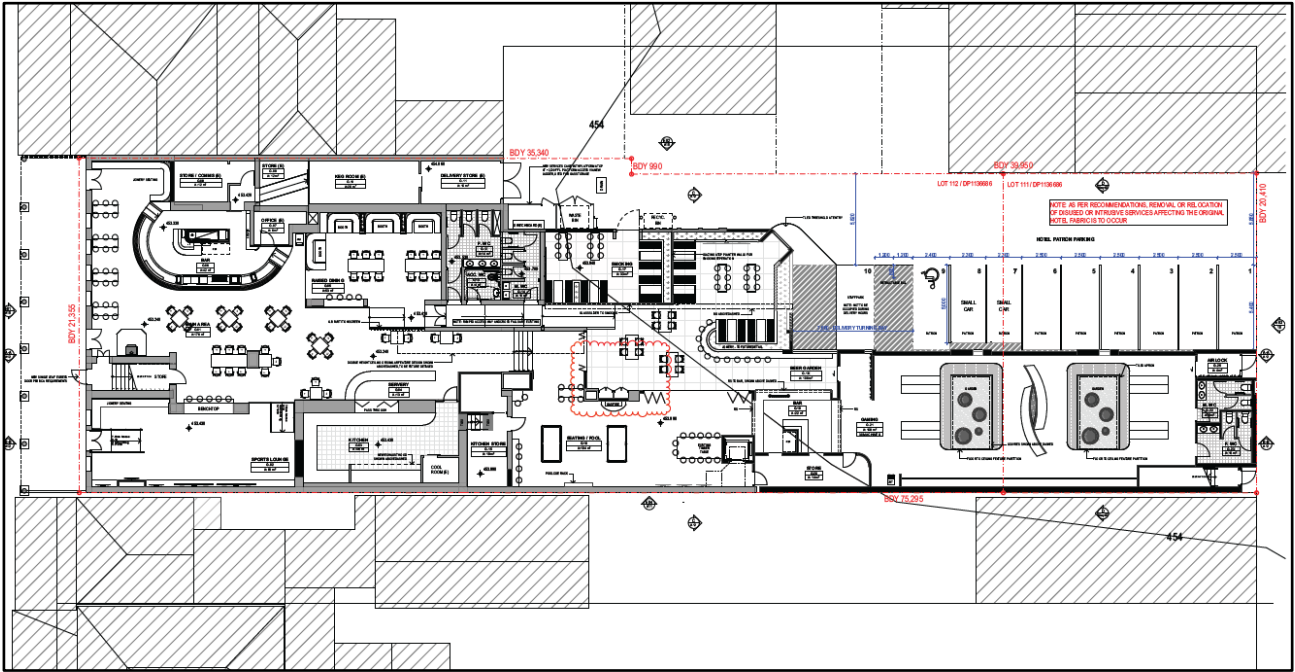


Figure 1: Proposed Ground Floor Layout

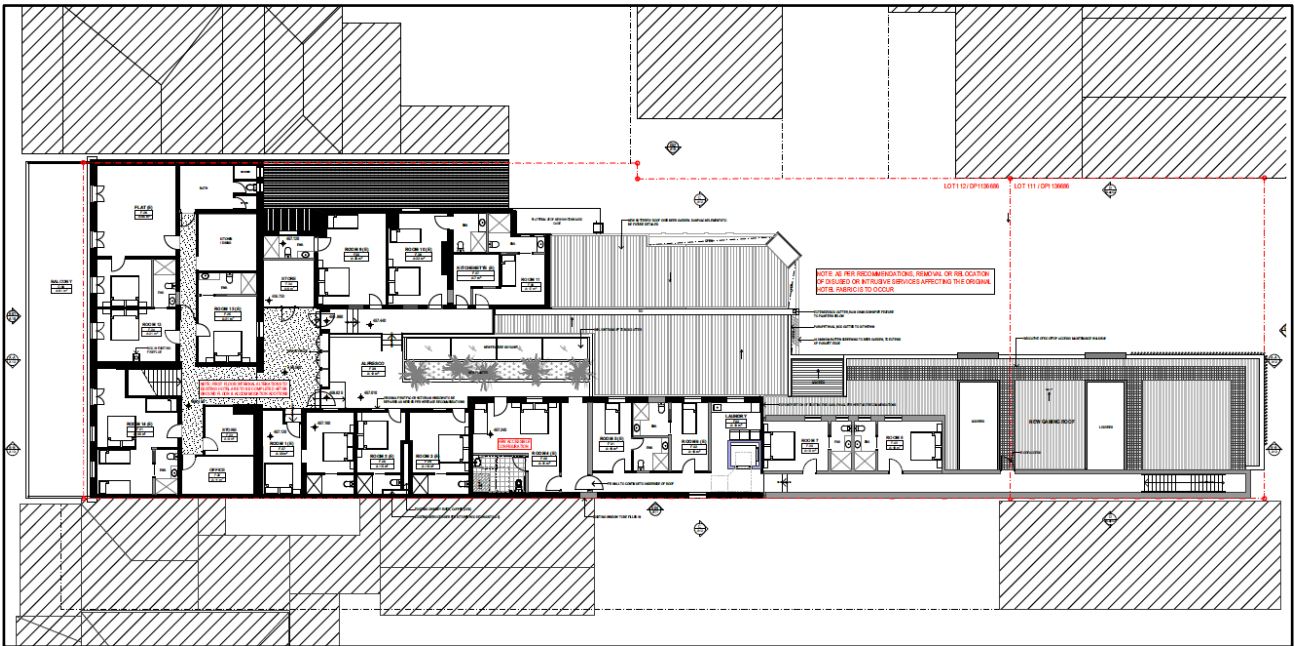


Figure 2: Proposed Upper Floor Layout



Figure 3: 3D Perspective of development from Byron Place



Figure 4: 3D Perspective of development

Site Description

The site is comprised of two lots identified as Lot 111 DP1136686 and Lot 112 DP1136686.

Lot 111 DP1136686 contains a double storey commercial building fronting Byron Place. Lot 112 DP1136686 contains a double storey building fronting Market Street containing the Woolpack Hotel which is comprised of a pub, restaurant and accommodation rooms and associated car parking. A number of historical easements including right of carriageways impact the site.

The Woolpack Hotel is identified as a Heritage Item and has been used since around 1855 as a hotel. Both Lots 111 and 112 historically formed part of the original allotment for the Woolpack Hotel which was subsequently subdivided in 2004. The commercial building facing Byron Place was constructed around the late 1980s / early 1990s.

The site is located within the Mudgee town centre with a mix of retail and other commercial uses in the vicinity of the site.

Please refer to the aerial image shown in **Figure 5** below.



Figure 5: Aerial Image of subject site and surrounds

REQUIREMENTS OF REGULATIONS AND POLICIES

ASSESSMENT

LEGISLATIVE REQUIREMENTS

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

Designated Development

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

Integrated Development

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

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

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

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

The proposed development will not require removal of vegetation or koala habitat under this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and signage

It is proposed to include additional wall signage at the rear entries to the Woolpack Hotel facing Byron Place as shown in **Figure 6** below:

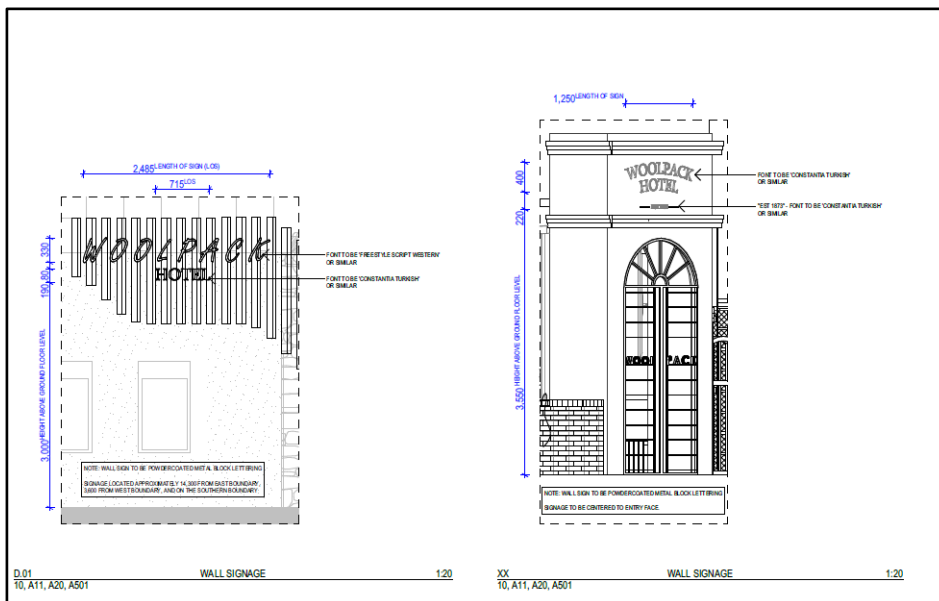


Figure 6: Proposed signage

In accordance with Clause 3.6, all advertising is to satisfy the assessment criteria specified in Schedule 5. The signage is considered acceptable, assessment against Schedule 5 is as follows:

SCHEDULE 5 REQUIREMENT	COMMENT
<p>1 Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a 	<p>The proposed signage is considered to be appropriate to the character of the Byron Place surrounds.</p>

<p>particular theme for outdoor advertising in the area or locality?</p>	
<p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The site is identified as a Heritage Item and located within a heritage conservation area. The proposed signage will face Byron Place and will not detract from the primary frontage and heritage significance of the site to Market street.</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signs will not impact on views or vistas in the vicinity of the site and is appropriately positioned so that it will not impact on views to other advertisements.</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<ul style="list-style-type: none"> The proposed signage is appropriate with regards to scale and form in the area. The proposed signage will be of high quality, contributing to the streetscape The proposed signage is appropriate to the size of existing development in the area. Existing vegetation including large trees will not be impacted as a result of the signage.
<p>5 Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is considered to be compatible in scale and proportion to the proposed development. The signage will be modern in design to match the addition to the rear of the site. No signage is proposed to the existing Heritage Item.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>No additional devices required for the operation of the signage.</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable 	<p>Not Applicable – the signs are not proposed to</p>

<p>glare?</p> <ul style="list-style-type: none"> • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>be illuminated.</p>
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signs will not reduce the safety for vehicles, pedestrians or bicyclists and does not obscure views along the road, footpath or to any public area or safety zone.</p>

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Pursuant to section 4.6 of the Policy, a site inspection and a search of council’s records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

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

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) An advertising structure
- b) A building identification sign

c) *A business identification sign but does not include traffic signs or traffic control facilities.*

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned E2 Commercial Centre and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned E2 Commercial Centre pursuant to MWRLEP 2012. The proposal is permissible with consent in the zone and complies with the relevant objectives. The objectives of the zone and how the proposal satisfies the objectives is addressed below:

E2 Commercial Centre

1. *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*

1. **Comment** 2. The proposal contributes to the range of land uses available within the downtown area.

2. *To encourage investment in commercial development that generates employment opportunities and economic growth*

3. **Comment** 4. The proposal will provide for additional employment opportunities in the downtown area.

3. *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*

5. **Comment** 6. The proposal provides for the continued free pedestrian movement throughout the CBD.

4. *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*

7. **Comment** 8. Not applicable to this application – no residential development proposed.

5. *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

9. **Comment** 10. The development will retain the existing active street frontage, attracting pedestrian traffic and contributing to a vibrant, diverse and functional street and public space.

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

11. **Comment** 12. The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity

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

13. **Comment** 14. The proposed works contribute positively to the heritage streetscape in the immediate vicinity. Refer to comments under clause 5.10 below.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of the existing double storey building fronting Byron Place.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The proposed extension will have a maximum height of 8.3 metres and therefore complies. A condition will be included to ensure the height of the additions does not exceed 8.5m above existing ground level.

It is noted that the parts of the existing building already exceed the maximum height limit including the Market street frontage at approximately 9.65m.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

The Woolpack Hotel is identified as Heritage Item I129 under Schedule 5 of the MWRLEP and the site is located within the Heritage Conservation area.

As the proposal includes works involving a Heritage Item and the site is located within the Heritage Conservation Area, consideration must be given to the relevant heritage significance in accordance with 5.10(4). The application was supported by a Statement of Heritage Impact prepared by Barbara Hickson Architect and Heritage Adviser and dated 18 May 2023 which includes analysis identifying fabric which makes high and low contributions to the significance of the item as a whole.

Overall, the Woolpack Hotel is identified as probably the oldest hotel in Mudgee, and has historical, aesthetic and social significance.

The subject site and application was reviewed by Council's Heritage Adviser who raised no objections to the proposal stating the following:

The freestanding building should be demolished was constructed after 1990, and has no significance. The alterations do not affect the Market Street facade. The extensions at the rear are sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complementary, and views to the original structure from the rear will be enhanced.

The application is supported.

As a result, it is considered that the works to the heritage item and the demolition of the existing building within the heritage conservation area will have no significant adverse impacts on the significance of the heritage item or the surrounding area and streetscape and is supported pursuant to the objectives of Clause 5.10 of the MWRLEP.

Clause 5.21 Flood planning

Council's mapping system indicates the site is not affected by flooding during the 1% AEP flood event. No further consideration necessary.

Clause 6.1 Salinity

The extent of earthworks is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

The subject site is located within the area mapped as ‘Active street frontage’ pursuant to the LEP mapping. The proposal will result in all premises on the ground floor facing the street having a use for a *pub* which is included in the group definition of a *retail premises (food and drink premises)*. Accordingly, the proposal is considered to satisfy this clause.

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

Mid-Western Regional Development Control Plan 2013 (DCP)

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

Part 4.4 Signs

An assessment against the relevant sections of this Part is provided below.

SIGNS IN TOWNS AND VILLAGES HERITAGE CONSERVATION AREAS	
REQUIREMENT	COMMENT
(a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.	The proposed signage will face Byron Place and will be complementary to the modern addition to the rear of the Heritage Item. The development has been reviewed by Council’s Heritage adviser and it is considered to be appropriate to the building and locality.
(b) Corporate identification should be carefully selected and amended where necessary to	

retain the character of individual buildings and the surrounding locality.	
(c) Generally, signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An importance element of Council's planning policies involves the careful control of all advertisements and external building colours in the main business areas.	

BUSINESS AREAS	
REQUIREMENT	COMMENT
(a) Generally, a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.	The proposed signage will not exceed 25% of the building fronting Byron Place.
(b) Under-awning / verandah signs must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning / verandah	Not Applicable – no new under-awning / verandah signs proposed.
(c) Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs are not permitted in both Mudgee and Gulgong business areas.	Complies - None of these types of signs are proposed.
(d) Wall signs should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powder coated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances, it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.	The signage is proposed to be complementary to the modern extension with the use of materials of powder coated metal block lettering. The proposal including signage was reviewed by Council's Heritage Adviser who raised no objections to the proposal. The proposed signage is considered appropriate.

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
No minimum front setbacks apply	Yes – existing front setback to Market Street will be retained.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Side and rear setbacks must comply with BCA	To be conditioned
Signage	
Signage complies with relevant provisions in section 4.4 DCP 2013	Yes. Refer assessment of Section 4.4 previously discussed in this report.
Design	
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.	The existing frontage to Market street will be retained.
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 retail space.	Existing frontage to Market street will be retained which contains windows and doors providing interaction with pedestrians and the business.
Building facades shall be articulated by use of colour, arrangement of elements, or by varying materials	Yes. The façade to Byron Place is articulated and contains a mix of materials.
Consider elements within established heritage buildings and how its application may be applied to new development.	The proposed extensions to the rear of the existing Heritage Item have been considered by Council's Heritage Adviser who has advised that the additions are "sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complimentary, and views to the original structure from the rear will be enhanced"
Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.	The façade to Byron Place has been appropriately designed to consider the surrounding built form and will have an appropriate modern presentation to Byron Place whilst allowing views to the rear of the Heritage Item.
Design of new development should seek to be sympathetic to heritage items do not reproduce them.	The proposed addition is considered to be sympathetic to the Heritage Item as discussed throughout this report.
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.	Yes. Condition of consent
Development on a corner must include architectural features to address both frontages.	Not applicable
Where the development will adjoin the residential, village and mixed use zones, sufficient setback in the form of landscape buffers and access ways should be incorporated.	Not applicable - the site does not adjoin a residential, village or mixed use zone.
Scale form and height	
The LEP controls the height of building to a maximum of 8.5m	The proposed addition will have a maximum height of 8.3m
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes. The existing frontage to Market street will be retained. The new additions to Byron Place are sympathetic to the Heritage building and Mudgee Heritage Conservation Area.
Mortimer and Church Street, Mudgee	
Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey patter of development adopting zero front and side property setbacks.	Not applicable
Where possible the use of elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
verandas	
Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels, every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.	Not applicable
Articulation and Façade Composition	
To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.	Appropriate interest to the façade of the building additions where it faces Byron Place has been provided despite its narrow form through the use external materials and finishes.
Excessive length of blank wall are not supported in the front façade.	Extensive blank walls not proposed on Byron Place frontage.
Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provision of landscaping, or by creating visual interest through patterning of the façade, signage or public art.	Where blank walls are proposed that will be visible, appropriate measures have been proposed through external finishes to create visual interest.
Residential–Commercial interface	
Provision of Landscape buffer to residential boundaries	Not applicable
Ground and first floor do not overlook residential properties	Not applicable
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Not applicable
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Not applicable
Utilities and Services	
Building and structures located clear of infrastructure	Yes
Able to be serviced by water, sewer and waste disposal	Yes – development is already connected to relevant services.
Trade waste application required?	Yes – new application required to address changes to existing approvals.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes
All vehicle movement paths are sealed	Yes. Condition
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes
For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.	Not applicable - Turning area provided for small delivery vehicles. Loading area in Byron Place will also continue to be utilised for larger vehicles.
All loading facilities designed to comply with Australian Standards	Not applicable.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Covered access extended/retained
Convenient and safe access through parking areas	Complies
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered
Parking	
Discussed elsewhere in report	Refer to Part 5.1 for assessment of car parking.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Not applicable
Landscaping to comprise low maintenance, drought and frost resistant species	Not applicable

Part 4.7 Tree Preservation Order

No trees listed in the Tree Preservation Order are proposed to be removed.

Part 5.1 Car Parking

Under this Part there is no set car parking rate for pubs located within the Commercial Core B3 Zone (equivalent to the E2 Commercial Centre recently introduced), rather a car parking study is required to justify the provision of car parking proposed.

The application was supported by a car parking study prepared by Seca Solution and dated 15 December 2023. A total of 7 car parking spaces are currently provided onsite, this number will be increased to 10 spaces (an additional 3 spaces) as a result of the proposal. It is also noted that there are a number of historic car parking credits relating to the land as well as credits resulting from the payment of parking contributions for eleven spaces for the building at 15-17 Byron Place under DA154/87 issued on 17/9/87 for \$22,000.

The study concluded that the proposed expansion can be accommodated within the available town parking supply without impacting the operation of surrounding businesses stating the following:

The proposed expansion can be accommodated within the available town parking supply without impacting the operation of surrounding businesses and therefore will have an acceptable impact on the local road network. The supply of on-street parking in Mudgee allows for shared use of this parking across the varying businesses in town, with the core retail area in Mudgee creating the parking demands during the normal working days. Outside of the core business hours, the parking surveys completed by Seca Solution show that there is a significant amount of vacant parking spaces within an easy walk of the Woolpack Hotel which can accommodate the potential increase in parking created by the expansion of this hotel.

Allowing for the minor increase in overall public floor area, the proposal could see a net change in the parking demand of between 27 and 54 spaces. Parking beat surveys completed as part of the project work indicate that current parking demands on street in the general locality of the subject site are not fully utilised at the times when the hotel will generate peak demands i.e. Friday and Saturday late afternoon and into the evening. The surveys show that there is between 75 and 135 vacant spaces in the general locality of the site, excluding the Council car park to the rear of the site. The potential maximum increase of 54 spaces can be accommodated in this area and the more considered value of 27 additional parking space demands can be accommodated with no impact on the adjacent businesses in this part of Mudgee.

There is adequate parking to accommodate the additional demands associated with the proposal recognising the complimentary nature of the business to others in the area, the opportunity for walking trips from local accommodation and the availability of overflow parking in this area.

Of note, the accommodation units will be redeveloped as part of the proposal however the existing number of rooms, comprising 14 accommodation rooms and one managers flat will not change. The number of on-site car spaces will increase from 7 to 10, allowing more guests to utilise on-site parking during their stay as a result of the development.

Part 5.2 Flooding

Not Applicable

Part 5.3 Stormwater Management

Council's Development Engineer has reviewed the application and provided the following advice:

The subject site is currently 100% impervious and while the proposed development involves the demolition of one of the buildings on-site, it will be replaced with additions to the hotel and new car parking areas. As such, runoff from the site will not increase beyond that currently occurring. The applicant has provided calculations demonstrating that post development flows do not exceed pre development flows.

The information is considered acceptable for DA purposes, full details will be required at CC stage. Standard engineering conditions are able to be applied.

Part 5.4 Environmental Controls

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

CONTRIBUTIONS

Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is commercial and has a proposed cost greater than \$200,000 therefore a levy of 1% applies and is payable to Council which requires the payment of a contributions in accordance with the plan as follows:

1% of \$1,654,000.00 is \$16,540.00

An appropriate condition has been imposed requiring payment of the contribution.

Section 64 - Water/Sewer Developer Services Charges

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

Water Headworks

Payable Water Contributions – 6.498 ET/units x \$9,713.00 = \$63,115.07

This calculation is based on:

- Credit of 0.392 ET/units for the existing commercial building to be demolished and
- New ET/units of 6.89ET/units for additional floor area and beds as a result of the proposed development.

Sewer Headworks

Payable Sewer contributions – 6.648 ET/units x \$4,434.00 = \$29,477.23

This calculation is based on:

- Credit of 0.392 ET/units for the existing commercial building to be demolished.
- New ET/Units of 7.04 ET/units for additional floor area and beds as a result of the proposed development.

Total headworks are as follows:

Section 64 Contributions	
	Value
Water Headworks	\$63,115.07
Sewer Headworks	\$29,477.23
Total Headworks	\$92,592.30

A condition has been imposed accordingly.

4.15(1)(a) PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT – (1)(a)(iia)

No Planning Agreements are applicable.

4.15(1)(a)(iv) REGULATIONS

Environmental Planning and Assessment Regulation 2021

Clause 61 – Additional matters that consent authority must consider

Clause 61(1) requires Council to consider Australian Standard AS2601-2001: *The Demolition of Structures* when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 has been included as a condition of consent.

Clause 64 – Consent authority may require upgrade of buildings

The proposal will involve works as described within Clause 64(1) and therefore 64(2) is to be considered.

64(2) requires Council to consider whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia. Council’s Health & Building Surveyor has provided conditions requiring the existing building to be brought into conformity with the following Performance Requirements of the BCA, Volume 1:

- C1P2 – Spread of Fire
- D1P4 – Exits
- D1P6 – Paths of Travel to Exits
- E1P1 – Fire Hose Reels
- E1P2 – Fire Extinguishers
- E1P3 - Fire Hydrants
- E4P1 – Visibility in an emergency
- E4P2 – Identification of exits
- E4P3 – Emergency warning and intercom systems.

LIKELY IMPACTS OF THE DEVELOPMENT – 4.15(1)(b)

(a) Context and Setting

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

(b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate.

(c) Public Domain

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

(d) Utilities

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

(e) Heritage

The site is identified as a Heritage Item and is located within the Mudgee Heritage Conservation area. Consideration of the impact of the development on the heritage significance has been undertaken throughout this report, with the demolition of the commercial building fronting Byron Place supported. The alterations and additions to the heritage item (being the Woolpack Hotel) are also supported given the alterations do not affect the Market Street façade and that the extensions to the rear are sympathetic and distinguished from the original form.

(f) Other Land Resources

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

(g) Water

No significant impact expected.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and Fauna

Not applicable

(k) Waste

Waste service available.

(l) Energy

Not Applicable

(m) Noise and Vibration

The Woolpack Hotel is located within the commercial centre of Mudgee with scattered residences located within the area. The development will continue to operate as per existing approvals for the operation of the use including liquor licencing requirements which regulate noise levels to affected residential premises in the area and operating hours. The redevelopment of the site is not expected to result in significant changes in noise. The extension to the rear, containing the new gaming area, will be fully enclosed within the building. No new outdoor areas are proposed, noting

that the beer garden will be redeveloped to be semi-enclosed with a roof. The proposal is considered to be satisfactory.

(n) Natural Hazards

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

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

The development is considered to be generally consistent with principles of Crime Prevention through Environmental Design. The proposal will result in increased passive surveillance through improvements to the visibility of the development from Byron Place and redesign of the car parking area.

(q) Social Impact in the Locality

Generally positive.

(r) Economic Impact in the Locality

Generally positive.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

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

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

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

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 4.15(1)(d)

Public Submissions

The application was neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 September 2023. During the notification period, 0 submission/s were received. The application was amended during the assessment of the application; however, the changes were not considered to be significant to require re-notification.

Submissions from Public Authorities

No submissions were sought or received from public authorities.

THE PUBLIC INTEREST – 4.15(1)(e)

Federal, State and Local Government interests and Community interests

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

CONSULTATIONS

Health and Building

Council's Health & Building Surveyor have recommended conditions to address building matters. These conditions are incorporated in the recommendation.

Development Engineering

Council's Development Engineer has provided conditions to address the detailed engineering matters including access, traffic, car parking, stormwater and servicing. These conditions are incorporated in the recommendation.

Heritage Adviser

Council's Heritage Adviser has reviewed the application and hasn't raised any objections to the proposed demolition and extension including the following comments:

"The freestanding building to be demolished was constructed after 1990, and has no significance. The alterations do not affect the Market Street facade. The extensions at the rear are sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complementary, and views to the original structure from the rear will be enhanced.

The application is supported.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our region and heritage value of our towns

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2021
Mid-Western Regional Local Environmental Plan 2012

Financial implications

Not Applicable

Associated Risks

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

SARAH HOPKINS
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

29 February 2024

Attachments: 1. Architectural Plans. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Planning Proposal - Removal of Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1

REPORT BY THE MANAGER STRATEGIC PLANNING
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, LAN900187

RECOMMENDATION

That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal - Removal of Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1 and removal of mapping reference 'Area C' of the *Mid-Western Regional Local Environmental Plan 2012*;
2. provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning, Housing and Infrastructure via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;
3. advise the NSW Department of Planning, Housing and Infrastructure that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and
4. undertake community consultation as outlined in any approved Gateway determination.

Executive summary

Council at its meeting, held on Wednesday, 21st February 2024, resolved:

'That Council prepare an LEP amendment to delete Clause 4.1C of the LEP – which allows no minimum lot size to occur within 100m of zone MU1 - this clause only applies to Caerleon, called Area C.'

The review has been undertaken and a Planning Proposal prepared, which seeks to amend the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012) by removal of Clause 4.1C Exception to the minimum subdivision lot sizes around Zone MU1 and corresponding Area C on the lot size mapping.

The Planning Proposal is to provide for a 450m² minimum lot size for the area within 100 metres of the Zone MU1 Mixed Use. The current provision, providing no minimum lots size is considered to facilitate the creation of small, constrained lots, with minimal frontage. Dual occupancy and multi-dwelling housing and subsequent subdivision to 300m² remains permissible within the subject area.

The staff recommendation is to provide support for the Planning Proposal and forward to the Department of Planning Housing and Infrastructure (DPHI) with a request for a Gateway

Determination to allow for community consultation to be undertaken. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to the DPHI.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPHI has issued the *Local Environmental Plan Making Guideline*, to provide guidance and information on the process for preparing Planning Proposals and making the amendment to the LEP.

The Gateway Process

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

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal prepared by Council	✓	February/March 2024
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to the 20 March 2024 meeting
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSAL CONTEXT

The objective of the Planning Proposal is to amend the MWRLEP 2012 to remove *Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1* and allow the mapped 450m2 subdivision minimum lot size to prevail. The amendment will include the subsequent removal of 'Area C' from the lot size mapping.

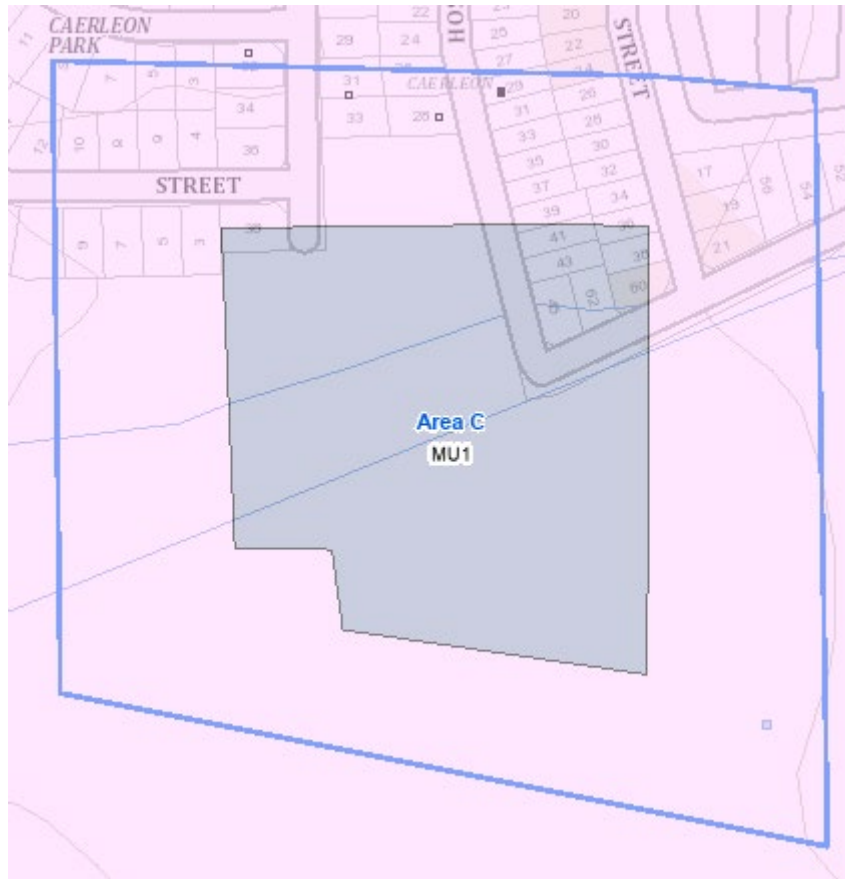


Figure 1: Planning Proposal subject area – area within blue line (Source: adapted from the NSW Planning Portal)

The land to which the Planning Proposal applies (subject area) is the 'Area C' as identified on the lot size mapping.

INTENDED OUTCOMES

The intended outcomes of the Planning Proposal is to amend the MWRLEP 2012 to remove *Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1* and allow the mapped 450m² subdivision minimum lot size to prevail. The amendment will include the subsequent removal of 'Area C' from the lot size mapping.

JUSTIFICATION

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

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

No. The Planning Proposal is not the result of an endorsed LSPS, strategic study or report however, it is consistent with the recommendations, goals and priorities of the *Our Place 2040 – Mid-Western Regional LSPS*. Specifically Planning Priority 2 *Making available diverse, sustainable, adaptable, and affordable housing options through effective land use planning*.

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

The Planning Proposal is the best and only means of amending MWRLEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

The proposed amendment will be further supported by a future review of the applicable provision of Mid-Western Regional Development Control Plan 2013, Appendix C Caerleon.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) and SEPPs?

The Planning Proposal is generally consistent with all the Ministerial Directions and State Environmental Planning Policies (SEPPs).

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

The proposal to remove *Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1* and allow the mapped 450m² subdivision minimum lot size will not have any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Site specific constraints will be considered during the assessment of any future development applications within the subject area.

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

The Planning Proposal will facilitate the delivery of residential lots of a size consistent with the adjoining locality.

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

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

NEXT STEP

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

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our region and heritage value of our towns

Strategic implications

Council Strategies

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

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

5 March 2024

Attachments: 1. Planning Proposal.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Looking After
our Community*

PLANNING PROPOSAL
CLAUSE 4.1C
EXCEPTIONS TO
MINIMUM SUBDIVISION
LOT SIZES

5 MARCH 2024

MID-WESTERN REGIONAL COUNCIL
STRATEGIC PLANNING

 TOWARDS 2030



STRATEGIC PLANNING |
PLANNING PROPOSAL
CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Version	Date	Notes
V001	March 2024	Draft PP reported to Council – March 2024

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Overview

Introduction

The Planning Proposal seeks to amend the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) by *remove Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1*. The Planning Proposal explains the intent of, and justification for, the proposed amendments to MWRLEP 2012.

The Planning Proposal is to remove the following clause from the MWRLEP 2012:

4.1C Exception to minimum subdivision lot sizes around Zone MU1

(1) The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.

(2) Despite clause 4.1(3), there is no minimum subdivision lot size for the subdivision of land identified as "Area C" on the Lot Size Map and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation.

The Planning Proposal will remove the 'Area C' on the Lot Size Map.

The intent of the Planning Proposal is to provide for a 450m² minimum lot size for the area within 100 metres of the Zone MU1 Mixed Use. The current provision, providing no minimum lots size is considered to facilitate the creation of small, constrained lots, with minimal frontage.

The proposal has been prepared in accordance with Section 3.32 and 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning, Housing and Infrastructure (Department), *Local Environmental Plan Making Guideline*, August 2023.

Background

MWRLEP 2012 came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

The subject area is part of the Caerleon locality. Council resolved to endorse the Planning Proposal in May 2012 and provided for an opportunity for an additional 900-1400 residential lots (dependant on resultant lot size). The Caerleon Development Control Plan was endorsed for public exhibition in August 2012 and was subsequently exhibited concurrently with the Planning Proposal. An objective of the Planning Proposal was *'to allow for a variety of lot sizes, ranging from 450m² up to 2 + hectares'* page 13 of the Planning Proposal, April 2012. The site was rezoned in March 2013.

Part 1 – Objectives or Intended Outcome

Objectives

The objective of the Planning Proposal is to amend the MWRLEP 2012 to remove *Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1* and allow the mapped 450m² subdivision minimum lot size to prevail. The amendment will include the subsequent removal of 'Area C' from the lot size mapping.

Intended Outcomes

The intended outcomes of the Planning Proposal is the removal of:

4.1C Exception to minimum subdivision lot sizes around Zone MU1

(1) The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.

(2) Despite clause 4.1(3), there is no minimum subdivision lot size for the subdivision of land identified as "Area C" on the Lot Size Map and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation.

The Planning Proposal will result in the removal of 'Area C' of the Lot Size Map. Area C is detailed below.

STRATEGIC PLANNING |
PLANNING PROPOSAL
CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Land to which the Planning Proposal applies

The land to which the planning proposal applies (subject area) is the 'Area C' as identified on the lot size mapping.

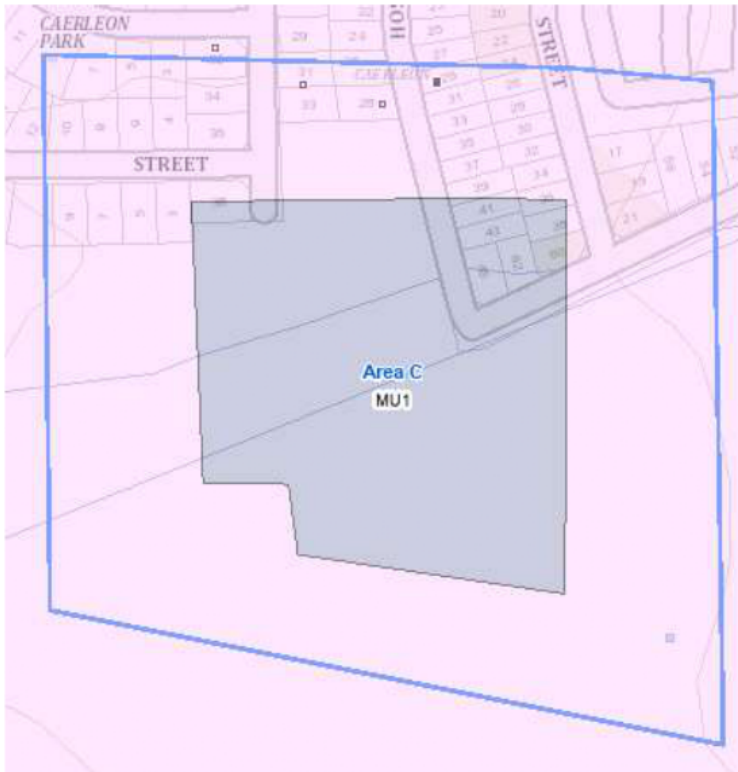


Figure 1: Planning Proposal subject area – area within blue line (Source: adapted from the NSW Planning Portal)

Site context and setting

Mudgee is nominated as a 'strategic centre' in the Central West and Orana Regional Plan 2041, Caerleon provides a residential land supply for Mudgee. The subject area, Area C is located within the locality of Caerleon around the MU1 Mixed Use zoning. The total area of the original Caerleon estate measures 310 hectares. The site has been developed from the Hill End Road frontage of the site. Three hundred and three lots have been developed up to the area of the Caerleon site zoned MU1 Mixed Use.

Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved by removing Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1 and removing 'Area C' from the Mid-Western Regional Local Environmental Plan 2012, Lot Size Map – Sheet LSZ_006, Map Identification Number: 5270_COM_LSZ_006_160_20220412.

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PLANNING PROPOSAL
CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1: Is the planning proposal the result of an endorsed LSPS, strategic study or report?

No. The Planning Proposal is not the result of an endorsed LSPS, strategic study or report however, it is consistent with the recommendations, goals and priorities of the Our Place 2040 – Mid-Western Regional LSPS. Specifically Planning Priority 2 *Making available diverse, sustainable, adaptable and affordable housing options through effective land use planning.*

Q2: Is the planning proposal the best means of achieving the objectives or outcomes, or is there a better way?

The Planning Proposal is the best and only means of amending MWRLEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

The proposed amendment will be further supported by a future review of the applicable provision of Mid-Western Regional Development Control Plan 2013, Appendix C Caerleon.

Section B - Relationship to Strategic Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

Yes, the Planning Proposal will give effect of the Central Western and Orana Regional Plan 2041.

STRATEGY	DIRECTION/ACTION/OBJECTIVE - COMMENT
Central West and Orana Regional Plan 2041	<i>Objective 14: Plan for diverse affordable, resilient and inclusive housing.</i> The Planning Proposal will provide for a minimum lots size of 450m ² across the R1 General Residential zoning of Caerleon. Under the current controls, lots can be crested at a minimum of 300m ² . An attached dual occupancy can be considered on lots measuring 600m ² , the LEP provision allows for the subdivision of these dual occupancy, resulting in 300m ² lots.

Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with Council's Toward's 2040 and Our Place 2040, Local Strategic Planning Statement. Specifically **Planning Priority 2** *Making available diverse, sustainable, adaptable and affordable housing options through effective land use planning.*

CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is minor in terms of broader State and regional strategies. Whilst no studies or strategies specifically relate to the Planning Proposal, there is nothing that the Planning Proposal is inconsistent with.

Q6: Is the planning proposal consistent with applicable SEPPs?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table.

SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
SEPP (Biodiversity and Conservation) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Sustainable Buildings) 2022	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP. Future development application would need to address the SEPP.
SEPP (Exempt & Complying Development Codes) 2008	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Housing) 2021	Yes – The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP
SEPP (Industry and Employment) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP No 65 – Design and Quality of Residential Apartment Development	Not applicable.
SEPP (Planning Systems) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP. Contamination and remediation to be considered at the development application stage with the consideration of specific sites.
SEPP (Resources and Energy) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.

STRATEGIC PLANNING |
 PLANNING PROPOSAL
 CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

These directions apply to planning proposals lodged with the Department on or after the date the particular direction was issued and commenced.

Detailed in the table below are the directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
Focus area 1: Planning Systems	
1.1 – Implementation of Regional Plan	Consistent with Regional Plan as detail above.
1.2 - Development of Aboriginal Land Council land	Not applicable.
1.3 - Approval and Referral Requirements	The proposed amendments do not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the proposed amendments are not site specific.
1.4A – Exclusion of Development Standards from Variation	Not applicable.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.
1.18 – Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19 – Implementation of Westmead Place Strategy	Not applicable.
1.20 – Implementation of Camellia-Rosehill Place Strategy	Not applicable.
1.21 – Implementation of South West Growth Area Structure Plan	Not applicable.
1.22 - Implementation of Cherrybrook Station Place Strategy	Not applicable.
Focus area 2: Design and Place	
-	
Focus area 3: Biodiversity and Conservation	
3.1 - Conservation Zones	Not applicable.

CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

DIRECTION	PLANNING PROPOSAL CONSISTENCY
3.2 - Heritage Conservation	Not applicable.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Not applicable.
3.6 - Strategic Conservation Planning	Not applicable.
3.7 - Public Bushland	Not applicable.
3.8 - Willandra Lakes	Not applicable.
3.9 - Sydney Harbour Foreshore and Waterways	Not applicable.
3.10 - Water Catchment Protection	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 - Flooding	Consistent
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	Consistent
4.4 - Remediation of Contaminated Land	Consistent
4.5 - Acid Sulfate Soils	Consistent
4.6 - Mine Subsidence and Unstable Land	Consistent
Focus area 5: Transport and Infrastructure	
5.1 - Integrating Land Use and Transport	Not applicable.
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Not applicable.
5.4 - Shooting Ranges	Not applicable.
Focus area 6: Housing	
6.1 - Residential Zones	Consistent
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 - Business and Industrial Zones	Consistent
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable.
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent
Focus area 9: Primary Production	
9.1 - Rural Zones	Not applicable.
9.2 - Rural Lands	Consistent
9.3 - Oyster Aquaculture	Not applicable.
9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

STRATEGIC PLANNING |
PLANNING PROPOSAL
CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Section C - Environmental, Social and Economic Impact

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal to to remove *Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1* and allow the mapped 450m2 subdivision minimum lot size will not have any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Site specific constraints will be considered during the assessment of any future development applications within the subject area.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in Department's *Local Environmental Plan Making Guideline* (August 2023), the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?.

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure as the intent is not to increase the intensity or density of development in the subject area.

Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of state and federal public authorities and government agencies were not sort prior to Gateway determination due to the nature of the Planning Proposal.

CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Part 4 – Mapping

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

The following map will be subject to amendment:

Lot Size Map – Sheet LSZ_006, Map Identification Number:
5270_COM_LSZ_006_160_20220412

STRATEGIC PLANNING |
PLANNING PROPOSAL
CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Part 5 – Community Consultation

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

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

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

CLAUSE 4.1C EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

Part 6 – Project Timeline

The Planning Proposal is a minor amendment to the *Mid-Western Local Environmental Plan 2012* and should be able to be achieved within 6-9 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	March 2024
Completion of Technical Information	N/A
Agency Consultation	April 2024
Public Exhibition	April 2024
Consideration of Submissions	May 2024
Legal Drafting & Opinion (incl Mapping)	May 2024
Finalisation	June 2024

8.7 Monthly Development Applications Processing and Determined - February 2024

REPORT BY THE MANAGER PLANNING
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, A0420109

RECOMMENDATION

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for February 2024.

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

The report will detail:

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

7 March 2024

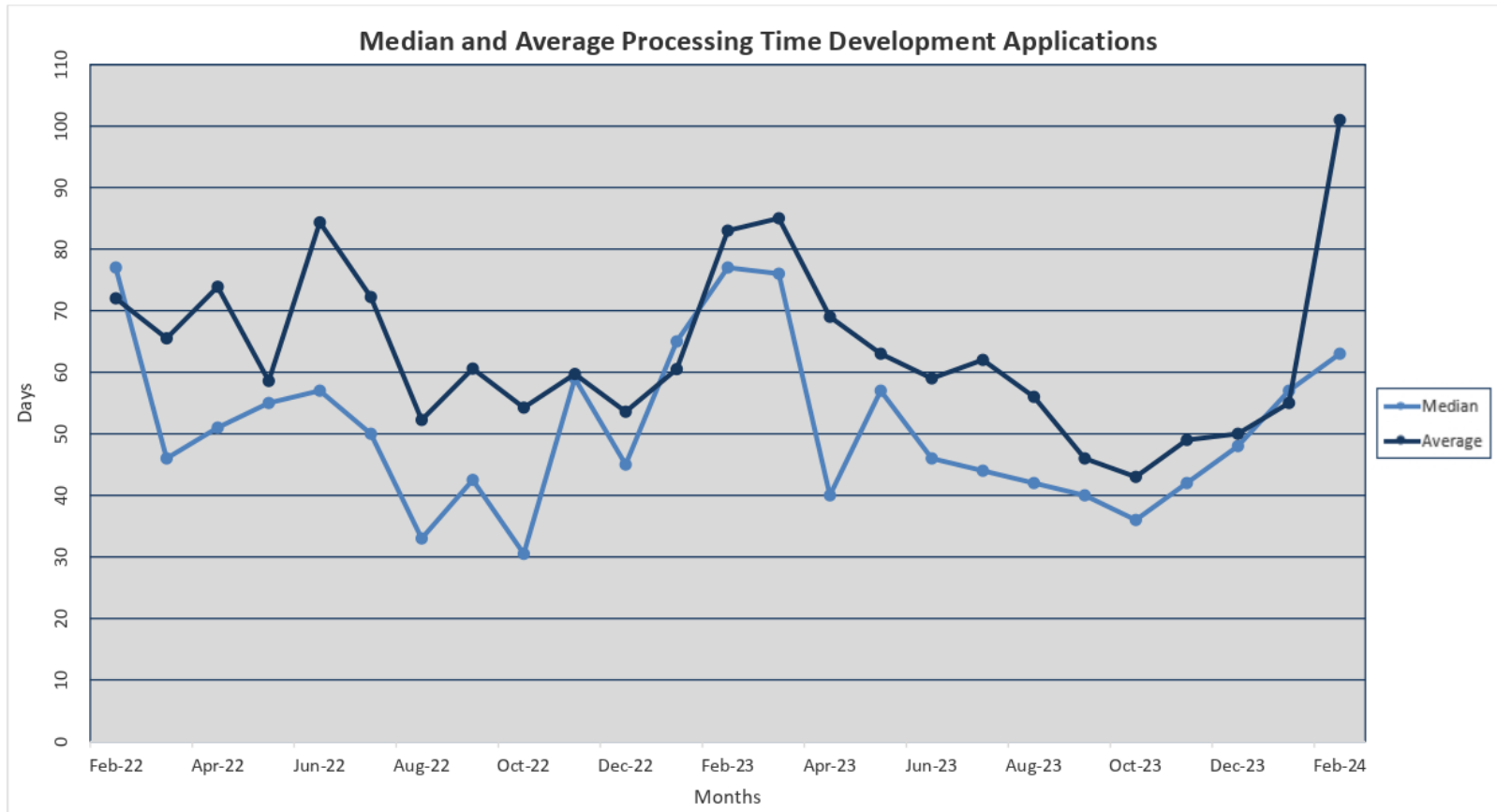
Attachments: 1. Monthly Development Application Processing and Determined - February 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

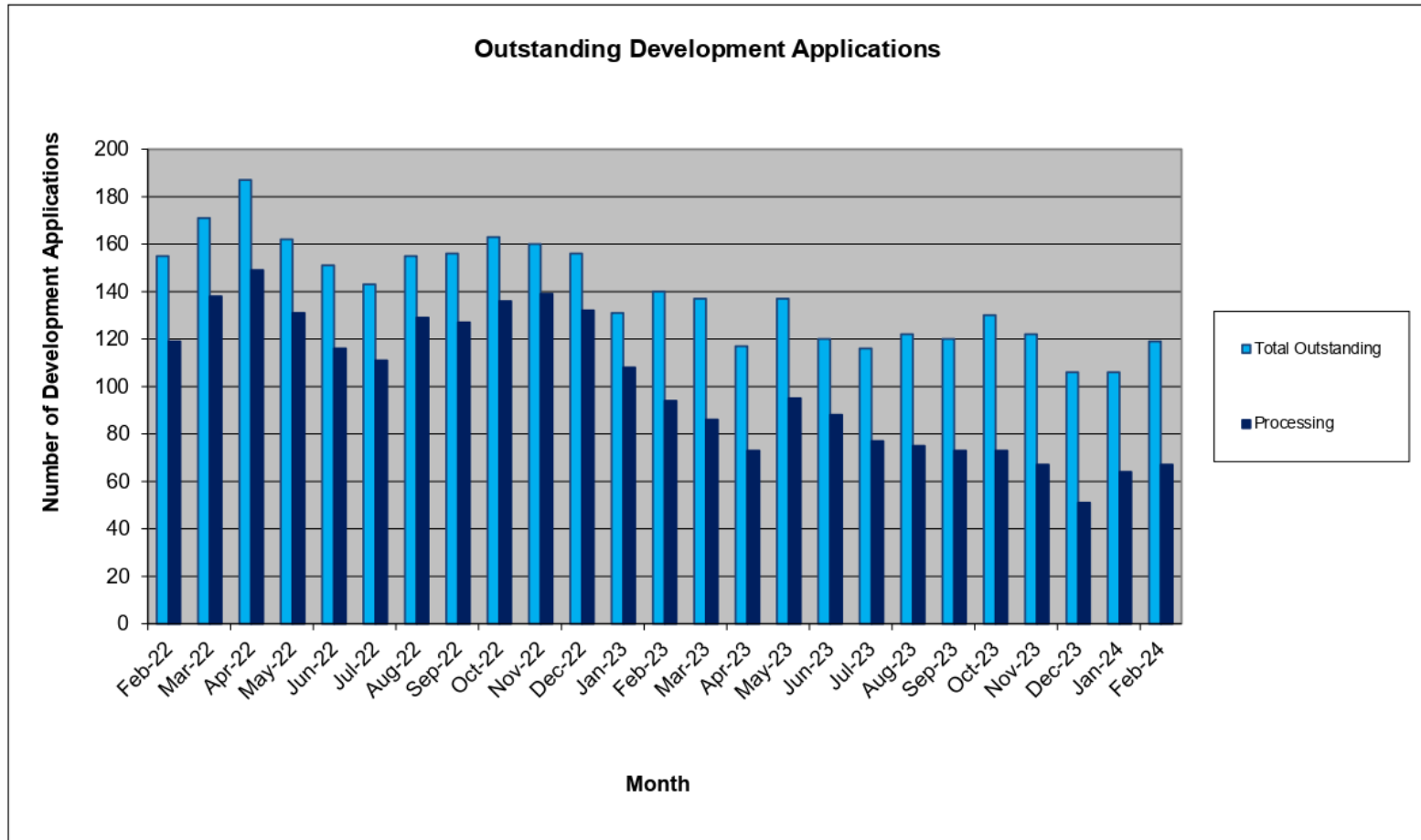
Monthly Development Application Processing Report – February 2024

This report covers the period for the month of February 2024. Graph 1 indicates the processing times up to 29 February 2024 with the month of February having an average of 101 days and a median time of 63 days.



Monthly Development Application Processing Report – February 2024

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 67 and the number on “stop clock” is 52.



Monthly Development Application Processing Report – February 2024

The Planning and Development Department determined 14 Development Applications either by Council or under delegation during February 2024.

Development Applications Determined – February 2024

App/Proc ID	Description	House No	Street Name	Locality
DA0329/2022	Staged Demolition and Construction of Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0394/2023	Alterations and additions to industrial development	4	Industrial Avenue	GULGONG NSW 2852
DA0040/2024	Alterations & Additions	390	Yarrowonga Road	YARRAWONGA NSW 2850
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEE NSW 2850
DA0068/2024	Secondary dwelling	658	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGEE NSW 2850
DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0105/2024	Dual Occupancy (Attached) and Subdivision	211	Dabee Road	KANDOS NSW 2848
DA0112/2024	Dual Occupancy	15	Shearman Street	CAERLEON NSW 2850
DA0133/2024	Subdivision – 1 into 2 lots	2	Wattle Lane	GULGONG NSW 2852
DA0167/2024	Shed	16	Wenonah Street	GULGONG NSW 2852
DA0174/2024	Alterations & Additions	51	Burrundulla Avenue	MUDGEE NSW 2850
DA0181/2024	Dwelling Additions, Shed & Pool	36	Wyaldra Park Road	COOKS GAP NSW 2850
DA0196/2024	Carport	108	Medley Street	GULGONG NSW 2852

***NOTE – 2x Development Applications were approved with a variation to the DCP during February 2024.**

- DA0133/2024
- DA0112/2024

Monthly Development Application Processing Report – February 2024

Development Applications currently being processed – February 2024.

App/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use- shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use - to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEE NSW 2850
DA0267/2023	Camping ground	48	Turners Lane	GULGONG NSW 2852
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0343/2023	Change of use - cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Use yard to store towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – February 2024

DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0052/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0092/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850
DA0107/2024	Group Home	5	Harvey Street	BOMBIRA NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0124/2024	Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0127/2024	Subdivision - Torrens Title	1585	Pyangle Road	LUE NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0131/2024	Light Industrial Building	48	George Street	MUDGEE NSW 2850
DA0136/2024	Dwelling House, Garage and Swimming Pool	832	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0139/2024	Alterations & Additions	8	Goolma Road	GULGONG NSW 2852
DA0143/2024	Subdivision - Torrens Title	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852
DA0149/2024	Dwelling	341	White Rock Road	PINNACLE SWAMP NSW 2849
DA0155/2024	Dwelling	1096	Bocoble Road	BOCOBLE NSW 2850
DA0156/2024	Secondary dwelling	12	Shearman Cres	CAERLEON NSW 2850
DA0157/2024	Group Home	20	Shearman Street	CAERLEON NSW 2850
DA0161/2024	Aircraft Hanger and Dwelling	2	Staggerwing Rd	RYLSTONE NSW 2849
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0171/2024	Dwelling	140	Erudgere Lane	ERUDGERE NSW 2850
DA0172/2024	Secondary dwelling	761	Old Grattai Road	GRATTAI NSW 2850
DA0173/2024	Subdivision - Torrens Title	25	Fisher Street	GULGONG NSW 2852
DA0175/2024	Dwelling	11	Coomber Street	RYLSTONE NSW 2849
DA0177/2024	Subdivision - Torrens Title	1223	Castlereagh Highway	BERYL NSW 2852
DA0178/2024	Subdivision - Torrens Title	2008	Queens Pinch Road	MEROO NSW 2850

Monthly Development Application Processing Report – February 2024

DA0180/2024	Dwelling with attached secondary dwelling	18	Shearman Street	CAERLEON NSW 2850
DA0183/2024	Shed	109	Horatio Street	MUDGEE NSW 2850
DA0184/2024	Dual Occupancy (Detached) and Subdivision	8	Davis Crescent	CAERLEON NSW 2850
DA0189/2024	Alterations and Additions to Dwelling	637	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0193/2024	Transportable Building - Dual Occupancy	66	Kaludabah Road	PIAMBONG NSW 2850
DA0194/2024	Secondary dwelling	433	Kaludabah Road	PIAMBONG NSW 2850
DA0195/2024	Dwelling	150	Tongbong Road	RYLSTONE NSW 2849
DA0197/2024	Boundary Adjustment and Easement Creation	11	Quinn Place	MUDGEE NSW 2850
DA0198/2024	6x Serviced Apartments	106	School Lane	BUDGEE BUDGEE NSW 2850
DA0200/2024	Patio Cover and Deck	12	Barigan Street	MUDGEE NSW 2850
DA0201/2024	Patio Cover and Deck	14	Horatio Street	MUDGEE NSW 2850
DA0202/2024	Dwelling with Swimming Pool and Shed	27	Wurth Drive	BOMBIRA NSW 2850
DA0204/2024	Dual Occupancy	17	Davis Crescent	CAERLEON NSW 2850
DA0205/2024	Indoor Recreation Facility	12	Sydney Road	MUDGEE NSW 2850
DA0206/2024	Outdoor Patio for Preschool	27	Fleming Street	KANDOS NSW 2848
DA0207/2024	Intensive Plant Agriculture	2728	Ulan Road	COOKS GAP NSW 2850
DA0209/2024	Farm building	63	Anderson Road	GRATTAI NSW 2850
DA0210/2024	Demolition and Construction of Shed	162	Gladstone St	MUDGEE NSW 2850
DA0211/2024	Shed	220	Broadhead Road	SPRING FLAT NSW 2850
DA0212/2024	Dwelling	21	McLachlan Street	KANDOS NSW 2848
DA0213/2024	Carport	1	Lewis Street	MUDGEE NSW 2850
DA0214/2024	Aircraft Hangar	10	Clubhouse Road	RYLSTONE NSW 2849
DA0217/2024	Shed	22	Dewhurst Drive	MUDGEE NSW 2850
DA0218/2024	Dwelling House	88	Gibsons Lane	ERUDGERE NSW 2850
DA0220/2024	Carport	28	Aerodrome Road	RYLSTONE NSW 2849
DA0222/2024	Alterations and Additions	1043	Castlereagh Highway	APPLE TREE FLAT NSW 2850
DA0223/2024	Seniors Housing	27	Mayne Street	GULGONG NSW 2852
DA0224/2024	Subdivision - Torrens Title	295	Lower Piambong Road	MENAH NSW 2850
DA0226/2024	Dwelling	39	Hosking Street	CAERLEON NSW 2850
DA0227/2024	Educational Establishment	269	Henry Lawson Drive	EURUNDEREE
DA0228/2024	Light Industrial Premise	20	Sydney Road	MUDGEE NSW 2850
DA0230/2024	Alterations and Additions	1763	Lue Road	HAVILAH NSW 2850

Monthly Development Application Processing Report – February 2024

DA0231/2024	Secondary dwelling	87	Henry Bayly Drive	MUDGEE NSW 2850
DA0233/2024	Alterations & Additions	105	Denison Street	MUDGEE NSW 2850
DA0236/2024	Dwelling	43	Hosking Street	CAERLEON NSW 2850
DA0237/2024	Shed	47	Webster Street	BOMBIRA NSW 2850
DA0238/2024	Boundary Adjustment	7	Moggs Lane	BOMBIRA NSW 2850
DA0239/2024	Subdivision - Torrens Title	68	Bergalin Road	GULGONG NSW 2852
DA0241/2024	Verandah and Spa	36	Bywong Lane	YARRAWONGA NSW 2850
DA0242/2024	Caravan Park	313	Magpie Lane	GALAMBINE NSW 2850
DA0244/2024	Multi Dwelling Housing	4	Glenmore Street	MUDGEE NSW 2850

Heritage Development Applications currently being processed – February 2024.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0069/2024	Demolition	67	Market Street	MUDGEE NSW 2850
DA0089/2024	Secondary dwelling	95	Inglis Street	MUDGEE NSW 2850
DA0140/2024	Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation	34	Inglis Street	MUDGEE NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0146/2024	Dwelling	9	Robinson Street	GULGONG NSW 2852
DA0151/2024	Shed	47	Madeira Road	MUDGEE NSW 2850
DA0159/2024	Dual Occupancy	90	Douro Street	MUDGEE NSW 2850
DA0160/2024	Demolition	94	Horatio Street	MUDGEE NSW 2850
DA0164/2024	Change Of Use - Industrial Building	35	Inglis Street	MUDGEE NSW 2850
DA0191/2024	Shed	217	Gladstone Street	MUDGEE NSW 2850
DA0203/2024	Carport	127	Mortimer Street	MUDGEE NSW 2850
DA0216/2024	Secondary dwelling	10	Lawson Street	MUDGEE NSW 2850
DA0221/2024	Alterations & Additions	64	Mortimer Street	MUDGEE NSW 2850
DA0225/2024	Alterations & Additions to Lawson Park Hotel	1	Church Street	MUDGEE NSW 2850
DA0232/2024	Shed	105	Louee Street	RYLSTONE NSW 2849

Item 9: Corporate Services

9.1 Monthly Budget Review - February 2024

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - February 2024; and
 2. amend the 2023/24 and 2024/25 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.
-

Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 29 February 2024.

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks associated with all Council activities
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

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

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

Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	✗	✗	✗
Future Years	-	-	✓

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

5 March 2024

Attachments: 1. Monthly Budget Review Attachment - February 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

20 MARCH 2024

MID-WESTERN REGIONAL COUNCIL
FINANCE



FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

THIS DOCUMENT HAS BEEN PREPARED BY SUMEDHA UPRETI, ACCOUNTANT REPORTING AND ANALYSIS FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
SUMEDHA.UPRETI@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 20 MARCH 2024

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1. Budget Variation

2023/24 BUDGET VARIATION

Fund	Project Name	Variation Description	Expense Change	Revenue Change	Funding Source 1	Funding Source 2	Financial Year
General	Natural Disaster Barigan Road Causeway	Reinstate of the budget and move budget from 2025 FY to 2024 FY	63,096	63,096	Grant		2023/24
General	OW - Safety to Intersection	Mr633 Signage Installation on intersection of Goolma Rd and Guntawang Rd and intersection of Guntawang Rd and Castlereagh Hwy	51,073	55,515	Grant	Unrestricted Cash	2023/24
General	Drainage Maintenance	Increase of the budget to allow for the savings recognized in the QBR in culvert replacement and drainage capital	92,000			Unrestricted Cash	2023/24
General	Urban Reseals - Mclachlan Street - Kandos	Budget Incorrectly added in the December QBR	-10,683			Unrestricted Cash	2023/24
General	Rural Reseal - Mebul Road	Cost to cover minor overspend	10,683			Unrestricted Cash	2023/24
General	Airport Hanger and Studio	Additional funding required to purchase tanks as there is no storm water drainage for the site.	5,000			Unrestricted Cash	2023/24
General	Country University Center Capital	Bringing \$50K forward from 2025 FY to 2024 FY	50,000			Unrestricted Cash	2023/24
Waste	Mudgee Waste Depot Upgrades	Additional Budget required for heavy duty portable litter fencing	63,000			Waste Reserve	2023/24

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

General	Rylstone Caravan Park Upgrade	Additional Budget required for overspent in the project		370,000	Capital Program Reserve		2023/24
General	Rylstone Caravan Park Upgrade	Grant funding request rejected so grant budget to be removed	-96,200	-466,200	Grant	Unrestricted Cash	2023/24
General	Glen Willow Stadium Lighting Upgrade	Project almost completed and returning savings to the Capital program reserve	-400,000		Capital program reserve		2023/24
General	TFNSW Wollar road - Signage	Installation of signage for wollar Road Curve warning & advisory speed signs	43,886	43,886	Grant		2023/24
General	Plant Purchasing - New	Purchase of Water cart for environment budget adjustment	15,185		Grant		2023/24
General	Environment - Projects	Purchase of Water cart for environment budget adjustment	-11,320		Grant		2023/24
General	Env - Cudgegong River	Purchase of Water cart for environment budget adjustment	-3,865		Grant		2023/24
General	Rural Fire Service - Mudgee HQ	Additional Funding added due to increased scope of works/cost	10,342	10,342	Grant		2023/24
General	Rural Fire Service - Crudine Station Upgrade (Capital)	Additional Funding added due to increased scope of works/cost	5,960	5,960	Grant		2023/24
General	Rural Fire Service - Gulgong Dc Lighting	Project no longer going ahead with the RFS re-distributing the fund to another project.	-6,000	-6,000	Grant		2023/24
General	Rural Fire Service - Two Mile	Additional funding approved by RFS for further project	4,900	4,900	Grant		2023/24
General	Mortimer St Precinct External Painting	External painting required for the Mortimer Street precinct	47,575		Unrestricted cash		2023/24
General	S44 March 2023	Budget added for S44 project	20,000	20,000	Grant		2023/24

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

General	Fire Henry Lawson Drive S44	Budget added for S44 project	43,000	43,000	Grant	2023/24
General	Fire Springwood Park Way	Budget added for S44 project	28,000	28,000	Grant	2023/24
General	Speed Sign Review Henry Lawson Drive	Adding budget for the review to be funded by grant	4,585	4,585	Grant	2023/24
General	Bushfire Recovery - Ilford Hall	Unspent grant portion to be spent this FY, so budget need to be adjusted	15,449		Unspent Grant Reserve	2023/24
General	Bushfire Recovery - Olinda Hall	Unspent grant portion to be spent this FY, so budget need to be adjusted	16,465		Unspent Grant Reserve	2023/24
General	Airport - Operations Maintenance	Budget Required for legal review of a licence for installation of solar equipment	5,000		Unrestricted Cash	2023/24
General	Regional Emergency Road Repair	Adding budget for the grant funding received from Transport for NSW GT24100	5,796,795	5,796,795	Grant	2023/24
General	Rural Reseal - Henry Lawson Drive	Unspent RTR grant allocated to new project as previous project has been completed	157,221	157,221	Grant	2023/24
General	Urban Road - Hone Creek Drive Extension	Budget required for the extension of Hone Creek Drive to Fairydale Lane	68,100		Unrestricted Cash	2023/24
General	Rural Fire Service - Vehicles	Additional budget added to cover the cost of fuel funded from unspent grant	10,000	10,000	Grant	2023/24
General	Plant Purchases	Additional Budget required for Plant No 2105 change of use	25,700		Plant replacement reserve	2023/24

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

2024/25 BUDGET VARIATION

General	Natural Disaster Barigan Road Causeway	Reinstate of the budget and move budget from 2025 FY to 2024 FY	-36,017	-36,017	Grant		2024/25
General	Country University Center Capital	Bringing \$50K forward from 2025 FY to 2024 FY	-50,000		Unrestricted Cash		2024/25
General	Rylstone Caravan Park Upgrade	Grant funding request rejected so grant budget to be removed		-1,059,732	Grant	Unrestricted Cash	2024/25

2. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM

\$ 29.0 M

Actual YTD

\$82.6 M

Budget

251

Capital Projects

\$32.4 M

Commitments

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	52	0	52	33	63%	9	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	290	0	290	11	4%	23	Initial works
RURAL FIRE SERVICE - MUDGEE AIRBASE SHED (CAPITAL)	27	0	27	6	24%	8	Construction
RURAL FIRE SERVICE - COOKS GAP STATION UPGRADE (CAPITAL)	52	0	52	9	18%	0	Construction
RURAL FIRE SERVICE - CRUDINE STATION UPGRADE (CAPITAL)	5	6	10	2	16%	7	Construction
RURAL FIRE SERVICE - CUDGEGONG STATION UPGRADE (CAPITAL)	1	0	1	0	0%	2	Construction
RURAL FIRE SERVICE - CUDGEGONG FCC - OLD BUILDING (CAPITAL)	20	0	20	0	0%	0	Initial works
RURAL FIRE SERVICE - GULGONG DC LIGHTING	6	(6)	0	0	0%	0	Initial works
RURAL FIRE SERVICE - GOOLMA RFB LIGHTING	6	0	6	1	18%	5	Initial works
RURAL FIRE SERVICE - LAWSON RFB LIGHTING	6	0	6	0	0%	0	Initial works
RURAL FIRE SERVICE - LUE/HAVILAH - HARDSTAND/DRIVEWAY	45	0	45	0	1%	0	Construction
RURAL FIRE SERVICE - MUDGEE AIRBASE	58	0	58	12	21%	12	Construction
RURAL FIRE SERVICE - MUDGEE HQ	60	10	70	3	4%	48	Initial works
RURAL FIRE SERVICE - OLINDA RFB DRIVEWAY	20	0	20	0	0%	0	Project Scope
RURAL FIRE SERVICE - PYRAMUL RFB	40	0	40	0	0%	0	Final works
RURAL FIRE SERVICE - TWO MILE	0	5	5	0	0%	0	#N/A
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Deferred/Cancelled
COMM. TRANSPORT- VEHICLE PURCHASE	65	0	65	0	0%	0	Consultation
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	50	1,480	1,268	86%	117	Final works
CEMETERY CAPITAL PROGRAM	17	0	17	4	24%	0	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GULGONG CEMETERY ROAD UPGRADE	10	0	10	10	98%	0	Complete
CEMETERY EXPANSION - MUDGEE & GULGONG	40	0	40	0	0%	0	Procurement
CEMETERY SIGNAGE UPGRADE	10	0	10	3	28%	6	Initial works
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	100	Initial works
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	7	30%	0	Initial works
LIBRARY BOOKS	96	0	96	66	69%	0	Construction
MUDGEE LIBRARY AIR CONDITIONING	5	0	5	4	88%	0	Complete
GULGONG NATURAL HISTORY MUSEUM	100	0	100	0	0%	0	Final works
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	4	0	4	4	94%	0	Complete
CAPITAL UPGRADE - KILDALLON	60	0	60	1	1%	58	Initial works
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	2	2%	17	Procurement
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	1	2%	0	Design
CAP UPG - RYLSTONE MEMORIAL HALL AIR CONDITIONING	90	0	90	0	0%	0	Consultation
TOWN HALL - EXTERNAL BRICKWORK	1	0	1	1	100%	0	Deferred/Cancelled
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	6	9%	10	Procurement
KANDOS HALL & LIBRARY - TOILETS	109	0	109	4	4%	0	Initial works
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE	45	0	45	15	34%	5	Final works
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	13	0	13	0	0%	10	Final works
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	15	38%	0	Final works
KANDOS HALL INTERNAL REPAIRS	20	0	20	9	45%	3	Construction
MUDGEE POOL HEATERS	80	0	80	0	0%	0	Procurement
MUDGEE POOL STORAGE SHED UPGRADE	46	0	46	14	30%	23	Construction
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Procurement
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	5	0	5	5	99%	0	Complete
GLEN WILLOW SPORTS GROUND UPGRADES	326	0	326	51	16%	4	Construction
MUDGEES SHOWGROUNDS - AMENITIES	25	0	25	24	97%	0	Complete
BILLY DUNN OVAL - UPGRADES	90	0	90	77	85%	0	Complete
GULGONG TENNIS COURTS	218	0	218	0	0%	0	Construction
CLANDULLA RECREATION PARK AMENITIES	120	0	120	11	10%	104	Construction
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	35	0	35	2	6%	0	Procurement
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	112	0	112	2	2%	101	Procurement
RYLSTONE & KANDOS DOG PARK	29	0	29	9	33%	0	Construction
GLEN WILLOW STORMWATER RETICULATION SYSTEM	4	0	4	0	0%	0	Complete
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	1,456	15%	9,587	Construction
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	700	0	700	18	3%	5	Initial works
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Procurement
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Procurement
VICTORIA PARK GULGONG - AMENITIES UPGRADE	485	0	485	415	86%	26	Construction
GLEN WILLOW - NETBALL PRECINCT UPGRADE	143	0	143	1	1%	0	Procurement
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	(400)	2,610	2,294	88%	8	Complete - awaiting invoices
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	11	12%	0	Procurement
WARATAH PARK FIELD RENOVATION	90	0	90	37	41%	13	Complete - awaiting invoices
PROPERTY PURCHASE - 191 DENISON STREET	330	0	330	0	0%	0	Initial works
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT (REQUIRES GRANT)	42	0	42	0	0%	41	Initial works
RYLSTONE SHOWGROUND CAPITAL	20	0	20	0	1%	0	Procurement
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	58	0	58	27	47%	4	Construction

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
VICTORIA PARK MUDGEE - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Complete
RYLSTONE SHOWGROUND ARENA - UPGRADE	787	0	787	17	2%	4	Initial works
MUDGEE SHOWGROUND LIVESTOCK HOLDING YARDS	40	0	40	24	60%	0	Construction
RECREATIONAL PROPERTY MATTERS	20	0	20	8	41%	3	Initial works
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	1	0%	353	Initial works
ELECTRIC BBQ - KANDOS & RYLSTONE PLAYGROUND	15	0	15	8	55%	0	Procurement
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0	Initial works
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	22	55%	0	Complete - awaiting invoices
SHADE SAIL - MUDGEE DOG PARK	15	0	15	14	95%	0	Complete
SCULPTURES ACROSS THE REGION	29	0	29	21	73%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	125	0	125	0	0%	0	Procurement
ROTUNDA PARK KANDOS - IRRIGATION RENEWAL	17	0	17	17	100%	0	Initial works
APEX PARK GULGONG - IRRIGATION RENEWAL	49	0	49	0	0%	40	Initial works
PLAYGROUND SHADING PROGRAM	53	0	53	13	25%	29	Complete
PARK BIN REPLACEMENT	80	0	80	0	0%	0	Consultation
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	60	Procurement
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0	Complete
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEE	261	0	261	0	0%	104	Procurement
LAWSON PARK MUDGEE -IRRIGATION RENEWAL	45	0	45	0	0%	43	Initial works
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	40	100%	0	Complete
MUDGEE RIVERSIDE - WALKING TRACK IMPROVEMENTS	48	0	48	0	1%	9	Construction
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS	725	0	725	414	57%	62	Construction
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	91	Design
STREET SCAPE IMPROVEMENTS	31	0	31	13	41%	0	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
STREETSCAPE - STREET BINS	57	0	57	0	0%	35	Procurement
Total	22,610	(335)	22,275	6,564	29%	11,190	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	355	0	355	222	63%	19	Initial works
MUDGEE WASTE DEPOT UPGRADES	38	63	101	12	12%	0	Project Scope
NEW TIP CELL CONSTRUCTION	6,403	0	6,403	2,432	38%	3,351	Construction
NEW RECYCLING BINS	4	0	4	4	100%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	22	0	22	17	79%	0	Complete
DRAINAGE CAPITAL IMPROVEMENTS	0	0	0	0	100%	0	Deferred/Cancelled
CAUSEWAY IMPROVEMENTS	46	0	46	2	4%	0	Procurement
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,400	0	1,400	42	3%	876	Construction
PUTTA BUCCA WETLANDS CAPITAL	35	0	35	8	24%	22	Final works
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	184	0	184	7	4%	167	Initial works
WATER NEW CONNECTIONS	100	0	100	69	69%	0	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	1,534	0	1,534	872	57%	4	Construction
WATER DISTRIBUTION - MUDGEE	285	0	285	0	0%	0	Design
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	168	0	168	3	2%	10	Design
WATER MAINS - MAYNE STREET	10	0	10	3	33%	0	Complete
WATER MAINS - BAYLY STREET	167	0	167	9	5%	79	Construction
WATER MAINS - TALLAWANG ROAD	275	0	275	14	5%	142	Construction
WATER MAINS - LITTLE BAYLY STREET	108	0	108	77	71%	32	Construction
WATER MAINS - SYDNEY ROAD	170	0	170	0	0%	0	Procurement
WATER MAINS - NRAR WATER METER PROJECT	193	0	193	83	43%	99	Final works

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - FITZROY ST, GULGONG	270	0	270	0	0%	0	Procurement
WATER MAINS - LOUEE ST, RYLSTONE	50	0	50	4	8%	2	Procurement
WATER MAINS - BAWDEN ST, MUDGEE	235	0	235	0	0%	0	Procurement
WATER MAINS - BULGA ST, GULGONG	250	0	250	0	0%	0	Procurement
WATER MAINS - WILBERTREE ST GULGONG	271	0	271	0	0%	0	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	31	0	31	1	4%	0	Project Scope
WATER PUMP STATION - GULGONG RIVER ACCESS	8	0	8	3	31%	0	Complete
WATER RESERVOIR - FLIRTATION HILL MUDGEE	105	0	105	0	0%	0	Procurement
RAW WATER SYSTEMS RENEWALS	72	0	72	19	27%	0	Construction
WATER TREATMENT PLANT - RENEWALS	148	0	148	137	92%	7	Final works
WATER TREATMENT RYLSTONE UPGRADES	150	0	150	0	0%	0	Consultation
SEWER NEW CONNECTIONS	50	0	50	9	18%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	265	0	265	3	1%	93	Design
MUDGEE SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0	Consultation
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	625	28%	414	Construction
SEWER PUMP STATION - CAPITAL RENEWALS	277	0	277	98	35%	0	Construction
SEWER TREATMENT WORKS - RENEWALS	44	0	44	18	41%	17	Construction
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
Total	16,498	63	16,561	4,793	29%	5,333	

Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	68	0	68	66	98%	0	Complete
RYLSTONE CARAVAN PARK - CAPITAL	3	0	3	2	58%	0	Complete
MUDGEE VALLEY PARK EXPANSION	2,401	0	2,401	548	23%	1,048	Construction
MUDGEE VALLEY PARK EXPANSION ROADS	65	0	65	34	52%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	78	0	78	32	41%	13	Complete
MUDGEES VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0	Design
MUDGEES VALLEY PARK - SHADE OVER POOL	22	0	22	15	67%	10	Complete - awaiting invoices
RYLSTONE CARAVAN PARK STAGE 2 - REQUIRES GRANT	1,040	(96)	944	323	34%	303	Construction
CARAVAN PARK - RIVERSIDE - CAPITAL	118	0	118	48	41%	8	Initial works
CARAVAN PARK - RIVERSIDE - CABIN	250	0	250	210	84%	0	Complete - awaiting invoices
CHRISTMAS DECORATION PURCHASES	200	0	200	158	79%	0	Complete
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0	Procurement
SIGNAGE UPGRADE	144	0	144	8	6%	16	Construction
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	4	0	4	0	0%	0	Consultation
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	5	50%	0	Final works
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	7	25%	0	Construction
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	12	59%	0	Complete
SALEYARDS - REPLACEMENT SCANNER	20	0	20	15	73%	0	Complete
PROPERTY - EX SALEYARDS STAGE II	1,893	0	1,893	1,449	77%	75	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	388	0	388	61	16%	49	Construction
MORTIMER ST PRECINCT EXTERNAL PAINTING	0	48	48	0	0%	0	#N/A
Total	6,864	(49)	6,815	2,992	44%	1,522	

Connecting our Region

URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN RESEALS - HERBERT ST GULGONG	52	0	52	0	0%	0	Budget only
URBAN RESEALS - COX ST SEG 80 & 90	11	0	11	11	100%	0	Complete
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	34	0	34	27	80%	0	Complete
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0	Construction
URBAN RESEALS - WENONAH STREET	15	0	15	15	100%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0	Construction
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0	Construction
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0	Construction
URBAN RESEAL - DAVIES ROAD	34	0	34	34	100%	0	Complete
URBAN RESEAL - BLACK LEAD LANE	42	0	42	42	100%	0	Complete
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0	Initial works
URBAN RESEAL - GREVILLEA STREET	18	0	18	18	100%	0	Complete
URBAN RESEAL - CAINBIL STREET	15	0	15	15	100%	0	Complete
URBAN RESEAL - BOWMAN STREET	17	0	17	17	100%	0	Complete
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0	Construction
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0	Construction
URBAN RESEAL - MORTIMER STREET	47	0	47	47	100%	0	Complete
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0	Construction
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0	Construction
URBAN RESEAL - WHITE CIRCLE	49	0	49	49	100%	0	Complete
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0	Construction
URBAN RESEAL - WINTER STREET	19	0	19	19	100%	0	Complete
URBAN RESEAL - CARWELL STREET RYLSTONE	22	0	22	22	100%	0	Complete
URBAN RESEAL - COOMBER STREET RYLSTONE	23	0	23	23	100%	0	Complete
URBAN RESEALS - GEORGE ST SEG 10-30	14	0	14	14	100%	0	Complete
URBAN RESEAL - PIPER STREET RYLSTONE	13	0	13	13	100%	0	Complete
URBAN RESEALS - JACQUES STREET KANDOS	21	0	21	0	0%	10	Construction
URBAN RESEAL - MORTIMER STREET MUDGEES	36	0	36	0	0%	36	Construction
URBAN RESEALS - SALEYARDS LN GULGONG	11	0	11	1	11%	12	Construction
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN ROADS KERB & GUTTER CAPITAL	125	0	125	130	104%	3	Complete
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	15	3%	108	Construction

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN HEAVY PATCHING	26	0	26	15	56%	7	Construction
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	430	0	430	40	9%	27	Construction
URBAN RESEALS - MCLACHLAN STREET - KANDOS	22	(11)	11	10	93%	0	Complete
RESHEETING - URBAN ROADS	12	0	12	0	3%	0	Construction
URBAN ROAD - HONE CREEK DRIVE EXTENSION	0	68	68	0	0%	0	#N/A
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	12	0	12	12	100%	0	Complete
URBAN ROADS LAND MATTERS CAPITAL	25	0	25	0	0%	0	Project Scope
RURAL RESEAL - HENRY LAWSON DRIVE	521	0	521	322	62%	75	Construction
RURAL RESEAL - TINJA LANE	12	0	12	0	2%	0	Construction
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0	Construction
RURAL RESEAL - BLUE SPRINGS ROAD	68	0	68	68	100%	0	Complete
RURAL RESEAL - SPRINGFIELD LANE	15	0	15	15	100%	0	Complete
RURAL RESEAL - MEBUL ROAD	85	11	96	98	102%	0	Complete
RURAL RESEAL - LUE RD	53	0	53	53	100%	0	Construction
RURAL RESEAL - GLEN ALICE RD	62	0	62	40	64%	47	Construction
RURAL RESEAL - YARRAWONGA RD	143	0	143	124	87%	0	Complete
RURAL RESEAL - WINDEYER RD GRATTAI	102	0	102	71	69%	0	Complete
RURAL RESEAL - CUDGEGONG RD	324	0	324	274	85%	58	Complete
RURAL RESEAL - PYRAMUL RD	101	0	101	106	105%	49	Complete - awaiting invoices
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	106	93%	41	Construction
RURAL REHAB - LUE ROAD MOUNTKNOW	16	0	16	6	35%	10	Deferred/Cancelled
RURAL REHAB - CUDGEGONG RD CARWELL	600	0	600	646	108%	1	Complete
HEAVY PATCHING	52	0	52	13	26%	0	Construction
ULAN WOLLAR ROAD - STAGE 1	12	0	12	11	91%	0	Consultation
RURAL RESEAL - BUDGEE BUDGEE	35	0	35	39	111%	0	Construction
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	3	10%	24	Complete

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	7	Construction
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	28	0	28	28	100%	0	Complete
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	240	0	240	236	98%	0	Complete
REGIONAL EMERGENCY RD REPAIR (RERRF)	0	5,797	5,797	0	0%	0	#N/A
RURAL SEALED ROAD LAND MATTERS	64	0	64	3	4%	0	Initial works
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	73	0	73	0	0%	0	Budget only
REG RDS RESEALS - BYLONG VALLEY WAY MR215	137	0	137	137	100%	0	Complete
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	1	1%	0	Initial works
REG RDS RESEALS - WOLLAR ROAD MR 208	152	0	152	0	0%	0	Initial works
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	60	0	60	14	23%	4	Final works
HILL END ROAD SAFETY IMPROVEMENTS	1,024	0	1,024	731	71%	305	Construction
BVW UPGRADE RNSW 2080	40	0	40	11	27%	0	Final works
RESEAL ULAN ROAD - TURILL AREA	100	0	100	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0	Consultation
ZIMMER LANE (NOW MAINTAINED)	20	0	20	20	100%	0	Complete
BADGERS LANE (NOW MAINTAINED)	72	0	72	49	67%	0	Construction
SEAL EXTENSION - QUEENS PINCH RD	539	0	539	361	67%	1	Construction
SEAL EXTENSION - COXS CREEK RD	824	0	824	901	109%	3	Complete
SEAL EXTENSION - BOTOBOLAR RD	2,185	0	2,185	1,651	76%	45	Construction
SEAL EXTENSION - CORICUDGY ROAD	637	0	637	667	105%	0	Complete
SEAL EXTENSION - CORICUDGY ROAD STAGE 2	2,364	0	2,364	630	27%	78	Construction
SEAL EXTENSION - QUEENS PINCH RD CAUSEWAY UPGRADES AND GUARD	367	0	367	0	0%	104	Construction
SEAL EXTENSION - SCOTTS LANE GULGONG	60	0	60	0	0%	0	Consultation
RESHEETING	2,161	0	2,161	1,722	80%	48	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	57	0	57	8	14%	0	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
BRIDGE TO PUTTA BUCCA ROAD	369	0	369	403	109%	130	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Initial works
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	500	0	500	472	94%	127	Construction
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	430	0	430	350	81%	(6)	Construction
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB	52	0	52	23	43%	0	Complete
ULAN ROAD - RESEALS LINBURN AND ULAN AREAS	435	0	435	0	0%	11	Construction
FOOTPATH REPLACEMENT	142	0	142	45	32%	0	Construction
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	243	0	243	60	24%	158	Construction
FOOTWAYS - PASSENGER TRANSPORT INFRASTRUCTURE	10	0	10	0	0%	1	Construction
AIRPORT HANGER AND STUDIO	289	5	294	285	97%	1	Construction
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Procurement
AIRPORT HANGER 4 ACCESS TO TAXIWAY	14	0	14	5	32%	5	Complete - awaiting invoices
Total	18,335	5,870	24,205	11,395	47%	1,529	

Good Government

RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	11	56%	1	Complete
OLD POLICE STATION CAPITAL	30	0	30	0	0%	20	Construction
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	46	Initial works
MUDGEES ADMIN BUILDING EXTENSION	471	0	471	23	5%	315	Construction
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	4	Procurement
MUDGEES ADMIN BUILDING - EAST WING OFFICES RECONFIGURATION	90	0	90	0	0%	43	Procurement
RECREATION BUILDING - RENOVATION	100	0	100	76	76%	14	Final works
CARMEL CROAN BUILDING - ROOF RESTORATION	25	0	25	2	10%	13	Initial works
IT SPECIAL PROJECTS	54	0	54	1	2%	0	Design

FINANCE | MONTHLY BUDGET REVIEW – 29 FEBRUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
IT - NETWORK UPGRADES	72	0	72	17	23%	0	Construction
IT CORPORATE SOFTWARE	81	0	81	30	37%	6	Construction
PLANT PURCHASES	8,332	26	8,358	2,421	29%	4,860	Budget only
PLANT PURCHASES - NEW	553	15	568	67	12%	427	Budget only
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	5	8%	0	Design
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	16	25%	31	Construction
SOLAR FARM INITIATIVE - STAGE 3	8,220	0	8,220	588	7%	6,998	Construction
RYLSTONE EMULSION TANK	15	0	15	5	34%	8	Construction
Total	18,271	41	18,312	3,262	18%	12,786	
Total Capital Works Program	82,577	5,590	88,168	29,007	33%	32,361	

9.2 Monthly Statement of Investments as at 29 February 2024

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 29 February 2024; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 29 February 2024.

Community Plan implications

Theme	Good Government
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks associated with all Council activities
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

Legislation

As per Clause 212 of the Local Government (General) Regulation 2021 the Responsible Accounting Officer certifies that:

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

Financial implications

Not Applicable

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

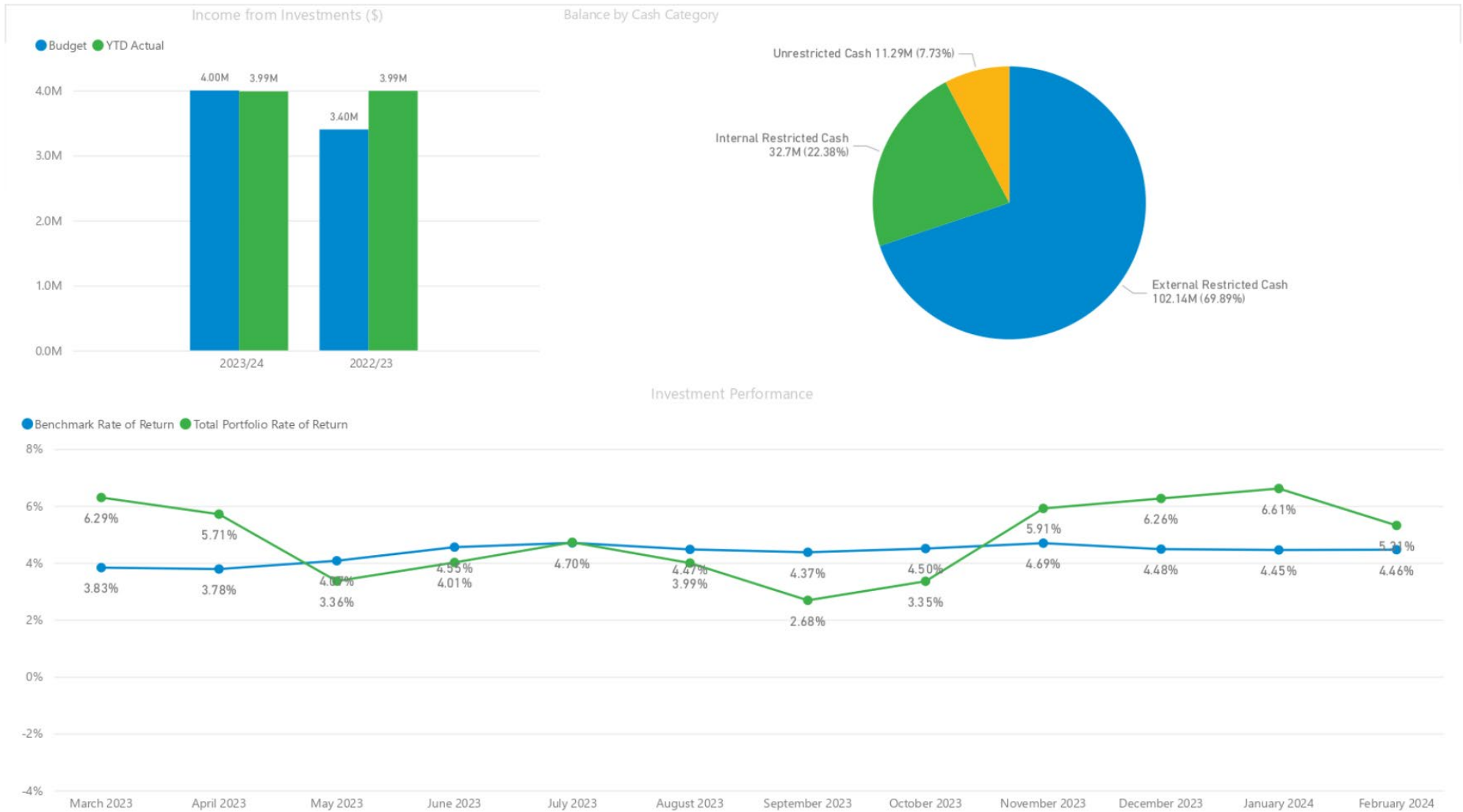
6 March 2024

Attachments: 1. Investment Report - February 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 7,066,882	0
TCorp - Long Term Growth	3.00%	\$ 3,535,153	5
TCorp - Medium Term Growth	3.00%	\$ 6,235,333	5
TCorp - Short Term Income	3.00%	\$ 1,603,032	5
Total		\$ 18,440,401	

Current Term Deposits

Institution	Yield	Principal Amount	Term to Maturity
AMP	4.90%	\$ 2,500,000	20
Australian Military Bank	5.10%	\$ 1,000,000	146
Australian Unity	4.50%	\$ 2,000,000	41
Australian Unity	5.60%	\$ 1,000,000	160
Australian Unity	5.50%	\$ 2,000,000	279
Bank Of Queensland	3.92%	\$ 1,000,000	27
Bank Of Queensland	4.55%	\$ 1,500,000	27
Bank Of Queensland	5.52%	\$ 1,500,000	174
Bank Of Queensland	5.62%	\$ 1,500,000	188
Bank Of Queensland	5.62%	\$ 2,000,000	202
Bank Of Queensland	5.28%	\$ 2,500,000	251
Bank Of Queensland	5.40%	\$ 2,000,000	272
Bendigo & Adelaide Bank	5.30%	\$ 2,000,000	167
CBA	0.72%	\$ 2,000,000	97
CBA	0.77%	\$ 1,000,000	195
CBA	0.85%	\$ 2,500,000	237
CBA	3.05%	\$ 2,000,000	55
CBA	4.15%	\$ 2,000,000	118
CBA	4.52%	\$ 1,000,000	90
CBA	4.63%	\$ 4,000,000	111
CBA	5.05%	\$ 3,500,000	6
CBA	5.36%	\$ 2,400,000	230
ING	4.62%	\$ 1,500,000	125
ING	5.10%	\$ 3,500,000	377
ING	4.57%	\$ 2,500,000	223
ING	4.90%	\$ 4,000,000	90
ING	5.05%	\$ 2,000,000	139
ING	5.65%	\$ 3,000,000	132
ING	5.40%	\$ 3,000,000	853
ING	5.18%	\$ 3,000,000	1021
ING	5.28%	\$ 3,000,000	650
ING	5.22%	\$ 2,000,000	321
MyState Bank	4.90%	\$ 2,000,000	76
NAB	0.80%	\$ 1,500,000	181
NAB	4.49%	\$ 2,500,000	293
NAB	4.45%	\$ 2,000,000	209
NAB	5.30%	\$ 2,000,000	153
NAB	5.22%	\$ 1,800,000	216
NAB	5.15%	\$ 1,000,000	62
NAB	5.22%	\$ 2,500,000	244
NAB	5.15%	\$ 1,500,000	104
NAB	5.15%	\$ 2,000,000	258
NAB	5.20%	\$ 3,000,000	286

Institution	Yield	Principal Amount	Term to Maturity
NAB	5.05%	\$ 2,500,000	48
NAB	5.20%	\$ 1,000,000	342
NAB	5.13%	\$ 2,000,000	181
Westpac	2.28%	\$ 1,500,000	13
Westpac	3.70%	\$ 2,000,000	153
Westpac	4.35%	\$ 1,500,000	139
Westpac	4.78%	\$ 2,500,000	83
Westpac	4.89%	\$ 2,500,000	335
Westpac	4.46%	\$ 1,500,000	69
Westpac	5.05%	\$ 1,000,000	167
Westpac	4.88%	\$ 4,000,000	909
Westpac	5.28%	\$ 1,000,000	237
Westpac	5.44%	\$ 1,500,000	265
Westpac	5.34%	\$ 2,000,000	496
Westpac	5.10%	\$ 2,500,000	314
Westpac	4.98%	\$ 2,000,000	482
Westpac	5.19%	\$ 2,000,000	363
Westpac	5.16%	\$ 2,500,000	391
Total		\$ 127,700,000	

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 41,940,401	29%	29%	20%	OK
Between 3 months and 1 year	\$ 81,200,000	56%	84%	40%	OK
Between 1 year and 2 years	\$ 13,000,000	9%	93%	50%	OK
Between 2 years and 4 years	\$ 10,000,000	7%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 146,140,401				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	14%	\$ 20,400,000
	NAB	40%	OK	22%	\$ 32,366,882
	Westpac	40%	OK	21%	\$ 30,000,000
A	ING	20%	OK	19%	\$ 27,500,000
	Australian Military Bank	10%	OK	1%	\$ 1,000,000
BBB+	Australian Unity Bank	10%	OK	3%	\$ 5,000,000
	Queensland Bendigo & Adelaide Bank	10%	OK	8%	\$ 12,000,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
	AMP	5%	OK	1%	\$ 2,000,000
BBB	AMP	5%	OK	2%	\$ 2,500,000
	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,535,153
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 6,235,333
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,603,032
Grand Total				100%	\$ 146,140,401

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	57%	\$ 82,766,882
BBB+	20%	OK	15%	\$ 22,000,000
BBB	5%	OK	2%	\$ 2,500,000
TCorp Growth Funds	15%	OK	7%	\$ 9,770,486
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,603,032
A+ to A	50%	OK	19%	\$ 27,500,000
Grand Total			100%	\$ 146,140,401

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Movement	Closing Balance
NAB (At call account)	8,256,847	-1,189,965.07	7,066,882
TCorp - Cash Fund	-	-	-
TCorp - Long Term Growth Fund	3,445,648	89,505.00	3,535,153
TCorp - Medium Term Growth Fund	6,176,160	59,172.35	6,235,333
Tcorp - Short Term Income Fund	1,595,354	7,678.27	1,603,032
Total	19,474,010	-1,033,609.45	18,440,401

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	1.06%	14/02/2024	2,000,000	48,789
Australian Unity	4.10%	28/02/2024	1,500,000	101,433
Westpac	4.40%	28/02/2024	1,500,000	83,540
Total			5,000,000	233,762

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	5.19%	26/02/2025	2,000,000	107,497
NAB	5.13%	28/08/2024	2,000,000	53,127
Westpac	5.16%	26/03/2025	2,500,000	138,542
Total			6,500,000	299,167

9.3 Community Grants Program - March 2024

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, GRA600009

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Co-ordinator on the Community Grants Program - March 2024;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**
 - **Mudgee Show Society** **\$5,000**
 - **Lauren Reed** **\$1,000**
 - **Tully Robertson** **\$500**
 - **Kanandah Retirement Limited** **\$13,404**
3. **not provide financial assistance to the following applicants for the reason provided in the report:**
 - **Rylstone Rodeo**

Executive summary

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

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

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

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

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request. A summary of each application is shown below, together with panel recommendations.

Applicant	Project/Activity	Funding Request \$	Total Score out of 9	Recommended Amount \$
Mudgee Show Society	Mudgee Show and Rodeo	5,000	8	5,000
Lauren Reed	Hyrox World Championships	2,000	-	1,000
Rylstone Rodeo	Purchase 12 long distance walkie talkies	2,226	-	0
Tully Robertson	NSW Country, NSW Waratahs Rugby	500	-	500
Kanandah Retirement Limited	Quiet Room	20,000	8	13,405
Total				\$19,905

Disclosure of Interest

Nil

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria.

Copies of all applications are provided as attachments to the report.

Mudgee Show Society

Mudgee Show Society requests \$5,000 for Mudgee Show and Rodeo. It strives to bring community together and showcase our region. Enables to showcase local livestock, arts and crafts, food and talent. Provides competitions which enable further completion to places like Sydney Royal Easter Show. We Need our smaller shows to have competitors eligible to compete at the big show.

Link to Community Plan:3.1.1 Support the attraction and retention of a diverse range of businesses and industries 1.4.2 Support arts and cultural development across the Region, 1.4.1 Support programs which strengthen the relationships between the range of community groups

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,000

Lauren Reed

Lauren Reed requests \$2,000 for Hyrox World Championships. She is one of the two females representing Australia in Nice France for the functional fitness race.

COMMUNITY GRANT CATEGORY

Youth Representative Grants Category: Cap \$ 1,000

RECOMMENDATION:

\$ 1,000

The maximum cap amount was recommended as she meets all the criteria for the Youth Representative Grant category.

Rylstone Rodeo

Rylstone Rodeo requests \$2,226 for Purchase 12 long distance walkie talkies. To ensure the safety of participants and ensure crowd control.

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$ 0

The applicant was not recommended as they have already received funding through the Events assistance Program for 2023FY, 2024FY & 2025FY, thus won't be eligible for community grants program.

Tully Robertson

Tully Robertson requests \$500 for NSW Country, NSW Waratahs Rugby. Travel and Accommodation to Granville Sydney for the NSW Country Rugby held on June 2023 & September 2023.

COMMUNITY GRANT CATEGORY

Mudgee Sports Advisory Group: Cap \$ 500

RECOMMENDATION:

\$ 500

The maximum cap amount was recommended as the applicant meets all the criteria for the Mudgee Sports Advisory Group.

Kanandah Retirement Limited

Kanandah Retirement Limited requests \$20,000 for a Quiet Room. A quiet room is a dedicated room where family members can rest, while remaining close to their loved one during the end stage of palliative care. This room will be fully equipped and offer overnight accommodation at no cost.

Link to Community Plan:1.1.2 Work with key partners and the community to lobby for effective health services in our Region 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap \$25,000 or 50% of the total project cost, whichever is the lower.

RECOMMENDATION:

\$13,404 (50% of the total project expenses which is \$26,808)

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

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

Financial implications

Funding of \$110,000 is provided in the Operational Plan for financial assistance. Based on the scoring system above, and the recommendation of Council officers, an amount of \$19,905 in financial assistance is proposed. Should Council approve the recommendations in the report, an amount of \$26,151 remains in the budget.

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

5 March 2024

Attachments: 1. Community Grant March 2024 Attachment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 RFT 2023/40 Retail Energy Supply Contract

REPORT BY THE MANAGER PROCUREMENT AND FLEET
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, COR000000

RECOMMENDATION

That Council:

1. **receive the report by the Manager Procurement & Fleet on the RFT 2023/40 Retail Energy Supply Contract;**
2. **note the details provided in the Confidential Attachment regarding the weighted assessment of the tender;**
3. **endorse the Power Pass Through Model for the retail energy supply contract;**
4. **accept the tender submission from Diamond Energy for the RFT 2023/40 Retail Energy Supply Contract in accordance with clause 178 of the Local Government (General) Regulations 2005 for a contract term of 2 years with 2 x 2 year optional extension periods based on satisfactory performance and agreement by both parties, pending finalisation of minor contractual terms;**
5. **authorise the Director Corporate Services to finalise and execute the contract on behalf of Council with Diamond Energy;**
6. **grant delegation to the Director Corporate Services to approve variations to the contract within approved budgets; and**
7. **notify other tenderers that their tenders were unsuccessful.**

Executive summary

In early 2023, Council undertook an expression of interest (EOI) to identify potential retail energy market participants that were suitably qualified and could provide a model for the sale and purchase of Councils energy.

In March 2023, Council approved for the market participation model to be open. The EOI responses were reviewed, business cases modelled, and operational impacts taken into account resulting in the Power Pass Through Model being the preferred retail energy model.

In December 2023, Council advertised a selective tender with respondents of the EOI invited to participate. This report seeks to engage a retail market participant.

Disclosure of Interest

Nil

Detailed report

The following EOI respondents were invited to participate in the selective Request for Tender (RFT):

1. Diamond Energy Pty Ltd
2. Flow Power
3. Iberdrola Australia Energy Markets Pty Limited
4. Sustainable Business Energy Solutions Pty Ltd

Timeline

EVENT/ACTIVITY	PROPOSED DATE
Issue of RFT	11 December 2023
Briefing Session (Teams)	20 December 2023
Closing date for Tenders	29 January 2024
Demonstrations (Proposed)	14 February 2024
Recommendation of preferred Tenderer(s)	20 March 2024
Post Tender and contract negotiations	20 April 2024
Execution of contract	27 April 2024
Commencement of Services/Implementation	1 July 2024
Completion of Services	30 June 2026

VendorPanel was utilised to approach selected tenderers in a controlled e-tendering platform.

Tenders Received

Three submissions were received:

1. Diamond Energy Pty Ltd
2. Flow Power
3. Iberdrola Australia Energy Markets Pty Limited

Late Tenders

No late submissions were received.

Conforming Tenders

Two tenderers were conforming, and one submission provided an alternate proposal, but did not also provide a conforming bid as per tendering conditions. For the purposes of ensuring value for money, the alternate tender was evaluated but was not formally considered.

Evaluation Findings

The following criteria were used in evaluating the tenders:

1. Experience and capability 15%
2. Demonstrated understanding of the project requirements 25%
3. Approach to service and performance optimisation 20%
4. Risk Management 10%
5. Price 30%

Based on the criteria assessed by the Tender Evaluation Committee (TEC), the recommended tenderer is Diamond Energy.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Community Plan

Council Policies

Procurement Policy

Legislation

Local Government Act 1993

Local Government (General) Regulations 2005

Financial implications

No budget variations are proposed for the acceptance of this tender.

This contract takes into account:

- revenue producing sales of excess energy and purchases of consumable energy;
- establishment of services;
- installation of managing systems; and
- anticipated upgrades of electricity meters, and scada systems.

The total value of the submissions has been assessed using a simulated methodology taking into account historical consumption, historical market pricing, anticipated solar array generation and actual site data. This data analysis resulted in an estimated value of Councils electricity contract annually. The recommended tenderer after this analysis was complete was Diamond Energy, which had the lowest total cost of energy result.

Associated Risks

Any larger scale, multi-year project comes with risks – particularly a service that is based on market participation. The TEC recommendation is the result of a rigorous process designed to mitigate that risk by providing a score based on experience, capability, price, risk and understanding of the project.

Financial risk was mitigated through a third party credit assessment specifically based on procurement contracts. The recommended applicant scored very well in the assessment, and are deemed to have low financial risk.

The draft contract was provided by the respondents, as required in the RFT. This was suitable for this engagement, given that the experienced participants are more familiar and experienced with appropriate terms and conditions around retail energy contracts. The contractual terms and conditions were appropriate to the services being provided and the market that we are participating in. Minor terms and conditions are yet to be finalised. There is some risk that agreement may not be easy to obtain, however this is deemed low risk after review of the draft contracts proposed.

Before inviting participants of the EOI to respond to this RFT, reference checks were undertaken (as a step of the EOI) to ensure that all participants invited to respond were suitably qualified and provided an appropriate service. Diamond Energy were highly regarded by those that were currently (or previously) engaged with them for similar solutions.

KRISTIE WARD
MANAGER PROCUREMENT AND FLEET

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

7 March 2024

Attachments: 1. Tender evaluation assessment summary. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Mortimer Street Activation Proposal

REPORT BY THE DIRECTOR CORPORATE SERVICES
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, P22309

RECOMMENDATION

That Council:

1. receive the report by the Director Corporate Services on the Mortimer Street Activation Proposal;
2. endorse the preliminary concept design to activate the area behind the Mortimer St Complex;
3. approve initiating community consultation to develop this property;
4. apply for grant funding to complete the necessary detailed design, business case and development application;
5. require a report be brought back to Council with a Capital Expenditure Review once the business case has been developed; and
6. amend the budget as follows, if grant funding is successful:
 - 6.1 2024/25: \$690,000, funded from \$540,000 grant funding and \$150,000 from unrestricted cash; and
 - 6.2 2025/26: \$1,610,000, funded \$1,260,000 grant funding and \$350,000 from unrestricted cash.

Executive summary

Preliminary concept designs have been formulated to propose activating the vacant land behind the Mortimer Street complex within the Mudgee CBD. This report seeks approval to progress with community consultation and to apply for a grant to finalise the concept design, develop a business case, detailed design and Capital Expenditure Review for this proposed future development.

Disclosure of Interest

Nil

Detailed report

Proposed site for development

The preliminary concept design for the vacant land behind Mortimer St complex, marked on the below map, is attached to this report as Attachment 1.

The site is zoned E2 Commercial Centre.



Proposal purpose

This site is considered a key Mudgee CBD site. The purpose of this development is to strategically anchor the South-West extent of the CBD by enhancing and activating the area for pedestrian access and further developing the commercial zone. It also seeks to use the site to achieve 'highest and best use'. This preliminary concept design explores the potential use of the site, and as such realisation of this proposal may require a Planning Proposal in order to achieve.

Considerations of this concept design include the heritage aspect of Mudgee, its local character and expanding tourism potential.

Community Consultation

Should Council be of a mind to endorse the recommendation, it is proposed to carry out community consultation in line with the Community Engagement Policy and Community Engagement Strategy. The purpose of this consultation is to seek feedback on an appropriate use of this site, feedback on the preliminary concept design and to contribute to the staged concept design and business case.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Community Engagement Strategy

Council Policies

Community Engagement Policy

Legislation

Local Government Act 1993 section 23A

Local Government Capital Expenditure Guidelines

Financial implications

Given the complexity of a development of this site, the consultation, design, business case development and development application process are anticipated to be about \$2,000,000. It is proposed to apply for funding under the Federal Regional Precincts and Partnerships Program (rPPP) which seeks to support transformative investment in regional, rural and remote Australia based on the principles of unifying regional places, growing economies and serving communities.

The proposed works would be carried out over 2 financial years, and as such the following budget variations are recommended. They would include a Council cash contribution of \$500,000.

1. **2024/25: \$690,000, funded from \$540,000 grant funding and \$150,000 from unrestricted cash; and**
2. **2025/26: \$1,610,000, funded \$1,260,000 grant funding and \$350,000 from unrestricted cash.**

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2023/24	-	-	-
Future Years	✘	✘	-

Associated Risks

There is a risk that the project will not be supported by the community, and this is mitigated by proposing a thorough Community Consultation process.

Should Council not be successful with a grant funding application for the business case and design works, material delays in progressing this project are anticipated.

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

27 February 2024

Attachments: 1. Mortimer Street Activation preliminary concept design. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Proposed Partial Road Closure at Lewis Street, Mudgee

REPORT BY THE PROPERTY OFFICER
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, ROA100595 PAN360707

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Proposed Partial Road Closure at Lewis Street, Mudgee;
2. consent to the proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 1 appended to this Report;
3. give notice, pursuant to s38B Roads Act 1993, of the proposal to close the Council Public Road as indicated in Attachment 1 appended to this Report;
4. receive a further report after the notice period has ceased to:
 - 4.1 consider any submissions received; and
 - 4.2 pursuant to s38D Roads Act 1993, determine whether the Council Public Road is to be closed;
5. authorise the General Manager to sign all documentation, where necessary in relation to the Proposed Partial Road closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
7. arrange the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the Proposed Closure and subsequent lot consolidation with Council owned land being Lot 404 DP756894.

Executive summary

This Report seeks to secure a resolution to consider the closure of a portion of Lewis Street, a public road (the Road), due to the clubhouse at Cahill Park, owned by the Council, partially encroaching upon the road reserve.

This Report also seeks to secure a resolution for progression of the proposed part closure of the Road pursuant to *Part 4 Division 3 Roads Act 1993* (the Act). The proposed road closure area is appended as Attachment 1 to this Report.

The Road is under Council authority and has been previously maintained for the purposes of Section 38E (2) (a) of the Act. Upon closure, this road will be retained by Council and consolidated with adjoining Council-owned land being Lot 404 DP756894.

Disclosure of Interest

Nil

Detailed report

It is proposed that closing the Road and consolidating the resultant land parcel with the Cahill Park site, being Lot 404 DP756894 will resolve the anomaly and will allow Council to manage the site more effectively.

This partial road closure will not alter access to any property, as all affected properties maintain legal, formed access.

Road status investigations indicate that the Road proposed to be closed is a Council public road pursuant to s7(4) of the Act. The Road has evidence of construction/value added works. Accordingly, the land upon closure of the road will vest in Council pursuant to s38E (2)(a) of the Act.

Details regarding the status of the Road, as published in the Government Gazette, are provided in Attachment 2 of this report.

The proposed Road closure will be progressed in accordance with relevant legislative provisions.

It is recommended that Council proceed with the proposal to close the Road, which entails public notification of the proposal and consultation with various government and other relevant authorities.

Following the expiration of the notice period, a subsequent report will be submitted to the Council to review any received submissions and to make a final determination regarding the closure of the road, pending the outcomes of the submission review process.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

Costs of registration and legals is anticipated to be within existing budgets.

Associated Risks

If the Road is not closed, Council buildings will remain on public road and future management, or development of the site will be impacted.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

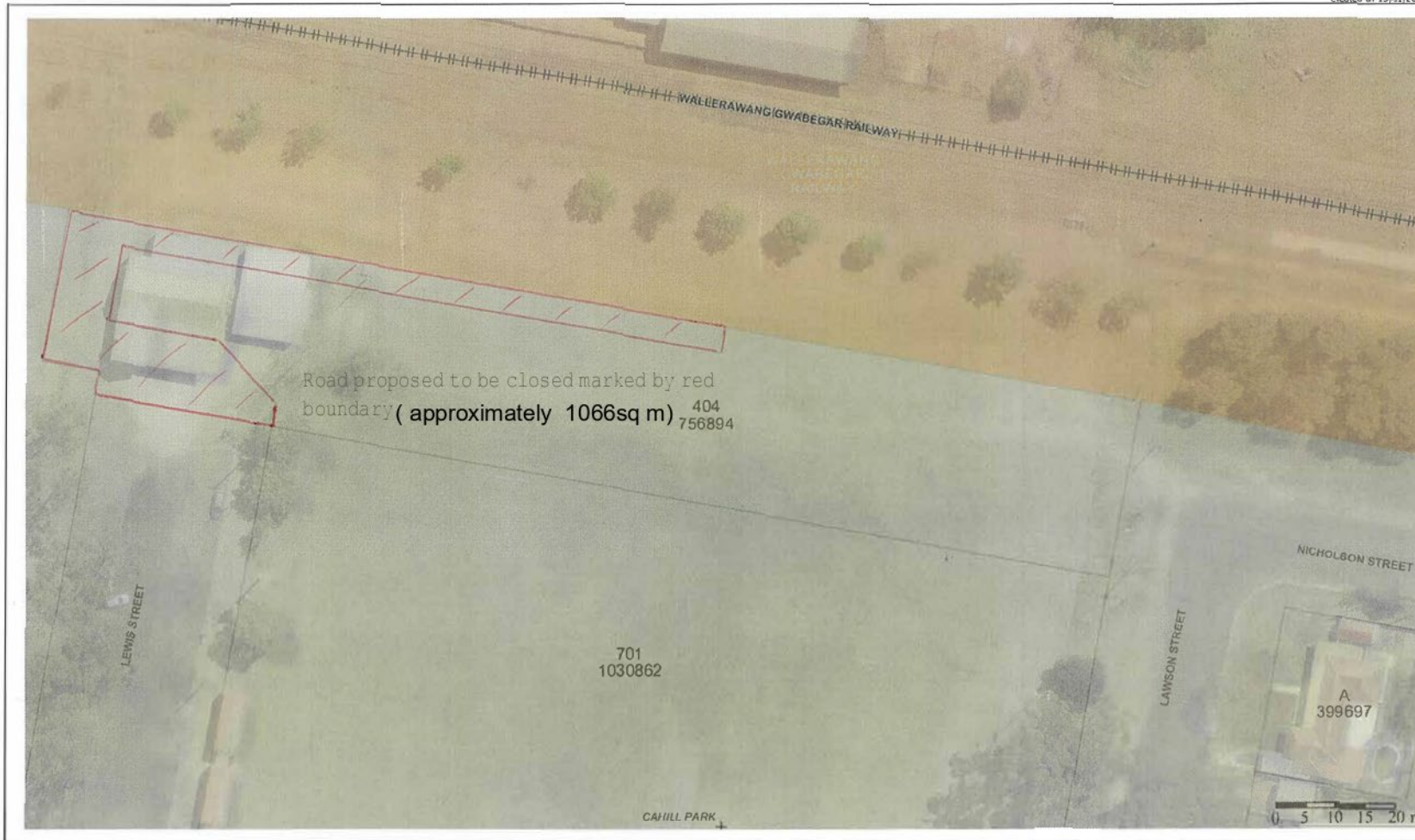
26 February 2024

Attachments: 1. Map showing Road Proposed to be closed, marked by red boundary.
2. Road Closure Gazette confirming Council Road Ownership.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Created on 13/11/2023



Mid-Western Regional Council
PO Box 356
88 Mount Street
MUSCLEBROOK NSW 2850
Telephone 02 6338 2850
Fax 02 6338 2855
Email: council@midwestern.nsw.gov.au www.mwrc.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Date: 13/11/2023

Map Scale: 1:877 at A4

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon. Stephen Kamper MP
Minister for Lands and Property

SCHEDULE 1

Parish: Mudgee
County: Wellington
Land District: Mudgee
LGA: Mid-Western Regional Council

DESCRIPTION: Crown Road East of Lot 20 DP 1262637 and North of Lot 404 DP 756894 approx. 7081m², as shown in red outline on the diagram below.
Classified Urban.

SCHEDULE 2

Roads Authority: Mid-Western Regional Council
DPE Ref: 23/05134



9.7 Policy Review - Investments

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, GOV400047

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Policy Review - Investments;
2. place the revised Investment Policy on public exhibition for 28 days; and
3. adopt the revised Investment Policy if no submissions are received.

Executive summary

This report presents the review of Council's Investments Policy. A copy of the proposed Investment Policy with tracked changes is attached to this report.

Disclosure of Interest

Nil

Detailed report

The Policy review proposes the following changes:

- Update the Local Government Regulation reference
- Delegations updated to reflect revised new organisation structure
- Increase to the minimum cash level held with less than three months maturity from \$15M to \$25M. This reflects a higher level of operating and financing cash flows
- Revision of the performance benchmark to the 6 month bank bill swap rate which is easily available and able to be applied to Council's portfolio

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

The current Investments Policy requires an annual review. The recommendation if approved will amend the Investment Policy.

Legislation

Local Government Act 1993 (NSW) Section 625

Local Government (General) Regulation 2021 (NSW) Clause 212

Financial implications

Not Applicable

Associated Risks

Investment risk and risk management strategies are included in the Investments Policy.

NEIL BUNGATE
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

5 March 2024

Attachments: 1. POLICY - REVIEW - Investments 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Investments

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ADOPTED		REFERENCE	2.32
COUNCIL MEETING MIN NO	3.42/22	REVIEW DATE	NOVEMBER-MARCH 2025
DATE:	18-NOVEMBER-2022	FILE NUMBER	FIN300032

Objective

The objective of this policy is to provide a framework for managing the investment of Council funds. It aims to ensure Council:

- Complies with the relevant legislative and regulatory requirements
- Identify risks, risk management strategies and establish tolerable levels of exposure to risk
- Give due consideration to the preservation of capital
- Maintain sufficient liquidity to meet all cash flow requirements
- Maximise the rate of return in line with all requirements of this policy
- Establish guidelines in relation to monitoring and reporting on investments
- Confirm delegations of authority and other governance matters in relation to investments

Legislative and regulatory requirements

- Local Government Act 1993 (NSW) Section 625
- Local Government (General) Regulation 202105 (NSW) Clause 212
- Ministerial Local Government Investment Order dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Investment Policy Guidelines
- Office of Local Government Circulars

Approved Investments

Investments are limited to those allowed by the Ministerial Investment Order and must be denominated in Australian Dollars. Approved investments include:

- public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- debentures or securities issued by a NSW Council;
- interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution, but excluding subordinated debt obligations;

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- bills of exchange issued by or accepted by an authorised deposit-taking institution and not more than 200 days to maturity;
- a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Prohibited Investments

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

Related policies and plans

- Statement of Business Ethics
- Conflicts of Interest Policy

Policy

Delegation of Authority

Authority for implementation of the Investments Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager has in turn delegated the day-to-day management of Council's investments to the:

- Chief Financial Officer (Responsible Accounting Officer)
- [Manager Finance Director Corporate Services](#)
- Financial Planning Coordinator
- Financial Operations Coordinator
- Manager Revenue and Property

A minimum of two price quotations of like or similar investments must be obtained for the acquisition of all market investments in order to verify the fairness of the purchase price. Two authorised signatories, with appropriate delegation limits must approve each investment recommendation. Recommendations must be retained on file as a permanent record.

Any single investment exceeding \$5M, or, with a maturity term that exceeds 2 years must be authorised by the Responsible Accounting Officer, [Director Corporate Services](#) or General Manager.

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The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role when investing funds on behalf of Council in accordance with this policy.

Adequate controls are in place to safeguard Council's assets, such as the separation of duties in relation to authorising and executing transactions through the requirement of two authorised signatories for each transaction.

Conflicts of Interest

Officers shall refrain from activities that would conflict with the proper execution and management of Council's investment portfolio. Council's Conflicts of Interest Policy provides guidance for recognising and disclosing any conflicts of interest.

In accordance with Council's Statement of Business Ethics, any independent investment advisors are also required to disclose any actual or perceived conflicts of interest.

Investment Risk

Investment risk can take many forms:

Credit risk – the risk that the institution Council has invested in fails to pay the interest and or repay the principal of an investment.

Liquidity risk – the risk an investor is unable to realise the investment at short notice due to the illiquid nature of a particular investment. This could potentially result in Council being unable to meet payments as and when they fall due.

Market risk – the risks associated with changes in market prices such as interest rates, currency and commodity prices.

Legislative risk – the risk of laws changing that affect investment value.

Risk Management Strategies

There are risks associated with all investments. Council's primary consideration is the reduction of credit and liquidity risks. The following strategies aim to reduce these risks.

CREDIT QUALITY LIMITS

To reduce credit risk, Council will only invest in products with a Standard and Poor's (S&P) long-term credit rating of BBB or stronger, with the exception of TCorp's Hour-Glass Funds and long-term credit rating of BBB- for Local ADI's only. Investments in BBB- that are not Local ADI's or are unrated entities will be restricted to the limits of the Commonwealth Guarantee (Financial Claims Scheme).

To further reduce risk Council's policy includes maximum holding limits for each rating category. Individual counterparties/financial institution limits are also established to ensure portfolio diversification which reduces the risk of being over exposed to a particular institution.

The following table applies to restrict investments in institutions by the S&P long-term credit rating. Percentage limits in the table refer to percentages of the total portfolio.

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Long-Term Credit Rating	Portfolio Limit	Limit Per Institution
AAA to AA-	100%	40%
A+ to A	50%	20%
A-	40%	20%
BBB+	20%	10%
BBB	10%	5%
BBB- : Local ADI's	5%	5%
BBB- : Other	5%	Limited to the Commonwealth Guarantee amount
TCorp's Hour-Glass Growth Funds (No Rating)	15%	Not Applicable
TCorp's Hour Glass Short Term Income Fund (No Rating)	15%	Not Applicable
TCorp's Hour-Glass Cash Fund (No Rating)	30%	Not Applicable
No Rating	5%	Limited to the Commonwealth Guarantee amount

Credit guidelines to be adopted reference the S&P ratings system criteria and format. Credit ratings measure relative credit strength and in no way do they guarantee the Council against investment losses. Despite this challenge, credit ratings provide the best independent information available to assess exposure to credit risk. The format of S&P rating criteria is shown in the below table.

S&P		RATING DESCRIPTION	
LONG-TERM	SHORT-TERM		
AAA	A-1+	PRIME	INVESTMENT-GRADE
AA+		HIGH GRADE	
AA			
AA-			
A+	A-1	UPPER MEDIUM GRADE	
A			
A-			
BBB+	A-2	LOWER MEDIUM GRADE	
BBB			
BBB-			
BBB-			

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NR	NR	NO RATING	NO RATING HAS BEEN REQUESTED
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Investments graded lower than BBB- are not shown as they are considered non-investment grade speculative and therefore would be prohibited under this policy.

TERMS TO MATURITY FRAMEWORK

The term to maturity framework is structured around the cash requirements of the Council and the management of liquidity and market risk. The portfolio liquidity parameters specify the maximum and minimum amounts or percentages of the total investment portfolio that can be held within the various investment maturity bands. The liquidity/maturity profile of the total investment portfolio must comply with the parameters shown in the table below.

Period to Maturity	Cumulative Minimum % of Total Portfolio
< 3 months	Greater of 20% or \$245 million
< 1 year	40%
< 2 years	50%
< 4 years	85%

The minimum requirement for short term access to investments is set at a minimum of \$245 million to ensure adequate funds are available to meet Council's expected liabilities based on the current budget.

Term to Maturity	Maximum % of Total Portfolio
< 3 months	100%
3 months to 1 year	80%
1 to 2 years	60%
2 to 4 years	50%
Greater than 4 years	15%

The term to maturity of individual investments will also be limited according to the institutions credit rating, as shown in the table below.

Long-Term Credit Rating	Maximum Tem
AA- or above	5 years
A+ to A	3 years
A- to BBB+	2 years
Below BBB+	1 year

PROCEDURE FOR THE BREACH OF LIMITATIONS OR THRESHOLDS

Where a breach of threshold or limitation occurs due to an unavoidable change in the total investment portfolio or downgrade in credit rating, the following process will apply:

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- an immediate freeze is imposed on the acquisition of new investment in the relevant category until the portfolio can be effectively managed back to accord with the requirements of this policy
- the relevant category of investments must be managed back in accord with the policy limits within a period that takes into account any adversity created by market, liquidity and credit risk.

The immediate forced sale of the investment in breach of limits or thresholds will not be required.

Performance Benchmarks

Investment performance will be measured ~~monthly~~quarterly against the [6 month Bank Bill Swap rate reported by the Reserve Bank of Australia, following benchmarks according to the term of investment.](#)

TERM OF INVESTMENT	BENCHMARK
<2 years	Bloomberg Ausbond Bank Bill Index (Quarterly and 1 year)
2 years and over	Bloomberg Ausbond Composite 2-5 year Index

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Reporting

Documentary evidence must be held for each investment and details thereof maintained in the Investment Register. The documentary evidence must provide Council legal title to the investment.

Details to be included in the Investment Register:

- The source and the amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements. The report will be made up to the last day of the month immediately preceding the meeting.

As part of the quarterly budget review process, Council will be provided with a detailed commentary and performance benchmarking of the portfolio.

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Review of Policy and Investments

ANNUAL REVIEW

In accordance with the Office of Local Government Investment Policy Guidelines, Council will review the Investments Policy annually or in the event of significant legislative or market changes.

PROFESSIONAL ADVICE

Council may from time to time use the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by Council is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Definitions

Term	Meaning
Authorised Deposit-Taking Institution	Authorised Deposit-Taking Institutions are corporations which are authorised under the <i>Banking Act 1959</i> to accept deposits and conduct banking activities.
BBSW	The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
Bill of Exchange	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
Bloomberg Ausbond Bank Bill Index	The Bloomberg Ausbond Bank Bill Index is a leading benchmark for the fixed income market in Australia.
Commonwealth Guarantee (Financial Claims Scheme)	The Financial Claims Scheme (FCS) is an Australian Government scheme that protects depositors of authorised deposit-taking institutions (banks, building societies and credit unions) and policyholders of general insurance companies from potential loss due to the failure of these institutions. For banks, building societies and credit unions incorporated in Australia, the FCS provides protection to depositors up to \$250,000 per account-holder per ADI. The Scheme seeks to provide depositors with timely access to their protected deposits in the unlikely event of the failure of their ADI.

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Debenture	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
FRN	A Floating Rate Note (FRN) is a medium to long-term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
TCorp's Hour-Glass Funds	New South Wales Treasury Corporation (TCorp) is the financial markets partner for New South Wales public sector agencies. Hour-Glass Funds are permitted under Ministerial Local Government Investment Order. Hour-Glass Funds are ready made Unit Trusts catering to most investment objectives.

9.8 Policy Review - Risk Management

REPORT BY THE WHS AND RISK COORDINATOR
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, RM100, RIS900011

RECOMMENDATION

That Council:

1. **receive the report by the WHS and Risk Coordinator on the Policy Review - Risk Management; and**
2. **adopt the reviewed Risk Management Policy.**

Executive summary

The Risk Management Policy has been developed to provide a basis for how Mid-Western Regional Council (Council) will manage risk. Risk shall be managed through a structured and consistent approach, enabling risk-informed decision making aligned with Council's strategic and operation objectives.

Disclosure of Interest

Nil

Detailed report

Council's Risk Management Policy is due for its annual review by Friday 15th March 2024. As such, the policy has been reviewed with the following minor changes made:

- Minor rewording to statements within the "Scope" and "Policy Statement" (no change to the overall intent of statements.)
- Amendment to "Legislative Requirements" section to include the *Local Government Act 1993*.
- Amendment to "Related Standards" to the correct reference for the *Guidelines for Risk Management and Internal Audit Framework* now that this has been finalised by the Office of Local Government.

The reviewed Risk Management Policy was endorsed by the Executive on the 6 February 2024.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Delivery Program Action: Monitor and review Council's policies and strategies.

Projects/Service: Identify and resolve existing policy gaps.

Council Policies

It impacts all Council strategies.

Legislation

It impacts all Council legislation.

Financial implications

Not Applicable

Associated Risks

If Council's Risk Management Policy is not regularly reviewed to ensure it is current and effective, it could impact Council's ability to deliver its strategic and operational objectives.

VERONIKA BARRY
WHS AND RISK COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

29 February 2024

Attachments: 1. Risk Management Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Risk Management

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ADOPTED		VERSION NO	2.1
COUNCIL MEETING MIN	[XX/XX]	REVIEW DATE	□
DATE:	□	FILE NUMBER	RM100 & RIS900011

Purpose

This policy provides a basis for how Mid-Western Regional Council (Council) will manage risk. Risk shall be managed through a structured and consistent approach, enabling risk-informed decision making aligned with Council's strategic and operational objectives.

Scope

This policy applies to all Council workers (including labour hire and temporary employees), work experience people, volunteers, contractors and other relevant duty holders.

Policy Statement

Risk management is fundamental to the Council achieving its strategic and operational objectives. It is integral to the day-to-day management and decision making at all levels within the organisation. Council is committed to developing and maintaining a robust and effective risk management framework that promotes a positive risk culture and proactively manages risks to ensure Council can achieve its strategic and operational objectives.

, Council will provide assurance and security to its workers, community and other stakeholders by properly understanding and managing risks within its operations. Effective risk management will enable Council to:

- deliver on its commitments,
- make confident decisions on how it will develop, implement and manage its services and assets; and
- facilitate continual improvement.

Objective

The objective of this policy is to:

- Confirm Council's continued commitment to maintaining a risk aware culture and embedding risk management practices within Council operations.
- Ensure risk identification and management is specific to the unique needs of Council, and considers its internal and external context.
- Detail Council's commitment to ongoing evaluation and improvement of its risk management activities.

Legislative requirements

POLICY: RISK MANAGEMENT | □

- Work Health and Safety Act 2011
- Local Government Act 1993

Related policies, procedures and plans

- Risk Management Procedure, which includes:
 - Enterprise Risk Management Plan
 - Strategic Risk Management Plan

Related Standards

- AS ISO 31000 Risk Management – Guidelines
- Guidelines for Risk Management and Internal Audit Framework for local government in NSW

Item 10: Operations

10.1 Road Network Maintenance

REPORT BY THE DIRECTOR OPERATIONS

TO 20 MARCH 2024 ORDINARY MEETING

GOV400105, GOV400022

RECOMMENDATION

That Council:

1. receive the report by the Director Operations on the Road Network Maintenance;
 2. consider allocating an additional \$300,000 per annum for maintenance grading through the 2024/25 Budget setting process;
 3. investigate a suitable location for a trial of Otta Seal to be funded from the seal extension reserve once suitable funds are available in that reserve;
 4. develop a business case for the addition of a second tar patching truck with a further report to be provided to Council on the results of the business case; and
 5. consider as part of the review of the Roads Asset Management Plan the impact of increasing the level of service provided by additional drainage maintenance and re-sheeting.
-

Executive summary

Council at its meeting dated 20/7/2022 passed the following resolution:

That Council receive a report for any or all opportunities to improve road network maintenance.

This report is presented to highlight potential opportunities for improvements to local road network maintenance noting Council does not fund highway maintenance or capital upgrades for the highways.

The report should also be read in context that any suggestions will potentially need further investigation, business cases and or additional funding through future budgets.

The report covers some asset management principles as well as some concepts for consideration.

This report is not a technical paper as there are many industry-specific road maintenance optimisation study papers available from institutes like Australian Road Research Board (ARRB). These research papers cover detailed asset management principles, road maintenance economics, road safety, innovation etc.

This report concludes that Council could consider the following key initiatives to help locally improve road network maintenance:

- The addition of a second tar patching truck;
- Increase the annual grading budget;
- Funding an additional dedicated roadside drainage maintenance crew;
- Trial alternative seal methodologies i.e., Otta Seal on low volume unsealed roads to extend the sealed road network to reduce maintenance costs;
- New / improved technologies including AI.

Disclosure of Interest

Nil

Detailed report

Sealed Road Network

Additional Plant

Council maintains 992kms of local and regional sealed network and 210kms of state highway. To maintain the local sealed road network Council undertakes the following activities:

- Pot hole patching - using tar patching truck and cold mix by hand;
- Shoulder maintenance - grader and small 5t excavators, paveliner;
- Heavy patching – grader, roller, water cart, paveliner and/or pavement contractors with specialist machinery such as stabilising spreader and mixer;
- Service crossings – excavator, small roller, milling machine, paveliner.

Council currently owns a single tar patching machine that is required to cover the entire 1200kms of sealed road network. An additional tar patching truck could be utilised to undertake additional pot hole repairs. Other benefits include:

- Reduce the need for hand pot hole patching reducing risk. So far this year 265t of cold mix has been put out by shovel. Patching with a jet patcher truck will provide a more permanent and better quality patch than cold mix by hand;
- Increased capacity to maintain / repair poor road service crossings i.e. water, sewer, power services;
- More capacity to undertake heavy patches on local roads;
- More capacity to maintain sealed road edges;
- Will provide much needed coverage as a backup when current machine (or either machine if two) is off the road.



An additional tar patching truck will also require a support vehicle that operates as a spotter and carries appropriate traffic control signage. The capital budget to purchase the new plant would be in the order of \$500,000 for the tar patcher truck only. It is considered that the most appropriate way forward is to develop a business case for consideration of this new plant item and the support plant and staff that are required with a further report back to council for consideration.

Additional drainage maintenance crew

As was seen during the previous few years of above average rainfall, roadside drainage is critical to effective performance and maintenance of roads and a prime cause of pavement failure.

Council currently undertakes roadside drainage maintenance as part of the road maintenance task however, the drainage maintenance budget caters for everything from urban concrete lined drains through to sealed road drainage, through to mitre drains on unsealed roads. Roadside drainage maintenance for sealed and unsealed roads consists of grading shoulders, reforming table drains, cleaning out culverts, de-silting and reshaping areas around causeways. For unsealed roads this task is mostly undertaken while crews are on-site grading a road and utilising a follow-up crew to finish in areas not able to be accessed by the graders.

Unfortunately, due to the funding gap between required asset maintenance and funding availability the sealed network drainage is not maintained to adequate levels and hence during wet times problems arise.

It is considered to be a more effective means of maintaining the road drainage system if a dedicated crew (in addition to undertaking these tasks while grading) is available to address drainage issues and undertake maintenance works. A drainage crew typically consists of a 5t excavator or backhoe and small tip truck to undertake table drainage maintenance works.

Council currently has a total of 4 x 5t excavators (two of which are backhoe's) with truck crews in the roads team that undertake a range of capital and maintenance tasks including roadside drainage. Increasing budget and resources to allow for an additional dedicated crew will provide a more focused resource for this activity, a more structured and planned approach to maintaining this part of the road asset and a more proactive rather than re-active maintenance plan.

An alternative to permanent resources could be to supplement these works with contract labour as the needs arise as we do with other maintenance and construction tasks. To complement the existing resources available to allow for a contract crew would require an annual operating cost of approximately \$370,000. This avoids the need for providing the capital cost of new plant.

Initiative

- Consider as part of the Roads Asset Management Plan increasing the level of service for drainage maintenance. An indicative cost that would provide the resources to maintain roadside drainage is provided below:

Drainage Maintenance Budget	Proposed increased drainage maintenance budget.
\$710,000	\$1,080,000

Unsealed network

There are several factors which will impact the condition of a gravel road (and the interval between when the road needs grading) these include; type of gravel in the base layer, pavement crossfall, drainage, terrain, subgrade, weather conditions and traffic volumes.

The two main activities which Council undertake to keep the unsealed network serviceable are gravel resheeting, grading and drainage maintenance. A layer of gravel is provided through gravel resheeting and then grading at intervals is undertaken to restore a smooth running surface.

Council have taken the above factors into account and assigned a desirable grading interval for all gravel roads. Each road is targeted to be graded at 12 month, 1 year, 2 year, 3 year or 4 year intervals. The above frequencies determine a grading schedule.

The yearly targeted length of road to be graded varies year to year however can be between 600 - 800km. A budget of between \$1.8M - \$2.4M is required, however reactive grading is also required ahead of schedule to overcome problems such as summer storm damage or early general wear.

In addition to grading, a resheeting program is required because the gravel layer is continually worn away. Without a depth of gravel, a satisfactory running surface cannot be provided. Gravel is required to bridge the subgrade to prevent rutting, bogging and provide satisfactory traction under wet conditions. A depth of gravel also allows a satisfactory cross fall to be re-established when grading is undertaken which allows water to drain from the surface and minimise damage.

Council's Roads Asset Management Plan 2016-2026 assumes a useful life of gravel on unsealed roads of between 14 – 25 years. Experience has shown gravel re-sheeting needs to be undertaken more frequently.

It is more likely a layer of gravel on an unsealed road will last on average approximately 10 years. Therefore, a desirable level of service is to resheet one tenth of the network per year, 1255km/10 = 128km @ \$35,000/km = \$4.48M per year. The re-sheeting program is currently funded at \$2.2M. The appropriate way however to deal with this item and useful life of assets is through the Roads Asset Management Plan and this is currently under review.

Council owns 9 graders and supplements operational and capital programs with contract graders and supporting plant and equipment to deliver annual programs. At times, Council can have up to 11 graders operating on the road network. Council could consider an additional grading crew however; it is considered the current circumstances of supplementing works with contract labour provides the greatest flexibility and efficiency.

Council currently funds the maintenance grading budget at \$1.85M. However, the last nine years has seen additional funds added to the grading budget through the quarterly review process to meet current level of service demands. On average, over the last 5 years we have spent \$2.2M on maintenance grading after processing increases through the Quarterly Budget process annually.

An increased budget allows the level of service the community currently receives in accordance with the grading schedule. However, it is also important to undertake a road service review of the

unsealed road network. It has been some time since a road service review was undertaken to assess overall levels of service, grading frequencies, the unmaintained network and accepted road maintenance standards.

It should be noted that like many other costs, grading and resheeting costs have increased considerably over the years due to fuel, labour, machinery and, materials costs and so on.

Initiative

- Consider increasing the maintenance grading budget to \$2.2M, an increase of \$300K, as part of the 2024/25 budget process to match level of service being delivered to the unsealed road network. This will form the base budget going forward.
- As part of the review of the Roads Asset Management Plan review re-sheeting lifecycle and costs.

Alternative seal trial

Council has undertaken a number of seal extension projects over the last 5 years funded through grants and Council's seal extension program.

Sealed roads generally should cost less to maintain than unsealed roads however the capital costs to convert unsealed roads to sealed roads is generally prohibitive particularly for low volume roads.

A different approach for providing seal on lower volume unsealed roads (less than 200 VPD) that could be more cost effective than conventional hard rock chip seal is Otta Seal. However, it needs to be remembered the bulk of the cost in sealing a road is the pavement preparation not the seal itself.

Otta seal is a bituminous road surface treatment that utilises local gravel sources in a single application rather than the two coat aggregate seal of traditional seals.

The characteristics of Otta Seals include:

- A single coat seal only.
- Uses local natural pit road gravel (screened and separately stockpiled when the pavement gravel stockpile is created) range of 0.042 to 16 mm aggregate which includes up to 10% clay fines below 0.075 mm. This aggregate and clay material are spread on the road over the bitumen in a 16 mm layer or up to 19 mm if a double Otta seal is planned.
- The seal develops after initial rubber tyre rolling and is then left for a period of 2 months followed by sweeping of any residue gravel. Initially the Otta seal has the appearance of a gravel resheet however the seal becomes more visible over the next few months as the bitumen/clay mastic rises and joins with the larger stones in the gravel.
- The Otta seal aggregates need adhesion testing using an appropriate adhesion test, for example Riedel and Weber test. Use an adhesion agent if required.
- After rolling and trafficking, the binder and fines work their way upwards through the aggregate interstices which results in a dense, durable matrix that relies on both mechanical interlock and bitumen binding for its strength - similar to a bitumen premix.

Some advantages of Otta Seal over traditional surface treatment for low volume roads:

- Flexibility: The Otta seal is more flexible with greater deflection tolerance than a conventional seal. It can be used over lesser quality base gravel pavements with deflections in the order of 1.5 mm compared to 0.6 mm for conventional seals.
- Longer economic life: An unsealed road requires gravel resheeting every 8 to 12 years, whereas a single Otta seal for a similar price can last up to 15 years. A double Otta seal 32

mm thick can last up to 30 years subject to adequate base structural sufficiency. These are generalisations requiring local design assessments.

- Less binder oxidation and associated maintenance: Oxidation of bitumen in conventional chip seal's in low traffic volume roads is a major maintenance issue whereas Otta seal binder bitumen is enclosed as a mastic bitumen/clay mix and is less exposed to binder oxidation by comparison.
- Lower material and transport costs: Some Councils have high costs to transport hard rock commercial aggregates over long distances to the road sites for the conventional seals. This together with the extra commercial cost to purchase ex quarry, together with precoating costs can create a high initial cost for conventional seals. Otta seals supply the aggregates ex local gravel pits near the road sites however with an extra screening stage to remove finer clays and silts and aggregates above 16 mm.
- Durability: An Otta seal constructed with a dense, close textured grading tends to be far less susceptible to solar radiation and consequent hardening of the binder. The open graded conventional chip seal has binder more exposed to oxidation degrading.
- Bleeding: Bleeding of an Otta seal is more easily cured by surfacing with sand compared with conventional seals because of the relative soft binder used with the Otta seal. The soft binder tends to readily coat the fine sand particles in a manner that is not possible with the hard binders used in conventional seals.



Image: Otta seal

It is recommended that a trial of Otta Seal be undertaken as the opportunity presents during the 2024/25 on a low volume local road that has higher than normal maintenance costs with a detailed report of the findings presented back to Council.

Technology

Staff are in the process of improving the use of technology to improve knowledge, drive efficiencies and improve customer services.

The areas under consideration are asset and defects management for local roads including the recording and reporting of accomplishments, plant location and utilisation, plant and fleet management systems.

In addition to these initiatives with the rise of AI and other automated technologies there is an opportunity to explore those options.

Two AI technologies to be investigated further is electronic survey of the road network and automatic detection of road defects like potholes.

Roads Asset Condition Systems (RACS) can undertake a high definition scan of the entire road network as well as GPS and roughness data to electronically produce a condition rating of the pavement with AI technology automatically logs road defects.

Smart technology may also be able to be implemented using dash cams and AI to fit cameras into vehicles like waste trucks to identify road defects like potholes. Generally video footage is captured by the camera then transmitted to the cloud, where AI methods are used to identify issues like potholes, cracking, line marking and signs that have defects. Similar technology is possible for use on footpaths connected to something like an e-bike.

There are councils already trialling both these technologies, the intent is to learn from those experiences and if proving successful consider if the technological fit is appropriate and cost effective for MWRC. A business case for a trial will be developed during 2024/25 financial year.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Strategic Asset Management Plan
Roads Asset Management Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Each of the options mentioned in this report will come at a cost and have financial implications. It is intended that if it is Council's wish to explore these options further detailed budgets, or if necessary, business cases will be developed with the costs included into the Budget process for Council's consideration against other community priorities.

Regarding the proposal to fund an additional \$300,000 for the maintenance grading program it is recommended this be considered as part of the 2024/25 Budget setting process so that the impact

on Council's unrestricted cash balance can be modelled, and considered fully as part of the 2024/25 Operational Plan.

Associated Risks

Council maintains a significant road network that forms a large part of its asset base. There always remains the challenge of the gap between what is affordable to maintain roads to a fair condition and community expectations. Road safety is obviously an issue Council takes seriously and ensuring minimum standards are met minimises the risk of adverse outcomes. This report seeks to investigate further options to attempt to meet community expectations, ensure the best use of technology to drive outcomes to ensure Council's practices do not become outdated or present undesirable risks to Council.

JULIAN GEDDES
DIRECTOR OPERATIONS

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

11 March 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 MRT Quarterly Report - October to December 2023

REPORT BY THE DIRECTOR COMMUNITY

TO 20 MARCH 2024 ORDINARY MEETING

GOV400105, F0770077

RECOMMENDATION

That Council receive the report by the Director Community on the MRT Quarterly Report - October to December 2023.

Executive summary

As per the funding and performance agreement entered into in July 2022 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

Disclosure of Interest

Nil

Detailed report

The MRT report for the second quarter of the 23/24 Financial Year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

Community Plan implications

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

Strategic implications

Council Strategies

A key strategy in the Mid-Western Region Community Plan is to promote the Region as a great place to live, work, invest and visit. This strategy recognises the important role that tourism plays in building a strong local economy.

Council has a contract with MRT for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for three years ending on 30 June 2025. Under this contract, MRT must provide quarterly reports to Council.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

This report is for information purposes only, as per Council's contractual arrangement with MRT. There are no additional financial implications.

Associated Risks

This report is for information purposes only, as per Council's contractual arrangement with MRT.

SIMON JONES
DIRECTOR COMMUNITY

5 March 2024

Attachments: 1. MRT Quarterly MWRC Operational Report_Q2_FY24. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes - 23 February 2024

REPORT BY THE DIRECTOR COMMUNITY
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, COR400236

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 23 February 2024; and**
 2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 23 February 2024.**
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 23 February 2024.

Disclosure of Interest

Nil

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 23 February 2024 meeting.

There are a number of changes to the requirements of Audit, Risk and Improvement Committees that come into force in July 2024. These are discussed in the minutes as the changes to the Committee come into force over the next few months. This will include an additional independent Committee member. Advertising for this will commence shortly.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Audit Risk and Improvement Committee Charter
Internal Audit Policy

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Nil

SIMON JONES
DIRECTOR COMMUNITY

5 March 2024

Attachments: 1. Minutes ARIC Meeting 23 February 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 23 February 2024, commencing at 9:30am and concluding at 11:10am.

COMMITTEE MEMBERS PRESENT ARIC Chair J Stuart, Committee Member K Dicker, Independent Member J Bentley.

COUNCIL OFFICERS PRESENT General Manager (Brad Cam) via Teams, Director Community (Simon Jones), Director Corporate Services (Leonie Van Oosterum), Chief Financial Officer (Neil Bungate), Manager Information Technology (Ian Blake), WHS and Risk Coordinator (Veronika Barry), Manager People and Performance (Sharna Ross), Business Improvement Officer (Erin Reid), and Executive Assistant – Community (Christie Holt).

EXTERNAL PARTIES PRESENT Audit Leader – External Audit, NSW Audit Office (Cassie Malone), Audit Manager – External Audit, NSW Audit Office (Meagan Wang), Internal Auditor – Crowe (Amir Mousa).

Item 1: Apologies

01/24 MOTION: Dicker / Bentley

That the apologies for:

- Director Development (Alina Azar)
- Governance Coordinator (Ashleigh Marshall)

be accepted.

The motion was carried with the Committee Members voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

02/24 MOTION: Dicker / Bentley

That the Minutes of the previous ARIC Meeting held on 24 November 2023 be taken as read and confirmed.

The motion was carried with the Committee Members voting unanimously.

Item 4: Matters in Progress

SUBJECT	MEETING DATE	RESOLUTION NO.	RESOLUTION	ACTION
Enterprise Risk Management Update	25/08/2023	47/23	<p>MOTION: Dicker / Stuart</p> <p>That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.</p> <p><i>At the next meeting, Veronika Barry, WHS and Risk Coordinator will present a visual map of the Business Continuity practices that have been adopted, and the relationship between Business Continuity and the wider Risk Management Framework.</i></p>	<p>27 Oct 2023 Business Continuity included in the Enterprise Risk Management Update report for 24 November 2023 ARIC meeting and a visual map of the Business Continuity practices that have been adopted, and the relationship between Business Continuity and the wider Risk Management Framework will be presented.</p> <p>22 Jan 2024 Business Continuity was included in the Enterprise Risk Management Update at the 24 November 2023 meeting where Veronika presented a visual map.</p> <p>RECOMMENDED FOR COMPLETION</p>
2023/24 Operational Plan and 2023/27 Delivery Program	25/08/2023	54/23	<p>MOTION: Bentley / Dicker</p> <p>That the Audit, Risk and Improvement Committee note the 2023/24 Operational Plan and 2023/27 Delivery Program.</p> <p><i>The Committee noted that the wrong page was in the document for depreciation of urban roads. This was noted by staff who advised that the process that caused the error will be corrected.</i></p>	<p>12 Sep 2023 Neil to advise if this has been corrected. (The wrong page was in the document for depreciation of urban roads. This was noted by staff who advised that the process that caused the error will be corrected.)</p> <p>06 Nov 2023 27.10.2023 Christie emailed Neil to check if this has been corrected. Response not yet received.</p>

				<p>20 Nov 2023 Neil to follow up today.</p> <p>05 Dec 2023 29.11.2023 Neil advised error corrected and the revision to the operational plan is now live on the website.</p> <p>22 Jan 2024 Neil advised on 29.11.2023 the error has been corrected and the revision is now live on the website.</p> <p>RECOMMENDED FOR COMPLETION</p>
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Enterprise Risk Management Update

COR440023

03/24

MOTION: Bentley / Dicker

That Resolution no. 47/23 be noted as completed.

The motion was carried with the Committee Members voting unanimously.

2023/24 Operational Plan and 2023/27 Delivery Program

COR440023

04/24

MOTION: Dicker / Bentley

That Resolution no. 54/23 be noted as completed.

The motion was carried with the Committee Members voting unanimously.

Items brought forward:

05/24

MOTION: Bentley / Dicker

That items 6.1 Enterprise Risk Management Update, 6.2 Work Health and Safety Reports, and 6.3 Legislative Compliance Breaches be brought forward.

The motion was carried with the Committee Members voting unanimously.

6.1 ENTERPRISE RISK MANAGEMENT UPDATE

COR400236, COR400236

06/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the Enterprise Risk Management update.

Discussion was had on what Business Impact Analysis is and what it involves.

The motion was carried with the Committee Members voting unanimously.

6.2 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400236

07/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the WHS Reports for November 2023, December 2023, and January 2024.

Discussion took place on some of the incidents from the reports regarding context, source, clarification, and report formatting.

The motion was carried with the Committee Members voting unanimously.

6.3 LEGISLATIVE COMPLIANCE BREACHES

COR400236, GOV400047

08/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note:

- 1. two legislative breaches have been added to the register; and**
- 2. six legislative breaches previously reported remain open.**

The Director of Community noted since the report was written two of the breaches have since closed – the Public Interest Disclosure policy is now available on the intranet; and the privacy breach – the action to write to the members of the public affected has been completed. Discussion also took place regarding the requirement for Council to have a performance review panel for the General Manager in place, and the requirement for Council to have a register for development consents and certificates resulting in the following action.

Action: Staff will bring more information regarding the register for development consents and certificates from the Development department back to the committee.

The motion was carried with the Committee Members voting unanimously.

Item 5: Audit

5.1 UPDATE ON INTERNAL AUDIT ACTION ITEMS

COR400236, COR400236

09/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the progress on the internal action items.

The motion was carried with the Committee Members voting unanimously.

5.2 UPDATE ON EXTERNAL AUDIT ACTION ITEMS

COR400236, COR400236

10/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the progress on the external action items.

The Chair commented that he would like to see the 2018/19 items ticked off. The Director of Corporate Services commented that these should be completed before the next External Audit. The Audit Lead discussed Council prioritising aged items, risk, and considerations of IT and Cyber Security, and the 2024 Audit Plan. Discussion took place regarding the Public Accounts Committee's inquiry that has commenced and submissions which close on 10 May 2024. The Chair moved and Deputy Chair seconded an action as a result of these discussions.

Action: Council to make a submission to the Public Accounts Committee inquiry particularly referencing the BDO report and the Parker report.

The motion was carried with the Committee Members voting unanimously.

5.3 INTERNAL AUDIT PROGRAM STATUS REPORT

COR400236, COR400243

11/24

MOTION: Dicker / Bentley

That the Audit, Risk and Improvement Committee receive the Crowe Internal Audit Program Status Report.

The Internal Auditor noted that the final report for the Development Applications Funds Management Review will be presented at the next ARIC meeting in May.

The motion was carried with the Committee Members voting unanimously.

Item 6: Risk

6.4 CYBER SECURITY REPORT

COR400236, COR400236

12/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee receive the report from the IT Cyber Security Engineer on the Cyber improvement program.

The Manager ICT noted that since the report had been written that two high risk items in the Essential 8 have now been completed. The Chair pointed out an incorrect date in the report February 2023 should have read February 2024. Discussion took place regarding cyber security and multi-factor authentication.

The motion was carried with the Committee Members voting unanimously.

6.5 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

13/24

MOTION: Bentley / Dicker

That the Audit Risk and Improvement Committee note that:

- 1. there were no suspected fraud incidents since the last ARIC meeting; and**
- 2. there was one identified Procurement Breach incident since the last ARIC meeting.**

Discussion took place on the register and after a question from the Chair regarding the Procurement Breach the Director Corporate Services confirmed procurement will now offer ongoing training. The Deputy Chair commended the Director of Corporate Services on the report and being so thorough.

The motion was carried with the Committee Members voting unanimously.

Item 7: Improvement

7.1 BUSINESS IMPROVEMENT UPDATE

COR400236, COR400236

14/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the progress of the Business Improvement program.

Discussion took place regarding the Service Delivery Framework, and the Deputy Chair commented that it was wise to pause the Business Process Management mapping as this is a massive task. The Chair raised a question around Council's resource capacity for employing more staff and the General Manager confirmed Council can not keep resourcing more staff. The Director of Community and Director of Corporate Services commented that prioritisation and noting matters addressed already in the External Audit are now part of the process.

The motion was carried with the Committee Members voting unanimously.

7.2 UPDATE ON BUSINESS IMPROVEMENT ACTION ITEMS

COR400236, COR400236

15/24

MOTION: Bentley / Dicker

That the Audit, Risk, and Improvement Committee note the progress on the Business Improvement action items for:

- **Fraud Control Improvement;**
- **Probity;**
- **Bushfire Lessons Learnt; and**
- **CivicRisk Mutual/Nexon Cybersecurity Risk Audit**

The motion was carried with the Committee Members voting unanimously.

Item 8:

General Business

8.1 AMENDMENTS TO THE REGULATION SUPPORTING THE NEW GUIDELINES FOR RISK MANAGEMENT AND INTERNAL AUDIT IN LOCAL GOVERNMENTS IN NSW

COR400236, COR400236

16/24

MOTION: Dicker / Bentley

That the Audit, Risk, and Improvement Committee note the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* supporting the new Guidelines for risk management and internal audit for local governments in NSW;

The Director of Community mentioned the need for a second independent member by July and this member will be at the August ARIC meeting, and noted the restrictions regarding the length of term – no more than eight years. A report on how the committee has performed is also required and we will be in touch with the committee before the next ARIC meeting in May. The Chair noted that his and the Deputy Chair's six year membership will end November 2026 and they are both available for the next two years and are happy to assist in anyway they can looking towards a transition for changeover in the future, noting that in September after the election a new Council may want a new committee. The Deputy Chair seconded these comments.

The motion was carried with the Committee Members voting unanimously.

8.2 ARIC MEETING DATES 2024/25

COR400236, COR400236

17/24 **MOTION: Bentley / Dicker**

That the Audit, Risk, and Improvement Committee endorse the forward 12 month meeting plan, including meeting dates as follows:

- 24 May 2024
- 23 August 2024
- 22 November 2024
- 21 February 2025

The Chair noted dates he will be unavailable in April – 9-26.

The motion was carried with the Committee Members voting unanimously.

8.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER UPDATE

COR400236, COR400236

18/24 **MOTION: Bentley / Dicker**

That the Audit, Risk, and Improvement Committee note that the Audit, Risk and Improvement Committee Charter requires updating due to the updated Guidelines which include new regulation amendments which commence 1 July 2024.

The Director of Community commented that a draft will be presented at the next ARIC meeting in May for the committee to make any comments. Councillor Dicker asked whether there will still be a Councillor and the Director of Community confirmed a Councillor member can continue as a non-voting member.

The motion was carried with the Committee Members voting unanimously.

8.4 INTERNAL AUDIT AND RISK MANAGEMENT ATTESTATION STATEMENT

COR400236, COR400236

19/24 **MOTION: Bentley / Dicker**

That the Audit, Risk, and Improvement Committee note that the ARIC Committee requires an Internal Audit and Risk Management Attestation Statement in line with the updated Guidelines for Risk Management and Internal Audit for Local Government in NSW.

The Director of Community commented that the Attestation Statement will be kept as close to the guide as possible.

The motion was carried with the Committee Members voting unanimously.

Item 9: Closure

There being no further business the meeting concluded at 11:10am.

The next Audit, Risk and Improvement Committee will be held on the 24 May 2024 at Council Chambers, 86 Market Street, Mudgee.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Major Event Glen Willow Exemption from Tender

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of commercial negotiations.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

CONFIDENTIAL
SESSION

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure